STUDENT PERSPECTIVES ON INSTITUTIONS, CHOICES, & ETHICS
The Students of the Philosophy, Politics & Economics Program Present

SPICE

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LETTER FROM THE EDITOR

The Philosophy, Politics, and Economics Program at the University of Pennsylvania offers its students comprehensive instruction in the social sciences, and this year’s issue of SPICE, like prior publications, showcases the remarkable achievements that can emerge from this interdisciplinary education.

Explaining Abortion Attitudes uses complex statistical methods to model attitudes towards abortion based on the availability of welfare resources and beliefs on sexuality. This paper demonstrates the high caliber of empirical research conducted by PPE students. It is followed by Rational Choice and Domestic Violence, which argues for the incorporation of decision theory in domestic violence research and investigates how decision theory can inform policy. The paper also includes compelling first-hand interviews with domestic violence victims in Philadelphia. Next, A New Generation of Voting, the recipient of the award for the best paper in this journal, explores how policy changes inspired by Cass Sunstein and Richard Thaler’s bestselling book Nudge can increase youth voter turnout, and discusses the importance of doing so. This paper applies behavioral economics and research on social norms, two cornerstones of the PPE Department. Finally, An Intercultural Dialogue Between Confucianism and Liberalism contends that there is a conflict between Confucianism and human rights, and it can be characterized as the conflict between communitarianism and liberalism. The author argues that despite this conflict, the two traditions can complement each other through an intercultural dialogue. This paper exhibits some of the best philosophical work produced by PPE students and its practical applications.

I am proud to present each of these papers as they illustrate one or more of the Five Themes of Study that students may currently pursue: Choice & Behavior, Ethics & the Professions, Distributive Justice, Public Policy & Governance, and Globalization.

The SPICE Editorial Board reviewed many outstanding papers and we
are appreciative of all those who submitted their work for consideration. This journal would not be possible without the exemplary effort of its contributors, authors, and editors. I applaud their enthusiasm for the Program, as well as their expressed commitment to research and scholarship in general, and in the PPE disciplines specifically.

On behalf of the Board, I extend my appreciation to Dr. Sumantra Sen for his invaluable guidance and support. Dr. Sen is an avid supporter of the interdisciplinary studies and was paramount in the establishment of this journal. He also deserves our deep gratitude for serving as a mentor during our years at Penn.

I am confident that the level of scholarship presented in these pages will inspire thought, reflection, and healthy debate. More importantly, it is my hope that it encourages action. While scholarship for its own sake is a worthy use of intellect, it should be most admired when used to solve the problems we face in the world. As students of philosophy we learn how to think deeply and logically about issues; as students of political science we learn the value and inner-workings of human institutions; and as students of economics we learn how to analyze the production, distribution, and consumption of goods and services. I urge the students of PPE to capitalize on their ability to understand issues through these multiple lenses as they go into the world and tackle its many challenges, all with the goal of making a rich contribution and powerful impact.

To the students, parents, faculty, alumni, and friends of the PPE Program at Penn, the Editorial Board and I hope that you enjoy this year’s issue.

Sincerely,

Avi Grunfeld
Editor-In-Chief
Explaining Abortion Attitudes:
Competing Reproductive Strategies and the Welfare State
Dong-Eun (Dara) Lee

Introduction

January 22nd is a strange day for many cities across the United States. For the past forty years, the anniversary of the landmark decision to legalize abortion in Roe v. Wade has drawn in waves of impassioned activists to the streets to voice their concerns about the moral state of the nation. As pro-life and pro-choice camps butt heads in a national debate that has remained center-stage after all these years, one can’t help but wonder what all the fuss is about.

A closer investigation of what informs abortion attitudes is worthwhile because the American abortion debate is as resilient as it is impactful. A quick skimming of national headlines over the years indicates that abortion views in the United States are mired in seemingly permanent conflict. Activists on either side are engaged in a debate that pits two arguably unquestionable values against one another. In fact, Gallup polling shows that pro-life or pro-choice identification of survey respondents have remained split fairly evenly down the middle over the last few years, with little sign of convergence (Saad 2012). When abortion is framed as a choice between the right to life and the right to liberty, can one value ever successfully come out on top? It seems not. Does that matter? Absolutely. In the 2012 election, 45% of registered voters responded that they considered a candidate’s position on abortion as one of many important factors in determining their vote for major offices, along with the 17% who responded that they would only vote for a candidate who shared their views on abortion (Saad 2012). It is clear that abortion informs much of American politics. But is it clear that views on abortion are informed solely by considerations of life versus liberty?

The purpose of this paper is to explain abortion attitudes not through unmovable ideology, but through the pursuit of self-interest. How does the availability of abortion advance the interests of pro-choice individuals? And conversely, how does the restriction of abortion advance the interests of pro-life individuals? I will be tackling these questions through the lens of evolutionary psychology to say that people choose their positions on the abortion debate to defend their respective reproductive strategies. The findings in this paper aim
to add to our understanding of public opinion on abortion by suggesting an association between the strength of the welfare state and abortion attitudes.

Before moving to a description of the methodology used to support the link between these two concepts, it would be prudent to review existing literature on the causes of public opinion on abortion.

**Literature Review**

For the last few decades, social scientists have set out in various different ways to explain causes of abortion attitudes. Common themes found among the existing literature will be outlined in this section, along with an evaluation as to how convincing they are.

**Demographic Predictors**

A number of the studies that find trends in abortion attitudes point to the demographics of a population as a significant predictor in prevailing abortion attitudes. A demographic characteristic that has been often cited is that of race. For example, McCormick (1975) found that among a group of 200 women surveyed for their views on the permissibility of abortion, there was consistently less acceptance of abortion among the black respondents. Race was also significantly related to all other independent variables that were considered, which included size of family, religiosity, economic class, marital status, and number of children. The “race gap” in abortion attitudes narrowed between the late 1980s and early 1990s, but has reemerged over the late 1990s (Jelen and Wilcox 2003). Since then, racial explanations for abortion attitudes has fallen in popularity, but persists in the literature for its relationship with levels of religiosity and education (Carter et al. 2009).

If racial demographics can be taken to be an indicator of broader socioeconomic differences, then it could be argued that level of education is a more direct demographic predictor of abortion attitudes. Granberg and Granberg’s (1980) study on abortion trends and determinants have shown that among numerous social and demographic variables, level of education had the strongest effect, with better educated respondents most likely to favor abortion availability. Some explain this finding by arguing that education leads to a better knowledge of social norms and values (Jackman 1972). More recent studies, however, have shown that there has been a decline in the relationship between support for abortion and education (Jelen and Wilcox 2003). Another commonly cited demographic predictor for abortion attitudes is also marital status. Woodrum and Davison (1992) observed there is a marital status becomes a significant predictor of support for more restrictive abortion
Explaining Abortion Attitudes

laws, especially when considering views on abortion as an issue of sexual morality. However, Bolzendahl and Myers (2004) note that the differences in abortion attitudes related to marital status have also declined over time.

While studies on demographic predictors are useful in introducing macro level trends and data on abortion attitudes, the question remains as to why certain demographic characteristics are more predictive at certain times, and not at other times. It is also worth noting that when considering different demographic predictors, many studies did not (a) have a robust theoretical underpinning as to why these demographic predictors were chosen to be considered, and (b) did not explain the reasons and motivations on the individual level for identification with certain abortion attitudes.

Sociocultural Differences

Studies comparing abortion attitudes in different regions as opposed to trends over time, on the other hand, generally point to differences in how abortion is conceptualized by most people in their reference network. For example, a comparative study by Hertog and Iwasawa (2011) between abortion attitudes in Japan and the United States showed that abortion was more permissible in Japan because of the absence of Christian-inspired respect for unborn life and the initial introduction of abortion as a form of birth control in Japan. The study also pointed to Japanese moral priority placed on preventing birth outside of marriage over disapproval of abortion. Another study comparing Swedish and American abortion attitudes (Reiss 1980) points to socio-cultural differences as the source of differences. Reiss argues that relatively higher levels of state promotion of gender egalitarianism in Sweden contribute to more permissive attitudes toward sexuality.

Studies on domestic comparisons of abortion attitudes between American states have pointed to “state political cultures,” (Cook et al 1992) arising out of important differences regarding “morality policies,” (Mooney and Lee 1995) as a significant source of a person’s abortion attitudes. The link between the political culture of a state and individual attitudes toward abortion can be explained through the theories that suggest abortion is an “easy” issue. That is to say, the abortion debate has become so ingrained over a long period of time that attitudes toward abortion are “gut responses” to candidates and political parties, requiring no conceptual sophistication (Carmines and Stimson 1980). This suggests that identification with liberalism or conservatism may be closely related to prevalent abortion attitudes within a state. Along the same lines, Hussey (2011) notes that a state’s conservative or liberal leaning in its abortion policies, access to abortion providers, and public opinion on abortion influence welfare recipients within that state into making
pregnancy decisions that reflect the state’s culture.

There is also broad and consistent consensus in most of the literature that levels of religiosity are one of the strongest social predictors of views on abortion. Religious preference (McIntosh et al. 1979), church attendance (Cook et al. 1992), denominational orthodoxy (Wilcox 1992), and religious commitment (Granberg and Granberg 1980) are just some of the various religious characteristics of populations that have been shown to be significantly linked to abortion attitudes. These are not very surprising finds, as religious groups such as the Catholic Church and evangelical Protestants are well known to take strong anti-abortion stances. On the other hand, there are a number of studies that also indicate that the relationship between religion and abortion attitudes may not be as simple as it seems. For example, the general trend over time has shown that the abortion debate is based less on religious terms and has become more secular since Roe v. Wade (Grindstaff 1994). Furthermore, polarization in abortion attitudes has not only occurred along religious lines, but also within them. Evans (2002) has shown that among mainline Protestants and Catholics, there is internal polarization of abortion attitudes.

Both international and domestic comparisons of differing abortion attitudes reveal that social and cultural differences may be a good starting point to explain variances in attitudes. However, the cultural differences considered in these studies are, for the most part, taken to be emergent. Little explanation is given as to why certain cultures have arisen in certain reference networks, and little explanation is given as to why individuals conform to their surroundings the way they do. Cultural explanations of differences in abortion attitudes, therefore, are barely skimming the surface. A deeper, more meaningful explanation is required to explain how abortion attitudes come about.

Empathy

Anderson and Fetner (2008) propose a possible non-cultural explanation of variations in abortion attitudes. They suggest that tolerant attitudes for postmaterialist issues (i.e. social issues) tend to decline as national income inequality rises and subsequent levels of generalized trust decreases. Therefore, the level of income inequality in a given setting may be able to predict the level of acceptance of abortion. The tolerance explanation of abortion attitudes, while able to explain differences in attitudes on a macro level of analysis, does not seem to give a thorough explanation as to how abortion attitudes are formed on the individual level. Explaining abortion attitudes on the individual level requires a psychological look into the cognitive processes that are behind the formation of certain abortion attitudes.
Explaining Abortion Attitudes

Weiner et al (2010) suggest that the attributional approach to explaining reactions to poverty can be applied to individual-level abortion attitudes. They argue that an agent conducts a moral evaluation of abortion based on whether the agent perceives the recipients of the procedure as being responsible for their plight. Such responsibility elicits anger and blame, and thus does not arouse sympathy in the agent’s mind. Thus, according to the attributional approach, people should have different views on elective abortion (abortion sought because the woman does not want the child, cannot afford the child, or does not wish to marry the father) and traumatic abortion (abortion sought because woman was raped, pregnancy is life-threatening, or child will have severe birth defect). And in fact, studies have shown that they do; people are generally more supportive of traumatic than elective abortion (Cook et al. 1992).

However, the attributional approach is also limited in its scope of explaining abortion attitudes. Firstly, its conclusion only explains how people choose to react when presented with two types of abortion – one that attributes fault to the receiver and one that does not. There is a hole in the theory as to how people come to decide whether to place responsibility on the abortion recipient for getting herself in a situation that requires abortion. While it is more or less clear that a victim of rape is not responsible for her unwanted pregnancy, it is less clear why an unwanted pregnancy as a result of consensual sex is seen as something that could have been prevented. There are several factors that are outside of a woman’s control that can lead to pregnancy after consensual sex (e.g. failure or limited access to contraception, deception of the partner, etc.). Though it could be said that practicing abstinence is a controllable course of action the woman could have taken to prevent an unwanted pregnancy, this argument could also reasonably be applied to life-threatening pregnancies or pregnancies with fetal defect. So how can we explain why anger is attributed to elective abortion, but not traumatic abortion?

Abortion Attitudes Based on Interest: Genetic Consequentialism

The Consequentialist Stance argues that differences in public opinion on abortion reflect conflicts of interest, rather than moral or ideological differences (Weeden 2003). Weeden explores this idea through an evolutionary psychological lens, which posits that genetic interests in passing on one’s own genes to future generations drive people to pursue either promiscuous or commitment-driven reproductive strategies, as well as decisions that either will or will not lead to the limiting of family size (Weeden 2003). Essentially, Weeden sees the abortion debate as a result of the conflict between different people’s reproductive strategies. This paper will examine, given the existence of the two reproductive strategies to promote one’s interests, how certain
local conditions influence the promiscuous strategy being appealing to some people and the commitment strategy to others, and how this then influences their views on abortion. This paper will argue that the strength of the welfare system is a very important local condition that influences views on abortion.

**Explaining Reproductive Strategies**

Beginning with the idea that human beings are motivated by genetic interests, Weeden states that ensuring the continuation of one’s genes in future generations requires decision-making across one’s full lifetime. Such decision-making involves making choices with regards to the trade-offs between investing in yourself and earlier reproduction, and between the quality and quantity of offspring (Weeden 2003). Within the context of American society, people must make these decisions taking into consideration other people’s strategies and unequal distribution of resources. Considering other people’s reproductive strategies, conflict of interest between reproductive strategies arises in certain environments, as summarized in Table 1.

![Table 1: Zero-sum conflict of interest between promiscuity strategists and commitment strategists (Weeden 2003)](image)

As for the unequal distribution of resources, it is a reality that in American society, the trade-offs between self-improvement and earlier reproduction, and those between quality and quantity of offspring are determined differently. Women who do not have the means to pursue higher education and higher income at the risk of earlier reproductive opportunities have reduced incentive to limit the number of children they have and to delay their first child. Men have less incentive to focus on existing children because paternity certainty is low and he has fewer resources he has to give
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(Weeden 2003). This is to say that women in lower socioeconomic classes with less access to education and other factors that can increase the future resource availability for their children have less interest in being promiscuous strategists because delaying the birth of their first child is not likely to lead to additional genetic benefit. This idea is also illustrated by what Nettle (2010) calls the “fast” life-history strategy. When expected reproductive life span is short (due to limited access of resources), the life-history strategy that is taken involves early reproduction, reduced investment in each offspring, and a high reproductive rate.

How does abortion play into the above situation? The primary service that abortion provides is the ability to have childless sex, and many members of the public view legal abortion as a provider of this service; a means of reducing the risks of sex outside of marriage (Jelen 1988). Therefore, a promiscuous strategist would favor abortion because it would allow him/her to have sexual relations without the consequence of a child. On the other hand, a commitment strategist would oppose availability of abortion because such services run the risk of creating a promiscuous environment, which as Table 1 illustrated, would ultimately conflict with their strategy to find reliable spouses. The implication for this theory is that public opinion on abortion is more likely to be influenced by interests in pursuing a certain reproductive strategy, rather than identification with a religion or ideology. In fact, Kurzban et al. (2010) illustrate that the explanatory power of religious and ideological beliefs in predicting abortion attitudes are reduced to nearly zero by controlling for sexual beliefs. They argue that reproductive lifestyles cause religiosity, not the other way around (Kurzban et al. 2010). The interests-based view on the rise of public opinion on abortion is also supported by the tendency for pro-life women activists to be less-educated, married homemakers with higher numbers of children. Pro-choice women activists, on the other hand, tend to be educated professional women with fewer children (Luker 1984). This supports Weeden’s theory that access to education and other factors that contribute to self-improvement (and thus future resource availability) increase the incentive to control one’s reproduction so as to delay the birth of children.

Now that a connection between public opinion on abortion and interests is established, it is possible to take the theory one step further based on the likelihood that the interest in finding reliable spouses is increased when the welfare state is weak. This is because the consequences of spousal abandonment are higher if there is no social safety net for a spouse and his/her child in the event that the other partner leaves the family. Individuals thus have a strong interest in preventing a promiscuous environment from emerging because increased opportunities for less risky sexual relations may lead to increased risk of abandonment. Since abortion facilitates engagement
in childless sex, most likely leading to a promiscuous environment, it follows that opposition against abortion is more likely to be found when there is a weak welfare system because of the relatively higher cost of abandonment. This is a view that has been supported by Gal and Kligman (2000) in their historical essay on the politics of gender – they argue that in Western Europe, the intactness of the family does not seem to be a major cause for concern in public debates because the welfare arrangements have decreased the importance of “family forms” through income replacement and parental support policies. I will set out to support the notion that this theory is applicable both on the national level as well as on more micro levels.

Data Analysis: Methodology

The following section of the paper will present statistical analyses that support the hypothesis that there is a strong relationship between support for abortion and the level of welfare availability. The first section of the analysis is based on the finding that there have been small, but statistically significant, changes in aggregate opinion on abortion over time. An overview of changes in opinion on abortion in the United States shows that opinion on abortion has waxed and waned since Roe v. Wade for reasons that have been largely unexplained (Jelen and Wilcox 2003). A comparison of trends in abortion attitudes and welfare availability will be explored in this section within the context of a brief historical introduction to both.

The following two sections will be based on the assumption that abortion attitudes vary across region, both on a domestic plane and a global plane. On the domestic level, comparisons between varying abortion approval rates will be drawn along state lines. Taking U.S. states as the preliminary unit of analysis is useful because, firstly, much of abortion legislation and availability are determined on the state level within a general framework established by Roe v. Wade (Tribe 1990). Secondly, welfare availability is also largely determined by the state, as evidenced by wide heterogeneity in the level of payments across states (Alesina and Glaeser 2004).

Following the domestic comparison, a comparative analysis is also done on a global level among nations that belong to the Organization for Economic Cooperation and Development (OECD) to verify that the link between welfare and abortion attitudes is not unique to the United States. Other OECD nations (particularly those of Western Europe) are useful to compare against the United States because they are, for the most part, commonly democratic and wealthy. Furthermore, restricting the comparisons between OECD nations also allowed for this study to be a natural extension of existing research on the differences between European and American welfare...
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(Alesina and Glaeser 2004; Meyers et al 1999), as well as between European and American abortion attitudes (Tribe 1990; Gal and Kligman 2000).

In all three levels of analysis, I will compare the relative success of the four models outlined in the literature review (i.e. demographic predictors, sociocultural differences, empathy, consequentialism) in explaining variations in abortion attitudes across geographic region and time. This will be done through selecting representative variables for each model and testing to what degree they correlate with opinions on abortion.

Data: Social Surveys

The dataset in this paper comes from three different surveys. The first survey, used in the time series level of analysis, is the US General Social Survey (GSS). The GSS has been conducted since 1972 by NORC, a social science research center at the University of Chicago. The sample size of respondents each year is typically about 1,000 to 2,000 individuals across the nation. The second, for the domestic level of analysis, was conducted by the American National Election Studies (ANES). The ANES is a national survey of American voters that aims to inform explanations of election outcomes by collecting information on social beliefs among the American electorate along with other relevant variables. The particular dataset used was the “1988-1992 merged senate file,” which merged results of telephone surveys conducted in 1988, 1990, and 1992 among eligible voters in U.S. households, with the target number of interviews set as 56 per state. The total sample size for collecting data on abortion views came to be 8,810 individuals. The third dataset, used in the global level of analysis, comes from the International Social Survey Programme (ISSP), an annual cross-national collaboration of surveys for social science research. Most of the data is taken from the survey on religion conducted mostly in the year of 2008, which had a total number of more than 50,000 respondents answering questions regarding their view on issues of religion. Datasets from a selection of OECD nations were used as the unit of analysis in this section. The phrasing of the survey questions from which the data in this paper is based can be found in Appendix A, B, and C.

Data Analysis: Results

1. Abortion Attitudes over Time

The following time-series analysis of abortion attitudes will serve as a visual representation of a brief historical look into trends in American public opinion on abortion since the late 1970s. The timeframe for this study was
chosen on the basis that there have already been extensive studies done on the
trends in abortion attitudes between the 1960s and 70s, due to the intrigue of
how the landmark decision in Roe v. Wade (1973) affected public opinion on
abortion. Statistically speaking, there are a number of periods in the trends in
abortion attitudes that show significant change. The first and largest increase
in approval for abortion occurred between 1965 and 1972 with successful
attempts to liberalize abortion laws in seventeen states. Surprisingly, the 1973
Supreme Court decision did not affect trends in abortion attitudes to the large
extent expected from the intense drama and news coverage that the court case
provided (Granberg and Granberg 1980).

Following Roe v. Wade, abortion attitudes stayed relatively stable
until the late 1970s, which is the point at which this time-series analysis
of abortion attitudes will begin. Near the end of the 1970s, we see a dip in
support for abortion in all circumstances (figure 1). The late 1970s brought
with it a mobilization of anti-abortion movements, ultimately succeeding
in the passage of the original Hyde Amendment, which prohibited federal
Medicaid funds to provide abortions to low-income women. This was then
revised in 1977, allowing for Medicaid funding of abortion if the woman’s
life is endangered, a pregnancy resulted from rape or incest, or there is risk of
“severe and long-lasting” health damage to the mother (Tribe 1990).

The 1980s also saw a dip in approval for abortion within the context
of the rise of the New Right after Reagan’s victory in the 1980 election (Carter
et al 2009). The early 1990s, however, saw a slight increase in approval for
abortion, which Tribe (1990) attributes to the pro-choice backlash against the
decision made in Webster v. Reproductive Health Services to uphold a Missouri
law that imposed restrictions on the use of state funding in performing
abortions. This decision essentially allowed states to form legislation on
abortion, upheld by Roe v. Wade as a fundamental privacy right. The slight
increase in approval for abortion set the backdrop for another important
Supreme Court case regarding abortion rights, Planned Parenthood v. Casey,
which reaffirmed the decision made in Roe v. Wade that women have the right
to abortion before fetal viability, and also introduced the concept of an “undue
burden” as the criterion for judging to what extent a state would be allowed
to restrict abortion access. The pro-choice backlash was short-lived, however,
as a relatively steady decline in approval for abortion has been seen since the
mid-1990s.

Several patterns can be identified by analyzing the trends presented
in Figure 1 and by placing such trends within the context of the history of
the American abortion debate. The first, which is illustrated by a graphical
representation of trends in abortion attitudes across time, is that approval for
traumatic abortion (e.g. abortion in cases of fetal defect) is consistently higher than approval for elective abortion (e.g. abortion in cases of low income). Even though the levels of approval for each types of abortion shown in Figure 1 are different in absolute terms, the trends across time for attitudes towards all types of abortion are relatively similar.

A second pattern is that significant changes in public opinion on abortion were accompanied, usually, by legal (e.g. Supreme Court decisions) and political (e.g. election of new administration) changes. It is difficult to ascertain, however, whether the relationship between public abortion attitudes and legal and political changes is causal, and if it is, in which direction the causality runs. What does remain clear, however, is that abortion attitudes are closely linked to abortion policies and legislation in the United States; it is, therefore, prudent to investigate abortion attitudes in greater depth, as they are related to policies that affect the lives and rights of many individuals.

![Graph showing trends in abortion attitudes](image)

Figure 1: Trends in abortion attitudes in the United States from 1977 to 2006 (Source: GSS)

Legal and political events, however, are not the only phenomena that coincide with changes in abortion attitudes. Figures 2 to 7 will serve to illustrate the changes across time of different variables representative of the explanatory models discussed in the literature review. These trends will be compared to those of attitudes toward abortion “for any reason,” as this dependent variable is the closest to representing views on abortion under general circumstances.
Figure 2: Abortion attitudes and education level of the United States from 1977 to 2006  
(Source: GSS)

The level of education, a demographic predictor of abortion attitudes, seems to follow similar trends across time as approval for abortion. Both variables see a rise in the early 1990s, followed by a general decline in the mid-1990s. Education levels, however, have risen significantly in the 2000s, whereas approval for abortion has remained at around the same level as in the 1980s. Furthermore, the spike in approval of abortion leading up to the 1980s and the decline of approval by the mid-1980s is not reflected in the same magnitude as the slight increase and subsequent decrease of education levels around the 1980s. However, the overall similarities in the trends between high levels of education and approval for abortion support the idea that education and abortion attitudes are linked.
Figure 3: Abortion attitudes and religiosity level of the United States from 1977 to 2006
(Source: GSS)

If level of religiosity is a good sociocultural explanation of abortion attitudes, trends in levels of religiosity over time would be similar to trends in opposition to abortion. Figure 3 illustrates that the two trends are relatively similar over time, especially during the 1980s onwards, when both opposition to abortion and levels of religious service attendance rise in numbers throughout the early 1980s, then undergo a drop from the late 1980s to the mid-1990s, and ultimately resurge the mid-1990s onward.
Anderson and Fetner (2008) are right about the existence of a relationship between levels of inequality and empathetic tolerance of social issues, we would expect to see similar trends between the Gini coefficient and opposition to abortion over time. This is because according to the empathy model of explanation, with higher levels of income inequality (measured by a high Gini coefficient), we would expect to see a decline of tolerance, leading to increased opposition to abortion. Figure 4 shows that the Gini coefficient among U.S. households has been steadily on the rise since the late 1970s. Opposition to abortion, on the other hand, has changed over the years in a much more erratic manner. The time-series analysis indicates, therefore, that other variables must be taken into consideration in order to explain the dips in opposition to abortion when inequality has consistently been on the rise.
Explaining Abortion Attitudes

According to the consequentialist model, if women have access to opportunities to amass resources for future potential offspring, she will have an incentive to delay the first childbirth and thus support abortion. If this theory is correct, we would expect to see women’s participation in the labor force, which is arguably an indicator for availability of opportunities for women, have a similar trend across time as support for abortion has. Unfortunately, Figure 4 shows that women’s participation in the civilian workforce has a similar consistent upward trend as the Gini coefficient, thus limiting its ability to explain the dip in support for abortion we see in the late 1970s, throughout the 1980s, and mid-1990s. The dissimilarity of the two variables’ trends indicates that other variables must be considered in order to validate the consequentialist model as an adequate predictor for abortion attitudes.

One such variable could be attitudes toward premarital sex. Since the consequentialist model is built around the premise that people behave in accordance to a commitment-based reproductive strategy or a promiscuous reproductive strategy, it would be worth observing trends in attitudes toward premarital sex (support for which indicates a promiscuous reproductive strategy) as compared to trends in attitudes toward abortion. The premise is
that the trends between the two attitudes would be similar because high levels of support for premarital sex would indicate a promiscuous reproductive strategy, which would be more easily achieved with the availability of abortion. Thus, alongside high levels of support for premarital sex, we would expect to see high levels of support for abortion.

![Graph showing trends in abortion and premarital sex acceptance over time](image)

Figure 5: Attitudes toward abortion and premarital sex in the United States from 1977 to 2006 (Source: GSS)

From Figure 5, we can see that trends for support for premarital sex from the early 1980s have more or less been similar to those of support for abortion. Starting from the early 2000s, however, we see a divergence between the two trends; it appears that approval for premarital sex is converging towards higher approval rates, whereas abortion approval rates are at the same level in 2006 as they were in the 1980s. What, therefore, would be able to explain the continued downward trend in abortion attitudes since the mid-1990s, when attitudes towards premarital sex have been converging to higher levels of acceptance?
Explaining Abortion Attitudes

![Graph showing trends in abortion attitudes and welfare state strength from 1977 to 2006](image)

Figure 6: Trends in abortion attitudes and strength of the welfare state the United States from 1977 to 2006 (Source: GSS, U.S. Census Bureau)

This paper will argue that the level of welfare availability is a strong predictor for abortion attitudes because when individuals receive less support from the state, commitment strategists have a stronger interest in keeping the family intact due to the fact that there is a limited social safety net available to support oneself in the event of spousal abandonment. In the United States, the structure of welfare was drastically changed over the course of the 1990s. The Aid to Families with Dependent Children federal program (AFDC) was replaced by the Temporary Assistance for Needy Families (TANF) block grant. With this came a number of changes, such as greater state discretion in determining the amount of cash assistance and the nature of work requirements (Blank 2002). Such welfare reforms resulted in a rapid decline of caseloads between the mid-1990s and 2000 after a rise in the number of caseloads in the early 1990s due to a relatively mild recession (Blank 2002).

A visual representation of this dramatic change in caseloads is shown in Figure 6. What should be noted is that a radical change in the number of AFDC/TANF caseloads between 1990 and 2000 was mirrored by a change in the same direction of approval for abortion within the same time period. However, such a cursory time-series analysis is not sufficient to establish a concrete relationship between welfare levels and abortion attitudes. For one
thing, it cannot establish any sort of relationship between the selected variables and abortion attitudes beyond a mere coincidental semblance in trends across time. Finding supporting evidence that the relationships are causal would require moving beyond a temporal analysis of these relationships. The next two sections will attempt to strengthen this relationship through more rigorous analysis on a geographic plane of comparison.

II. Abortion Attitudes by State

There is significant variation of public opinion on abortion across states. A straightforward way of illustrating a relationship between this variation and the strength of the welfare system would be to compare public opinion on abortion with the level of AFDC across states. AFDC is an appropriate measure of the level of welfare availability for a number of reasons. The first is that the amount of assistance provided under AFDC varies significantly from state to state (Alesina and Glaeser 2004). Secondly, using AFDC as a measure of welfare levels allows this preliminary level of analysis to avoid possible distortionary effects associated with the welfare reform in the mid-1990s. Figure 8 shows that there is a strong positive correlation between maximum AFDC benefits available in each state and its percentage of respondents who support abortion in all cases.

![Graph showing correlation between AFDC benefits and abortion attitudes across states](image)

Fig 8: Maximum AFDC benefits and support for abortion in all cases across U.S. states
Explaining Abortion Attitudes

With a Pearson’s correlation coefficient of 0.628, the bivariate correlation between level of welfare available and abortion approval across states is significant at the 0.01 level. However, a simple bivariate correlation is not sufficient to defend the theory at hand. There may be confounding variables that correlate with both the abortion approval and welfare levels, rendering the above correlation a spurious relationship. In order to avoid omitted-variable bias, Table 2 outlines possible independent variables I have selected based on existing literature and possible covariates for the theory proposed in this paper.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Reasoning</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Proportion of Respondents: Approval of abortion in all cases</td>
<td>Dependent variable</td>
<td>ANES 1988-1992</td>
</tr>
<tr>
<td>3. Proportion of Respondents: obtained at least Bachelor degree</td>
<td>Demographic predictor</td>
<td>ANES 1988-1992</td>
</tr>
<tr>
<td>5. Reproductive Rights Composite Index</td>
<td>Sociocultural Differences (state “political culture” towards abortion)</td>
<td>IWPR 1996</td>
</tr>
<tr>
<td>7. Proportion of state population: identifies as “liberal”</td>
<td>Sociocultural Differences (state “political culture”)</td>
<td>ANES 1988-1992</td>
</tr>
<tr>
<td>9. Proportion of state: “most people can be trusted”</td>
<td>Empathy</td>
<td>GSS (from Bowling Alone)</td>
</tr>
<tr>
<td>10. Proportion of respondents: “government should make every effort to support black people”</td>
<td>Empathy (acknowledgement that success can be beyond individual control)</td>
<td>ANES 1988-1992</td>
</tr>
<tr>
<td>11. Maximum AFDC benefits available for a family of three</td>
<td>Consequentialism (level of welfare available)</td>
<td>Census 1994</td>
</tr>
<tr>
<td>12. Women’s political participation composite index</td>
<td>Consequentialism (impact of women’s status on abortion interests)</td>
<td>IWPR 1996</td>
</tr>
<tr>
<td>13. Women’s status in employment and earnings composite index</td>
<td>Consequentialism (impact of women’s status on abortion interests)</td>
<td>IWPR 1996</td>
</tr>
<tr>
<td>14. Women’s social and economic autonomy composite index</td>
<td>Consequentialism (impact of women’s status on abortion interests)</td>
<td>IWPR 1996</td>
</tr>
</tbody>
</table>

Table 2: Selected variables for multivariate analysis and reasoning for inclusion
The column labeled “1” in Table 3 indicates the bivariate correlations between the dependent variable (approval for abortion in all cases) and the selected independent variables. The numbered rows are color-coordinated according to the theory that the independent variable is representative of. Two of the three relevant demographic predictors available in the ANES survey share statistically significant correlations with the dependent variable in the expected direction. However, the proportion of respondents who were African-American did not share as significant of a correlation as the proportion with at least a Bachelor’s degree, while marital status was not a statistically significant predictor. The weakness of race as a demographic predictor may be because the vast majority of ANES respondents were Caucasian; there
may not have been a sufficient number of African American respondents to create a meaningful dataset. Insufficient data could also explain why the racial demographic variable did not correlate with other relevant independent variables, as expected by existing literature, such as level of education attained and levels of religiosity.

All three of the variables selected to represent sociocultural characteristics of the state shared a statistically significant correlation with the dependent variable in the expected direction. On the other hand, variables selected to represent perceptions of others did not correlate with the dependent variable as significantly. Most notably, support for redistribution schemes to benefit African Americans was the only independent variable that did not share a statistically significant correlation with the dependent variable. This weakens the theory that attitudes toward abortion and redistribution are commonly informed by attributional analysis, as suggested by Weiner et al (2010). Inequality and trust, on the other hand, were significantly correlated with the dependent variable.

And finally, the three indicators of women’s status and level of welfare available not only shared statistically significant correlations with the dependent variable, but shared correlations that had the highest numerical value of the Pearson’s correlation coefficient, suggesting that individually, these independent variables had the largest effect on the dependent variable. The relative weakness in degree of effect by women’s political participation compared to other indicators of women’s status (employment and socioeconomic autonomy) may further support the theory put forth in this thesis because a woman’s economic status has more direct influence on her decision-making between present and potential future resources than her political clout does. It is also worth noting that women’s economic status and level of welfare availability were the only independent variables that were significantly related to all of the other independent variables considered, with the exception of race, marital status, and attitudes toward redistribution.

Now that the independent variables that are significantly related to the dependent variable have been determined, we may perform partial correlations with the statistically significant variables in order to more concretely determine whether the consequentialist model provides the best explanation for abortion attitudes. The primary prediction was that controlling for consequentialist items (i.e. welfare level and three indicators of women’s status) would reduce the effects of the other variables to a greater extent than controlling for other variables would reduce the effects of consequentialist variables. It was also predicted that controlling for independent variables representative of different explanatory models would not reduce the effect of
the variables from the consequentialist model significantly. For the most part, the findings upheld these predictions and are presented below in Table 4.

<table>
<thead>
<tr>
<th></th>
<th>Correlations with approval for abortion in all cases</th>
<th>Partial Correlations (controlling for demographic predictors)</th>
<th>Partial Correlations (controlling for sociocultural differences)</th>
<th>Partial Correlations (controlling for empathy)</th>
<th>Partial Correlations (controlling for consequentialist items)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>-.297**</td>
<td>-</td>
<td>-</td>
<td>-.011</td>
<td>-.077</td>
</tr>
<tr>
<td>3</td>
<td>.622**</td>
<td>-</td>
<td>.394**</td>
<td>.642**</td>
<td>.296*</td>
</tr>
<tr>
<td>5</td>
<td>.595**</td>
<td>.382**</td>
<td>-</td>
<td>.598**</td>
<td>.212</td>
</tr>
<tr>
<td>6</td>
<td>-.597**</td>
<td>-</td>
<td>-</td>
<td>-.594**</td>
<td>-.407**</td>
</tr>
<tr>
<td>7</td>
<td>.656**</td>
<td>.372*</td>
<td>-</td>
<td>.573**</td>
<td>.227</td>
</tr>
<tr>
<td>8</td>
<td>-.283*</td>
<td>-</td>
<td>.073</td>
<td>-</td>
<td>-.274*</td>
</tr>
<tr>
<td>9</td>
<td>.414**</td>
<td>.329*</td>
<td>.187</td>
<td>-</td>
<td>.165</td>
</tr>
<tr>
<td>11</td>
<td>.628**</td>
<td>.391**</td>
<td>.190</td>
<td>.521**</td>
<td>-</td>
</tr>
<tr>
<td>12</td>
<td>.763**</td>
<td>.578**</td>
<td>.294*</td>
<td>.721**</td>
<td>-</td>
</tr>
<tr>
<td>13</td>
<td>.655**</td>
<td>.579**</td>
<td>.454**</td>
<td>.558**</td>
<td>-</td>
</tr>
<tr>
<td>14</td>
<td>.755**</td>
<td>.534**</td>
<td>.364**</td>
<td>.705**</td>
<td>-</td>
</tr>
</tbody>
</table>

* Correlation is significant at the 0.05 level (1-tailed)  
** Correlation is significant at the 0.01 level (1-tailed)

Table 4: Pearson correlation and partial correlations between approval for abortion in all cases and independent variables listed in Table 2

Controlling for welfare level and indicators of women’s status resulted in four variables being rendered statistically insignificant, and the correlation coefficient of education level to be significantly lowered. The variables that were largely unaffected by controlling for consequentialist items were the religiosity of the state and the Gini coefficient. In fact, religiosity of the state and most of the consequentialist items were the only variables that were unaffected in any of the partial correlations. The model that had the least impact when controlled was that of empathy, which did not significantly reduce the effect of any other variables aside from the African American demographic predictor, which was already relatively weakly correlated with the dependent variable to begin with.

Consequentialist items, therefore, have the largest effect on other variables when controlled, and were among the least affected by the control of other variables in the partial correlations. This supports the hypothesis that out of all the explanatory models, the items in the consequentialist model would be the strongest predictors for abortion attitudes.

Now that the consequentialist model is shown to have the most explanatory power, it is important to analyze in more depth the relationship
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between abortion attitudes, welfare level, and women’s status. Given that we know welfare levels are related to both abortion attitudes and women’s status, controlling for women’s status indicators will give us a purer measure of the relationship between welfare levels and abortion attitudes. Squaring the r-value from the correlational matrix in Table 3 reveals that before controlling for women’s status indicators, welfare levels account for 39.4% of the variance in support for abortion. Table 5 shows the resulting r-value for the correlation between welfare levels and support for abortion after controlling for women’s status indicators.

![Table 5: Partial correlations between approval for abortion in all cases and indicators for women’s status after controlling for level of welfare availability](image)

Table 5: Partial correlations between approval for abortion in all cases and indicators for women’s status after controlling for level of welfare availability

Controlling for women’s status indicators reduces the explanatory power of welfare levels from being able to account for 39.4% of abortion attitudes variance to less than 0.1% This indicates that variance in abortion attitudes as explained by welfare levels is not unique at all, and that women’s status accounts for nearly all of it. This in turn indicates that women’s status is integral in the relationship between welfare and abortion attitudes. An interpretation of this finding could be that support from the state allows for women to access career opportunities to amass resources for potential children in the future. However, this does not mean that any form of government assistance that would raise the status of women would contribute to variance in abortion attitudes. In fact, only three types of state spending were significantly related to abortion attitudes, as shown in Table 6 below.
Out of the six major types of state level spending in the U.S. at the time, both types of education spending, cash assistance, and corrections spending were significantly related to abortion attitudes. Having found which types of government spending contribute substantially to abortion attitudes, hierarchical multiple regression was performed to test if AFDC spending would have an effect on approval for abortion independent of the effects of the other types of spending.

The regression model summary in Table 7 shows that excluding AFDC spending, state spending accounts for 39% of variability in approval for abortion. By including AFDC in “Model 2,” the predictive power goes up to 43.6%. The ANOVA also indicated that both models were also statistically significant a p-value of less than 0.001.
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Table 8 below, however, shows that though “Model 2” as a whole is statistically significant, AFDC spending as a variable does not contribute significantly to the model, as its significance does not fall below 0.05. Interestingly, spending on corrections seems to wield the most influence in Model 2, even though the correlational matrix showed corrections spending as having the lowest correlation coefficient in its relationship with abortion attitudes. In short, the effect of AFDC spending independently (Table 6) and the effect of AFDC relative to other spending types (Table 8) are different. One possible factor that may explain this discrepancy is that AFDC as a percentage of state spending is less likely to be a signal for people as to how much support from the government they are likely to receive; the maximum amount of benefits allocated to a family of three is a clearer indicator for the amount of support available from the government on an individual level. Furthermore, the significance of corrections spending on abortion attitudes could also be explained through the consequentialist model in that increased spending on law enforcement and court procedures provides ways for “strangers” to form relationships with less risk of deception or fraud. This in turn places less importance on the family and the welfare state as sources of support, as the possibility of cooperation with other members of society would be facilitated through publicly funded avenues of sanctioning in the case of defection (Funk 2005).

Another surprising finding from the regression model is the negative relationship between elementary education spending and abortion attitudes; that is, the higher the proportion of state expenditure on education, the lower the approval for abortion in any given state. This seems to run counter to the literature on abortion attitudes that suggest a positive correlation between levels of education and approval for abortion. Further research will be required to explain these contradictory findings on the relationship between education and abortion attitudes.

<table>
<thead>
<tr>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>t</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td></td>
</tr>
<tr>
<td>(Constant)</td>
<td>45.920</td>
<td>5.121</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Elementary education</td>
<td>-.734</td>
<td>.225</td>
<td>-3.261</td>
</tr>
<tr>
<td></td>
<td>Higher education</td>
<td>-.594</td>
<td>.202</td>
<td>-3.51</td>
</tr>
<tr>
<td></td>
<td>Corrections</td>
<td>2.841</td>
<td>1.001</td>
<td>2.839</td>
</tr>
<tr>
<td>(Constant)</td>
<td>39.026</td>
<td>6.201</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Elementary education</td>
<td>-.646</td>
<td>.224</td>
<td>-2.882</td>
</tr>
<tr>
<td></td>
<td>Higher education</td>
<td>-.408</td>
<td>.221</td>
<td>-1.850</td>
</tr>
<tr>
<td></td>
<td>Corrections</td>
<td>2.437</td>
<td>.998</td>
<td>2.443</td>
</tr>
<tr>
<td></td>
<td>AFDC</td>
<td>1.266</td>
<td>.678</td>
<td>1.868</td>
</tr>
</tbody>
</table>

Table 8: Coefficients of the regression model before and after inclusion of AFDC spending

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The domestic level of comparison in variation among abortion attitudes revealed that out of the four models for explaining abortion attitudes, the relationship between consequentialist items of explanation and abortion attitudes was the strongest and most immutable. However, controlling for indicators of women’s status revealed that there was no unique relationship between maximum AFDC funds available and abortion attitudes, suggesting that the level of welfare available is most likely not taken as a direct signal for informing abortion attitudes. Furthermore, a regression analysis on the ability of the different types of government spending in predicting abortion attitudes showed that when taken in the context of other spending types, AFDC as a proportion of total state expenditure was not a statistically significant predictor of abortion attitudes. The absence of a unique relationship between welfare availability and American abortion attitudes requires alternative explanations for the initial relationship between the level of welfare availability and abortion attitudes seen in the time-series level of analysis and in Figure 8.

III. Global Abortion Attitudes

Taking the national aggregate of the domestic variation in public opinion on abortion offers an opportunity to compare the American average in abortion attitudes to those of other OECD countries. As was the case within the United States, a global comparison also reveals statistically significant variation in abortion attitudes. A rudimentary illustration of the relationship between this variation and variations in social expenditure (defined loosely as spending and services provided to support the standard of living of disadvantaged or vulnerable groups by the OECD) is illustrated below in Figure 9 and 10. They show that there is a strong positive correlation between social expenditure as a percentage of GDP and support for elective and traumatic abortion respectively.
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Figure 9: Social expenditure and approval for elective abortion across OECD nations
(Source: ISSP Religion Survey 2008, OECD Economic Outlook Database 2009)

Figure 10: Social expenditure and approval for traumatic abortion across OECD nations
(Source: ISSP Religion Survey 2008, OECD Economic Outlook Database 2009)
With Pearson’s correlation coefficients of 0.466 and 0.579 respectively, elective and traumatic abortion were both correlated significantly with social spending levels. As discussed before, however, a bivariate correlation is not rigorous enough of a test to support the premise of this thesis adequately. Table 9 shows a list of variables that were chosen to represent the different explanatory models, so as to perform more rigorous comparative analysis.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Reasoning</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Proportion of respondents: Approval of abortion in case of inadequate income</td>
<td>Dependent Variable I</td>
</tr>
<tr>
<td>2</td>
<td>Proportion of respondents: Approval of abortion in case of fetal defect</td>
<td>Dependent Variable II</td>
</tr>
<tr>
<td>3</td>
<td>Proportion of respondents: Degree higher than high school diploma</td>
<td>Demographic predictor</td>
</tr>
<tr>
<td>4</td>
<td>Proportion of respondents: Married</td>
<td>Demographic predictor</td>
</tr>
<tr>
<td>5</td>
<td>Proportion of population: Catholic</td>
<td>Sociocultural differences</td>
</tr>
<tr>
<td>6</td>
<td>Proportion of respondents: agree with traditional gender roles</td>
<td>Sociocultural differences</td>
</tr>
<tr>
<td>7</td>
<td>Household Gini Ratio</td>
<td>Empathy</td>
</tr>
<tr>
<td>8</td>
<td>Proportion of respondents: “most people can be trusted”</td>
<td>Empathy</td>
</tr>
<tr>
<td>9</td>
<td>Proportion of respondents: agree with unemployment benefits</td>
<td>Empathy</td>
</tr>
<tr>
<td>10</td>
<td>Social expenditure (% GDP)</td>
<td>Consequentialism (level of welfare available)</td>
</tr>
<tr>
<td>11</td>
<td>Female legislators (% total)</td>
<td>Consequentialism (women’s status)</td>
</tr>
<tr>
<td>12</td>
<td>Female professional and technical workers (% total)</td>
<td>Consequentialism (women’s status)</td>
</tr>
<tr>
<td>13</td>
<td>Proportion of Respondents: Approval of Premarital Sex</td>
<td>Consequentialism (reproductive strategy)</td>
</tr>
</tbody>
</table>

Table 9: Selected variables for multivariate analysis and reasoning for inclusion
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The correlational matrix above reveals that out of the variables selected, those that represent the consequentialist model, apart from women’s political participation, correlated significantly with approval for both types of abortion. It is clear that the strongest variable in the correlational matrix above is that of views on premarital sex, which is significantly related to the two dependent variables on abortion attitudes to the greatest degree. Furthermore, views on premarital sex are also significantly correlated with the most number of other independent variables, which possibly indicates that many of the significant relationships we see between other independent variables and abortion attitudes could be attributable to views on premarital sex. The “empathy” model was also strong in predicting both the dependent variables, with the Gini coefficient and beliefs about trustworthiness of others significantly relating to attitudes toward abortion and many of the other independent variables. It should be noted, however, that attitudes toward unemployment benefits did not share a statistically significant correlation with attitudes toward either type of abortion. This shows that attributional analysis, as suggested by Weiner et al (2010), does not work in predicting abortion attitudes on either the national or global level.

Variables representing the sociocultural differences model were relatively less successful in predicting abortion attitudes. Surprisingly, the prevalence of Catholicism in a given country was not a good predictor of the abortion attitudes within it, which seems to contradict much of the literature.
that argues global differences in abortion attitudes hinge upon the differing degrees of religiosity across nations. Sociocultural differences in perception of gender roles, however, did share a statistically significant correlation with attitudes toward abortion, suggesting that on the international level, differences in social understandings of gender equality may be a better predictor for abortion attitudes than differences in religiosity. Out of all explanatory models, demographic predictors were the weakest in establishing a relationship with abortion attitudes on the international level.

The extent to which there is an overlap of explanatory power among the statistically significant independent variables is explored in Table 11 below, by seeing the effect of controlling key independent variables on the relationship between abortion attitudes and other independent variables.

![Partial Correlation Table]

Table 11: Pearson correlation and partial correlations between approval for abortion in all cases and independent variables listed in Table 2

The partial correlations reveal that, indeed, views on premarital sex are the strongest independent variable for prediction, having not been affected by any of the partial correlations performed. Its representative model was also the model with the control of which other models were most affected by. The weakest variable revealed by the partial correlations was education level as a demographic predictor – most of the independent variables were unaffected after having controlled for it. This indicates that the level of education is not a factor that precedes the other independent variables, and that there is no unique relationship between an individual’s education level and abortion attitudes on the international level. Controlling for variables representative of empathy, on the other hand, was shown to significantly reduce the correlations that other independent variables shared with the dependent variable, save for
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the statistically significant variables representing the empathy model, inequality and trust, may be comparatively more significant on the international level than the domestic level because of a higher degree of variability in inequality levels and trust across different nations than across different states of the same nation. Indeed, the range of Gini coefficients on the domestic level is from 0.385 to 0.492, whereas the range on the international level is from 0.24 to 0.49.

Given that the main crux of the argument of this paper is based on the level of support that individuals receive from the state, an analysis to determine which type of government spending has the most influence on predicting abortion attitudes would be important. Several different types of expenditure were considered, including expenditures on disability, family, health, housing, old age, unemployment, education, defense, and the environment. Out of these, bivariate correlation revealed that expenditures on disability, family, health, and education have a statistically significant relationship with views on abortion. In this next section, hierarchical multiple regressions are presented to show which type of spending would wield the most influence on abortion attitudes.

The results are shown below:

<table>
<thead>
<tr>
<th>Model</th>
<th>R</th>
<th>R Square</th>
<th>Adjusted R Square</th>
<th>Std. Error of the Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>.670</td>
<td>.449</td>
<td>.366</td>
<td>9.7620480</td>
</tr>
<tr>
<td>2</td>
<td>.687</td>
<td>.472</td>
<td>.361</td>
<td>9.8020451</td>
</tr>
</tbody>
</table>

a. Predictors: (Constant), Education, Health, Disability (% GDP)
b. Predictors: (Constant), Education, Health, Disability, Family (% GDP)

Table 12: Regression Model Summary
Based on Weeden’s theory that people are opposed to abortion on the grounds that it threatens the commitment-oriented reproductive strategy they have chosen, the prediction was that spending dedicated to the family would have the strongest influence in determining abortion attitudes. However, the model summary above shows that adding government spending on family to the aggregate model of the relationship between government spending and abortion attitudes only increased the explanatory power of the variance in abortion attitudes from 44.9% to 47.2%. Furthermore, spending on the family as a variable as compared to the other spending types in the regression model fell below significance, which significantly weakens the main argument of this paper. However, it could be the case that variation on spending on the “family” is not the right type of social spending to consider. A more appropriate type of spending to be comparing may be social spending designed to reduce people’s interest in depending on the combined earnings from a marriage. This is because there are instances where policies on family spending are specifically designed to encourage marriage. For example, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in the U.S. created a system where states that reduced out-of-wedlock child-bearing without raising abortion rates qualified for special bonuses (Blank 2002). Possible future research directions would include a more nuanced evaluation of different types of government spending and its effects on people’s choices to pursue commitment or promiscuous reproductive strategies.

Spending on education, in the end, was the only type of spending that was statistically significant to the regression model. This is interesting to note, as the partial correlations in Table 4 indicate that the level of education is not a strong predictor of abortion attitudes. This discrepancy between the
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strong influence of education spending versus the weaker influence of overall education levels on abortion attitudes could be explained through how “level of education” was defined in this dataset. The level of education in a given population was measured by the proportion of the respondents who had received at least a Bachelor’s degree. It may be the case that a Bachelor’s degree is not particularly meaningful when observing the relationship between education and abortion attitudes; another level of education attainment (e.g. high school diploma) may reveal different patterns of variation, which may then correlate more significantly with abortion attitudes.

Conclusion

Although time-series analysis and simple bivariate correlations between welfare availability and abortion attitudes seemed promising, more rigorous data analysis showed that there is no unique relationship between the strength of the welfare system and abortion attitudes. The inability of this paper to defend its thesis may have been influenced by the number of limitations in its research design. Firstly, data from social surveys available on a state-by-state basis within the United States was very limited. It was therefore difficult to find social surveys with variables that would fit the four explanatory models that this paper aimed to evaluate. Furthermore, using the ISSP 2008 Religion survey to acquire data on differences in abortion attitudes was also a source of weakness in the research design, as the religious nature of the survey may have primed people to respond according to their religious views.

There were also methodological weaknesses related to the idea of causality and attitude formation in the thesis of this paper. This paper attempted to support the possibility of a causal relationship between welfare availability and abortion attitudes. A shortcoming in framing causality in terms of a generic probabilistic account on domestic and international levels of analysis was that it excluded the possibility of the incorporating temporal dynamics into the relationship between welfare and abortion attitudes. That is, it could be the case that a time lag exists between changes in welfare and its effect on abortion attitudes. This possibility was not tested. Furthermore, it was difficult to determine whether an individual’s abortion attitudes were shaped directly from local conditions (i.e. levels of state support) or attitudes were formed based on her own personal beliefs about the local conditions (i.e. her perceptions of levels of state support). This paper assumed that levels of state support and perceptions of levels of state support to be roughly similar figures, but skewed perceptions of welfare availability could very well be possible.
Despite these limitations, there are a number of interesting findings this investigation of abortion attitudes reveals. For example, a common finding in the domestic and international level of analysis was that state expenditures on education proved to be a strong predictor of the abortion attitudes of that region. However, the fact that education spending on the domestic level correlates negatively with abortion attitudes while education spending on the international level correlates positively with abortion attitudes requires further study. Another common finding on both levels of analysis was that the consequentialist model of explaining abortion attitudes was the strongest as compared to demographic predictors, sociocultural differences, and the empathy model. Therefore, although this paper was not able defend its primary thesis that there is a significant relationship between welfare availability and abortion attitudes, it was able to more successfully defend the consequentialist model of explaining abortion attitudes as proposed by Weeden. Another very robust finding on the international level was that views on premarital sex were highly predictive of views on abortion, which suggests that the abortion debate is, indeed, more likely to be related to views on sexuality, rather than religion or fetal personhood, etc.

The support that this paper provides to the idea that the abortion debate is ultimately due to differences in beliefs about sexuality opens up the possibility for further research opportunities. This paper attempted to establish a relationship between abortion and welfare availability. There are a host of other debates on sexuality (e.g. homosexuality, birth control, pornography, masturbation, etc.), the attitudes toward which could be studied in relation to welfare availability.
Explaining Abortion Attitudes

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Explaining Abortion Attitudes


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Appendix

Appendix A: Phrasing of questions for survey data used from ANES

Do you think abortions should be legal under all circumstances, only legal under certain circumstances, or never legal under any circumstance?

1. Legal under any circumstances
2. Legal under certain circumstances
3. Never legal
4. Don’t know
5. Refused

Some people feel that the government in Washington should make every effort to improve the social and economic positions of blacks. Others feel that the government should not make any special effort to help blacks because they should help themselves.

Where would you place yourself on a scale from one to seven where a measurement of one means you feel the government should make every effort to support blacks and seven means you feel the government should not make any special effort to help blacks because they should help themselves?

1. Government should make every effort to support blacks
2. Government should not make any special effort to help blacks
3. Don’t Know
4. Refused
5. Haven’t thought much about it

What is the highest diploma or degree you have earned?

00. No high school degree
01. High school degree or equivalent
02. No degree beyond high school
Explaining Abortion Attitudes

03. 2 year technical school
04. 2 year associates degree
05. 4 year Bachelor degree
06. Master’s degree
07. Doctorate degree
08. Other
09. Other (_____)(enter description)
10. Don’t know
11. Refused

Would you mind telling me your race? Are you white, black, American Indian or Alaskan native, or Pacific Islander?

1. White
2. Black
3. American Indian or Alaskan Native
4. Asian or Pacific Islander
5. Other (Volunteer) (__________) (enter description)
6. Don’t know
7. Refused

Appendix B: Questions used for survey data used from ISSP

Do you think it is wrong or not wrong if a man and a woman have sexual relations before marriage?

Always wrong........... 1
Almost always wrong......2
Wrong only sometimes....3
Not wrong at all........... 4
Can’t choose............... 8

What about a married person having sexual relations with someone other than his or her husband or wife, is it...

Always wrong........... 1
Almost always wrong......2
Wrong only sometimes.... 3
Not wrong at all........... 4
Can’t choose............... 8

And what about sexual relations between two adults of the same sex, is it...

Always wrong........... 1
Almost always wrong...... 2
Wrong only sometimes.... 3
Not wrong at all........... 4
Can’t choose............... 8
Do you personally think it is wrong or not wrong for a woman to have an abortion?

a. If there is a strong chance of serious defect in the baby

Always wrong.......... 1  
Almost always wrong...... 2  
Wrong only sometimes..... 3  
Not wrong at all..... 4  
Can’t choose.......... 8  

b. If the family has a very low income and cannot afford any more children

Always wrong.......... 1  
Almost always wrong...... 2  
Wrong only sometimes..... 3  
Not wrong at all..... 4  
Can’t choose.......... 8  

Do you agree or disagree a husband’s job is to earn money; a wife’s job is to look after the home and family?

Strongly agree  
Agree  
Neither agree nor disagree  
Disagree  
Strongly disagree  
Can’t choose  

Generally speaking, would you say that people can be trusted or that you can’t be too careful in dealing with people?

People can almost always be trusted 1  
People can usually be trusted 2  
You usually can’t be too careful in dealing with people 3  
You almost always can’t be too careful in dealing with people 4  
Can’t choose....... 8  

To what extent do you agree or disagree that the government should provide a decent standard of living for the unemployed?

Strongly agree  
Agree  
Neither agree nor disagree  
Disagree  
Strongly disagree  
Can’t choose  

Appendix C: Questions used for survey data from GSS
Explaining Abortion Attitudes

Please tell me whether or not you think it should be possible for a pregnant woman to obtain a legal abortion if the woman wants it for any reason?

1. Yes
2. No

Please tell me whether or not you think it should be possible for a pregnant woman to obtain a legal abortion if there is a strong chance of defect in the baby?

1. Yes
2. No

Please tell me whether or not you think it should be possible for a pregnant woman to obtain a legal abortion if the family has a very low income and cannot afford any more children?

1. Yes
2. No

How often do you attend religious services?

0 Never
1 Less than once a year
2 Once a year
3 Several times a year
4 Once a month
5 2-3 times a month
6 Nearly every week
7 Every week
8 More than once a week
9 DK, NA

Do you have any college degrees? If YES: What degree or degrees?

0 Less than high school
1 High school
2 Associate/Junior College
3 Bachelor’s
4 Graduate
7 Not applicable
8 Don’t know
9 No answer

Do you think it is wrong or not wrong if a man and a woman have sexual relations before marriage?

1 Always wrong
2 Almost always wrong
3 Wrong only sometimes
4 Not wrong at all
Rational Choice and Domestic Violence:
How Decision Theory can inform Domestic Violence Policy

Elizabeth Sivitz

Abstract

The field of decision theory has been all but ignored in domestic violence research. As domestic violence research has evolved to the point where it recognizes the necessity of evaluating victim decision-making, decision theory could be a great asset. The following paper argues for the inclusion of decision theory in domestic violence research because of its implication for policy and practice. The argument is made through an establishment of principles of decision theory and analysis of domestic violence literature. The study incorporates interviews with victims of domestic violence and high-ranking officials in Philadelphia as well as observational work. Implications for policy in Philadelphia are discussed.

1. Introduction

1.1 Inception of the Project

I started studying violence against women as a research assistant for Dr. Susan Sorenson, in the summer of 2011. My work for her has included everything from literature reviews and the basic analysis of data to conducting interviews and meeting with high-ranking officials in Philadelphia. In the fall of 2012 the Evelyn Jacobs Ortner Center on Family Violence published a report on violence against women in the city of Philadelphia. I, under Dr. Sorenson’s purview, led a team of researchers in compiling information on the status of domestic violence resources and agencies in the city. For the report I was able to meet with high-ranking officials at the Philadelphia Police Department, the District Attorney’s Office, the Medical Examiner’s Office, Women Against Abuse, the Women’s Law Project, Menergy, and the Philadelphia Domestic Violence Task Force.

1. Dr. Susan Sorenson is a professor of Social Policy & Practice and Health & Societies at the University of Pennsylvania as well as a Senior Fellow in Public Health and Director of the Evelyn Jacobs Ortner Center and the PhD program in Social Welfare.

2 The Evelyn Jacobs Ortner Center on Family Violence is a part of the School of Social Policy & Practice at the University of Pennsylvania.
Through my work with Dr. Sorenson I noticed certain parallels between the research I was conducting and what I was studying in my courses on choice and behavior in the Philosophy, Politics, and Economics department at the University of Pennsylvania. The research I conducted for the report sparked my interest in decision-making by female domestic violence victims. After subsequent research about these two fields, there appeared to be a serious gap in the literature when it came to an application of principles of decision theory, judgment and decision-making in the assessment of domestic violence programs and resources. Many papers, books, and articles discuss the ‘decisions’ that domestic violence victims face, but do so in a rudimentary way that fails to address the decision-making process concordant with decision theory. After further research, I uncovered papers that began to touch on the concepts of decision-theory, but none that adequately evaluated the decisions and many misused terms such as risk and strategy. I hypothesized that through examining the decisions made by domestic violence victims about help-seeking, you could not only uncover when and how domestic violence resources and organizations will be most effective but also show that victims are not at fault for not making the choices that society expects them to, but, that in fact, they often reach these decisions in a rational and reasonable way.

1.2 Organization

I begin in Chapter 2 with a discussion of the process by which I conducted research for this project. The research drew on observational and interview work as well as a review of the basic necessary literature.

Chapter three begins with the background on Decision Theory (3.1) to establish a basis for which the paper can build on. 3.1.1 discusses how rational choice explains human ought make choices, and 3.1.2 explains how to model the choices that humans actually make. Section 3.2 provides the background on domestic violence: first in the United States (3.2.1) and then in Philadelphia (3.2.2).

Section 4 outlines how decision theory can positively impact the research of domestic violence and the victims themselves.

Section 5 looks at the closest the domestic violence literature has gotten to decision theory and where these models fall short. 5.1 discusses literature on victim coping and then critiques it. 5.2 discusses Elizabeth Stork’s decision-making model and states that it is a useful paper, though inaccurately casts aside decision theory.
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Section 6 discusses help-seeking decisions. 6.1 makes a few quick observations about some behavior of victims that can be explained by decision theory. 6.2 gives an example of the decision theory model in progress, through the decision to call the police. 6.3 makes the model more specific to women in Philadelphia. In order to do this, 6.3.1-6.3.3 discuss Philadelphia specific observations and concludes with its impact on the model (6.3.4).

Section 7 draws some conclusions about the potential policy impact of the integration of decision theory into domestic violence research.

Section 8 discusses the limitation of the study, suggestions for continued research, and the conclusion.

2. Methodological Notes

The research for this thesis started long before the official semester in which this thesis was completed. The following methodological notes exist to outline the scope of research and observations used in this thesis.

2.1 Background Information Collection Procedure

Domestic Violence Section

The search for domestic violence literature was conducted between February 1st and April 15th, 2013. Keyword searches of relevant phrases were used on Google Scholar, a program that organizes results from academic databases according to relevance. Peer reviewed articles and books were the two main sources of the background. Literature reviews and recent articles were examined first in order to identify the important articles and to know where to target attention. An informal review was conducted of the results and the most relevant articles were selected.

Decision Theory

The background research for decision theory was guided strongly by Thinking and Deciding by Dr. Jonathon Baron. I worked closely with Dr. Baron on an independent study on cognitive bias in political decision-making in the spring of 2011. His book provides a well-structured reference text with which to provide background on decision-making. Materials presented in his book were a jumping off point for further in-depth research into the studies and experiments referenced. This research period occurred during February 20 through May 1, 2013.
2.2 Interviews and Observational Field Work Methodology

Two forms of interviews were conducted in my research on domestic violence in Philadelphia: interviews with officials at organizations and interviews with victims of domestic violence through Women Against Abuse (WAA), a non-profit that provides services for victims of domestic violence in Philadelphia. Observational fieldwork occurred in a ride-along with the Philadelphia Police Department in the 15th District.

Interviews with Officials

Work that was done for the School of Social Policy and Practice informed much of the research and conclusions in this paper. Under the purview of Dr. Sorenson, I led a team of student researchers in compiling data and information on domestic violence resources in Philadelphia. Dr. Sorenson reached out to her colleagues and interviews were scheduled. I met in person to discuss domestic violence resources in Philadelphia with:

Jeannine Lisitski, Executive Director of Women Against Abuse, on March 27th, 2012.
Deputy Commissioner Patricia Fox of the Philadelphia Police Department, on March 14, 2012. I also had various other meetings with Michael Gallagher, a retired police officer who works with WAA.
Deborah Harley and James Carpenter, of the Philadelphia District Attorney’s Office on April 4, 2012.
Tonny Lapp, the Assistant Director of Menergy, a batterer’s intervention program, in July of 2012.
Carol Tracy and Terry Fromson, of the Women’s Law Project, on April 6, 2012.
Roy Hoffman, Medical Director at the Medical Examiner’s Office on April 5, 2012.
Melissa Dichter, Research Health Scientist at the Philadelphia Veterans Affairs Medical Center, on April 6, 2012.
Deputy Commissioner Susan Kinvvy, Department of Human Services, on May 12, 2012.
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I also attended a meeting of the Domestic Violence Law Enforcement Task Force of Philadelphia at the District Attorney’s office, where many of the above people and organizations (and more) meet to discuss their progress, on June 12, 2012.

Interviews lasted between 30 minutes and an hour. E-mail and phone correspondence were continued afterwards and some follow-up meetings occurred.

I did not meet with in person, but discussed and summarized results from meetings with officials at Women Organized Against Rape, the Department of Behavioral Health, Congreso Latino, Lutheran Settlement House, and Women in Transition. Information about these organizations will be provided in the background section.

Victim Interviews

There were two forms of interviews that took place with clients of Women Against (WAA) Abuse’s Aftercare Services: one in-person interview and two phone interviews about help-seeking, in addition to ten written surveys on knowledge of resources.

Women Against Abuse provided $25 gift cards to the subjects willing to speak in-person or over the phone. These interviews were conducted using semi-structured interviews. Questions were asked and then follow-up questions were asked as needed. See Appendix-1 for a copy of the primary questions asked and information provided.

The written questionnaire, to understand subject’s knowledge of resources, was written in English and Spanish and administered in person by caseworkers at WAA’s Aftercare Services. Please see Appendix-2 for a copy of the questionnaire.

Because of the institutional necessity to have all questions and procedures approved by WAA, the interviews took place late in the thesis-writing process. The in-person interview occurred on April 17, 2013. The two phone interviews occurred on April 23, 2013. The questionnaires were returned to me on May 1, 2013.

Ride Along

On April 6, 2013, I went on a ride-along with an officer in the Philadelphia Police Department’s 15th district. The district is located in
Northeast Philadelphia. The car I rode in was limited to responding to calls in Public Service Area 3, the highest economic bracket in the 15th district. In 2012, from January to March, there were seven homicides in the 15th district and 24 shooting victims (2012 Homicide Report and Analysis from the PPD). The 15th district is the biggest district in Philadelphia. During my ride-along, we responded to ten calls: and three of them were labeled as related to domestic violence by the dispatcher.

While on the ride-along I conducted an informal interview with the officer with whom I was paired. We discussed the calls we responded to, the process, and his thoughts and experiences with cases of domestic violence.

3. Background

3.1 Background on Decision Theory

In order to properly address how decision theory can inform models of domestic violence victim’s choices, it is important to establish the fundamental theories and background in the field of decision theory.

What we do and why we do it is an unendingly complex topic of examination. The field of decision theory has emerged in an attempt to model the decision-making process. The field of judgments and decisions has examined normative, descriptive, and prescriptive decision models and processes (Baron 2000). Though we cannot quantify or map all of human behavior, the field of judgments and decision-making has made meaningful progress in documenting the way people think and decide and their systematic errors in doing so.

Because of the universality of maximization in decision-making, this originally economic theory can now be found in all academic fields that observe and examine human behavior. Herbert Simons writes, “Assumptions of rationality are essential components of virtually all the sociological, psychological, political, and anthropological theories with which I am familiar” (1957). Simons also notes that as rationality has been incorporated into more research its definition has evolved and expanded (Simons 1957).

Decision theory has expanded broadly since its inception. Rationality, the basic assumption of decision theory, was examined first in the field of economics, a field that predated the study of psychology. The theory of economic rationality focuses on the idea of maximization: making the choice that gets the decision maker the most. This economic model of human behavior, homo economicus, assumed that humans had purely selfish preferences and is
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now considered to be an antiquated model (Camerer & Loewenstein 2011). The integration of psychology into economics has allowed for the emergence of the field of behavioral economics, which has integrated its findings into a more descriptive model of human decision-making behavior (Camerer and Loewenstein 2011).

3.1.1. Normative and Prescriptive Models of Choice

When we evaluate choice we compare it to a paradigm of rationality. According to psychologist Jonathon Baron, rationality can be easily defined as “whatever kind of thinking best helps people achieve their goals” (Baron 2000:61). Rationality is not about making a subjectively good decision, it is merely the process of making a well-formed choice consistent with what the individual thinks is best. Rational choices can be made based on irrationally formed beliefs (Baron 2000). There are three types of choices: choice under certainty, choice under risk, and choice under uncertainty.

Choice Under Certainty

Choice under certainty occurs when the decision maker knows exactly what the outcome of each choice will be. Since there is no uncertainty the decision relies solely on the preferences of the decision-maker. When individuals compare options they subconsciously rank the outcomes according to their preferences (Baron 2000). When modeling preferences, the degree to which the outcome fulfills the decision-maker’s goals is called utility. Utility incorporates every aspect of the good and bad payoffs of a decision, accounted for by one common unit, a utile. The concept of different outcomes providing us with different levels of utility is a fundamental tenant of decision-making (Baron 2000). In choice under certainty, a rational human being will make the choice associated with the highest level of utility.

Choice under Risk and Uncertainty

Choice under risk occurs when the decision-maker knows the probability that a certain outcome will occur. For example, if I am playing roulette, I know that there is a 47.37% chance I will win if I bet on red. Deciding whether or not to do this is a choice under risk.

The economic worth of choice under risk is modeled by expected value. The expected value of a choice is an easy calculation of the value of the outcome multiplied by the probability it will occur:
Let us illustrate this concept with an example. In a coin toss, if I flip heads I get $100 and if I flip tails I do not get anything. The expected value of this gamble is: $100*(0.5) + $0*(0.5) = $50.

Monetary value is very different from utility. Take a case in which an individual is choosing between $100 for certain, and a 50% chance of $0 and a 50% chance of $205. The expected value of choice one is $100 and for choice two it is $102.50. If people made choices consistent with expected value, then we could expect everyone to pick choice two. However, individuals have been shown to pick the option with the lesser expected value because of the value that they place on certainty (Pratt 1964). This demonstrates a common human tendency to avoid risk.

Choice under uncertainty occurs when decision-makers do not know the probability with which outcomes will occur. The decision maker must make an evaluation of subjective probability in order to decide using expected utility theory. The formula for computing expected utility is the same as the formula for calculating expected value, but value is replaced by utility:

Expected utility theory is a normative theory\(^3\) that is good for conceptualizing decisions but not adequate as a descriptive tool.

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\(^3\) There is substantial debate over expected utility theory’s status as a normative theory, but it is the opinion of the author that it is one.
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3.1.2 Toward Descriptive Models of Choice

Bounded Rationality

Expected utility theory is not predictive of human choices in most cases (Jones). Because of this, the idea of bounded rationality was developed (Jones 1999). Bounded rationality reconciles expected utility theory with an individual’s cognitive limitations. Gigerenzer and Selten write that bounded rationality connects “rationality and psychology” (2002: 1).

H.A. Simon was the first to develop bounded rationality. He began with an examination of the way that people make tradeoffs among goals. Here he coined the term ‘satisficing’ to describe a procedural model of rationality. Simon writes:

“Since the organism, like those of the real world, has neither the senses nor the wits to discover an ‘optimal’ path — even assuming the concept of optimal to be clearly defines — we are concerned only with finding a choice mechanism that will lead it to pursue a ‘satisficing’ path that will permit satisfaction at some specified level of all of its needs” (Simon 1957: 270-271).

Bounded rationality is a vital critique of expected utility theory as it takes into account many aspects of human behavior. Unbounded rationality assumes that all possible alternatives and information is available to the decision-maker, which rarely occurs.

Bounded rationality is also important because it accounts for the fact that decision-makers will sometimes focus on only a few aspects of the decision rather than the decision in its entirety. This may simplify decision-analysis because fewer options are being weighed (Johnson & Payne 1986).

Probability

1. The Representativeness Heuristic

First recognized by Kahneman and Tversky in 1973, the representative heuristic states that a person evaluates a probability by the degree to which it is: “(i) similar in essential properties to its parent population and (ii) reflects the salient features of the process by which it is generated.” (Kahneman & Tversky 1972: 431). Kahneman and Tversky had subjects state their perceived likelihood of the following birth sequences in one family: Girl, Boy, Girl,
Boy, Boy, Girl and Boy, Girl, Boy, Boy, Boy, Boy. The two birth sequences are equally likely, but the second is not as representative of the human population as the first. Therefore, subjects viewed the second sequence as significantly less likely than the first (Probability and representativeness 432). Individuals judge probability as a reflection of the state of the world as they know it, rather than in on its mathematical and axiomatic truth. One important implication from the representative heuristic is the gambler's fallacy, or the idea that if something has not happened in a while, it will happen soon (Baron 2000).

2. The Availability Heuristic

The availability heuristic states that people tend to assign higher probabilities to events with which they are familiar. For example, since it is easier to think of words that start with the letter K than words that have K as the third letter, subjects view the former as more likely (Tversky & Kahneman 1973). This initial judgment, based on what is accessible or easily available in the subjects mind, is inaccurate since words with K as the third letter appear more frequently in the English language (Tversky & Kahneman 1973). We judge the likelihood of certain events occurring based on our past experiences with these events. The availability heuristic could explain why people also tend to overweight low probabilities, such as plane crashes and tragedies (Liechtenstein 1978).

Framing and Risk Preferences

Framing is the idea that the way that a choice is explained or presented can affect someone’s revealed preferences and subsequent choices. When people evaluate the outcomes of a choice, they consider the choice from a certain reference point. If these reference points are adjusted or shifted then people’s preferences can also be changed.

Prospect Theory

Kahneman and Tversky sought to provide a descriptive model of decision-making that incorporates systematic human errors. This theory, prospect theory, is widely considered the most descriptive decision theory that exists (Camerer 1989). Prospect theory\(^4\) argues that decision-making happens in two stages: stage one in which options, outcomes, and contingencies are framed and stage two where the decision is evaluated. Prospect theory

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improves on expected utility theory in two ways: “value is assigned to gains and losses rather than to final assets and... probabilities are replaced by

decision weights” (Kahneman & Tversky 1979: 263). Kahneman and Tversky summarize their value function in the following way:

\[ U = \sum_{i=1}^{n} w(p_i)v(x_i) = w(p_1)v(x_1) + w(p_2)v(x_2) + \ldots + w(p_n)v(x_n) \]

**Figure 3: Prospect Theory Formula**

from the reference point; (ii) generally concave for gains and commonly convex for losses; (iii) steeper for losses than for gains (279).

Decision weight function, \( w(p) \)  
Value function, \( v(x) \)

**Figure 4: Decision Weight Function and Value Function**


**Case-based Decision Theory**

An additional decision theory, case-based decision theory, is particularly relevant for the present paper. Case-based decision theory (CBDT) addresses how to assess a decision in which possible outcomes are completely unknown, or knowledge of them is incomplete. The authors presenting this model, Gilboa and Schmeidler, argue that individuals make choices based on the success of those experienced strategies in the past. The authors contend that decision-makers, when faced with a problem or a decision (q), have a
memory of a similar problem (s(p,q)) and act (a) based on this memory (M), which leads to a result (r).

\[ U(a) = U_{p,M}(a) = \sum_{(q,a,r) \in M} s(p,q)u(r) \]

Figure 5: Case-Based Decision Theory Formula
(Let a be the act, s be the similarity function between p and q and r be the result)

This model only works if the decision maker is making a choice similar to one they have encountered in the past. Gilboa and Schmeidler extended the model to incorporate past different, but similar, events in 1997 (Gilboa Schmeidler 1997). Computer simulations have shown that CB DT has accurately resembled human decision-making behavior (Pape and Kurtz 2012).

Decisions About the Future

Human beings often exhibit time inconsistent preferences (Frederick, Loewenstein, O’Donoghue 2002). There is substantial evidence that humans prefer reward in the present to reward in the future. The idea of sacrificing some future utility to gain utility in the short run is called discounting. Discounting can be observed in many different realms from payment to health choices (Chapman 1996).

Fairness

People have shown to place a high level of utility on punishing unfairness. The human partiality for fairness is an example of a deviation from purely self-interested rationality. This tendency can best be seen experimentally in the ultimatum game. In the ultimatum game responders are given the choice of accepting or rejecting an offer (a two-way division of some amount of money) the allocator makes. If the responder rejects the offer, both the allocator and the responder walk away with $0. According to pure rationality, any amount greater than $0 should be accepted, as it is better than the alternative of $0. However, individuals consistently punish unfairness, even at a personal cost (Thaler 1988, Rabin 1993).

3.1.3 Limits to the Human Cognition of Choice

The Role of Emotion and Stress in Decision Making
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In the calculation of expected future utility individuals often think about how they will feel, or their emotional state, after making a decision. Decision theorists have made many steps forward in trying to create a model that incorporates emotional expectations (Loewenstein & Lerner 2003).

Immediate emotions can directly affect the decision behavior. Low to moderate emotional state tends to only affect decisions in which emotions are a relevant concern. As emotions get more intense so do their impact on decision-making. The affect-as-emotion theory states that people often evaluate how they feel about a decision and make the choice based on that (Clore 1992, Schwartz 1990). Current mood was shown to highly correlate with expected future mood (Clore 1992; Clore, Schwartz, Conway 1994).

Some intense emotions trigger instinctual and evolutionarily engrained responses (Loewenstein and Lerner). One study found that when subjects were angry, and criminals evaded punishment, they stated the criminal deserved harsher punishments than when he was caught and prosecuted (Goldberg, Lerner, & Tetlock, 1999). Many studies have found that peoples’ judgments of probability can be affected by emotion. People who are feeling good make more optimistic judgments than their negative counterparts (Bower 1981, 1991; Mayer and Hansen 1995). Stress also has a profound effect on decision-making. Keinen (1987) found that subjects performed worse on tasks when told to expect electric shocks. Keinen’s finding is that stress leads to fear, which limits our ability to think of decision options.

Studies have also found that emotions indirectly impact decisions because they impact search, or the research to generate decision options. Sad and depressive moods are associated with more deep thought and introspection. Many studies have found that people in happy moods tend to make more superficial judgments based on heuristics (Bodenhausen 1994).

Cognitive Biases

Human cognitive biases number in the hundreds and exist in a wide range of categories. The following section provides brief definitions of the cognitive biases that will be referenced later in the current evaluation. Ambiguity effect: Subjects violated axiomatic expected utility theory in order to avoid ambiguous situations, or a situation in which risk is unknown (Becker, Ellsberg).

Omission Bias: People exhibit a bias toward the status quo and prefer inaction to action. Defined by Ritov and Baron as “a bias toward harms of omission over equal or greater harms that result from action” (Baron 2000:

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291). Emotional responses to outcomes are stronger for events that result from action than from inaction (Landman 1987).

Sunk cost effect: The sunk cost effect is the tendency to continue with something if you have already invested resources, time, or money into it (Arkes 1985).

3.2 Background of Domestic Violence

3.2.1 Domestic Violence in the United States

**Prevalence**

Domestic violence against women is a pervasive human rights and public health issue that is not limited to any political, racial, or socioeconomic group. According to a 2006 study by the World Health Organization of over 24,000 women throughout the world, the lifetime prevalence of physical or sexual partner violence varied from 15% to 71% (Garcia-Moreno et al. 2006). The prevalence of domestic violence in the United States is no exception to these findings. The first national domestic violence study found that at least half of U.S. couples have experienced some form of domestic violence (Straus and Gelles 1990). Study after study has corroborated the high level of domestic violence in the United States, emphasizing staggering rates of intimate partner violence (IPV)\(^5\). Tjaden and Thoennes, in a study sponsored by the U.S. Department of Justice and the Centers for Disease Control and Prevention, found that 64% of violence against women was at the hands of an intimate partner. Of the 8,000 female respondents, 22.1% were physically assaulted by intimate partners at some point in their lifetimes (Tjaden and Thoennes 2000).

3.2.2 Domestic Violence in Philadelphia

**Prevalence**

A recent study conducted by the University of Pennsylvania with the Institute for Safe Families examined the level of domestic violence detected in screening of patients in four city health centers. Researchers found that 6.5% of patients seen by these Philadelphia clinics were currently being victimized at the hands of an intimate partner (Rhodes 2011).

Another study, which measured health conditions in female veterans in Philadelphia who had experienced intimate partner violence, found that the

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\(^5\) The current paper focuses on intimate partner violence.
Rational Choice and Domestic Violence

subjects had high rates of lifetime IPV (Dichter and Marcus 2012). The exact IPV prevalence for the subjects was not specified, but they experienced IPV at a higher rate than their civilian counterparts.

The 2010 The National Intimate Partner and Sexual Violence Survey found that 37.7% of women in Pennsylvania, an estimated 1.9 million, have experienced IPV at some point in their lives (Black 2010). According to the Pennsylvania Coalition Against Domestic Violence, which keeps track of domestic violence homicides, between 2001 and 2010, 1,532 women, men, and children died from domestic violence (PCADV 2010).

There is limited data on the prevalence of domestic violence in Philadelphia. According to a YEAR report by the Women’s law project, the commonwealth of Pennsylvania does not keep data on victims of IPV. The scope of the problem of domestic violence in Philadelphia can be seen in part by the level with which resources are accessed, though it only provides a snapshot of the pervasiveness of IPV.

1. IPV Services

In 2009, the 92 community-based domestic violence resources in all of Pennsylvania provided services to 92,000 (PCADV 2020). The 24-hour domestic violence hotline, operated by four domestic violence service organizations in Philadelphia received 9,515 calls in 2011 (Ortnner Center 2012). The Women Against Abuse domestic violence shelter, located in Philadelphia, housed a total of 637 people in 2011 and turned down 8,465 requests because of lack of space (Ortnner Center 2012).

4. Police Data

In 2011 there were 204,956 911 calls deemed as domestic violence related in Philadelphia (Ortnner Center 2012). 6,256 arrests for domestic violence were made that same year (Ortnner Center 2012). In 2010, the Philadelphia Police department responded to 30 domestic murders (Women’s Law Project 2012).

5. Court Data

The Philadelphia Domestic Relations Division, known as the family court, hears all requests for Protection from Abuse Orders (PFAs). In 2010,

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6 Congreso de Latinos Unidos, Lutheran Settlement House, Women Against Abuse, and Women in Transition.
41,204 individuals filed for PFAs in Pennsylvania. 11,623 (28%) of those requests come from residents of Philadelphia. Philadelphians also account for 61% of the no shows (Ortnner Center 2012).

**Intimate Partner Violence Victim Blaming**

Blaming victims for crimes committed against them is a surprisingly common phenomenon. The blaming of victims of intimate partner violence for their situation has been documented in many studies. One study, which used a fractional factorial vignette design, found that 31% of respondents placed the responsibility of resolving the situation on the victim alone (Taylor & Sorensen 2005). This surprising result, put in plain terms, means that a third of subjects placed the onus of fixing the situation on the victim rather than on the offender. The study, which was deemed as roughly representative of the state of California, is an excellent example of the tendency of a large portion of society to expect the victim to be the primary decision-maker and key player in resolving the violence. This study also showed that subjects viewed “engaging formal authorities [12%] and/or leaving the assailant [11%]” as the primary method for resolution. Studies examining the interaction between gender and victim blaming have found mixed results (Bryant & Spencer 2003).

There have been three main theories offered to attempt to explain victim blaming in intimate partner violence: defensive attribution theory, balance theory, and the “just-world” theory (Kristiansen & Giulietti 1990). The “just-world” theory, particularly relevant to the current paper, argues that people try to maintain their belief that the world is fair by looking for ways in which victims deserved their victimization (Lerner 1980). The theory provides a psychological basis for why many place the onus on the victim. By focusing on the characteristics and actions of the victim, the “just-world” theory could account for feelings that a victim is put in a violent situation because she is doing something wrong or making bad decisions.

Notions of victim blame have also been apparent in the legal system. Before 1995, domestic violence cases were handled in a way that blamed victims. Domestic violence cases were handled by the family court and the victim acted as the complainant (Bryant & Spencer 2003). Victims are still expected to take action in many aspects of their protection in the legal system, such as applying for restraining or PFAs (Waddy 1997).

**Deficit Focused Research and the Move to Victim Specific Coping**

Until recently, the prevailing domestic violence literature engaged in victim blaming by focusing on a victim’s mental shortcomings and inability to
make the ‘right decision.’ These studies, labeled as deficit focused research, try to explain why victims do not always call the police or end the relationship, which academia has viewed to be the objectively correct actions. Studies on the supposed learned helplessness of victims, Battered Women Syndrome, and traumatic bonding are examples of deficiency-based assessments of victim behavior (Walker 1983; Dutton & Painter 1981). Some early intimate partner violence pieces even contended that women had a Freudian and unconscious desire for punishment and subjugation (Anderson & Saunders 2003). These studies emphasize the supposed cognitive impairments, distortions, and irrationality of victims (Hamby & Gray-Little 1997). Not only did this prevailing model demean victims’ decision-making ability, it lumped all victims into one category and made sweeping assessments about the ‘correct’ behavior. According to these pieces, any woman who did not leave her abuser was making the wrong choice, and there was clearly something wrong with her (Hamby & Gray-Little 1997).

4. Decision Theory’s Potential Value in DV Research

Eminent scholars in the field of domestic violence are yearning for a way to evaluate, measure, and contextualize the decisions made by victims of domestic violence. The prominent literature however, has essentially ignored all of the developments in decision theory. Most of the theories make naïve assessments about risk, strategies, and decision-making. I contend that the field of decision theory ought be incorporated into domestic violence research for the following reasons:

Past Success

Decision theory and behavioral economics have been incorporated to examinations of perpetrator behavior since the 1960s (Horvath 2002). The decision to commit a crime is considered to be of importance to the criminal justice system (Johnson & Payne 1986). Johnson and Payne use prospect theory to explain how deterrence policy could be changed to more effectively prevent crime (Johnson & Payne 1986). Decision theory appears frequently in discussions of the criminal justice system (e.g. Greenberg 1992; Johnson & Payne 1986; Cornish 1986). Decision theory has been accepted as a legitimate mode of examination for perpetration and other aspects of crime, so applying the theory to domestic violence is a logical next step.

Emerging Field

This is a crucial time in domestic violence literature. The research has just evolved to a point where it is using language that acknowledges decision
making as important but it still ignores years of results and data provided by decision theory. As will be described in more depth later, models that are discussing and incorporating risk and victim decisions are very new (Hamby, 2007). Decision theory could provide relevant objections and guidance in these studies in this crucial formative period.

Empowers Victims

Decision theory empowers victims to make choices. Rather than framing domestic violence as a situation where the domestic violence victim is deficient, it can be shown that victims are actually making very reasonable and rational calculations given their knowledge and situation. Rather than look at an objective standard for what the victim should do (Hamby 2007), decision theory allows us to analyze the decision process rather than just the outcome. Acknowledging that victims have the ability to make decisions and make positive changes in their lives could not only empower victims and combat the stigma that victims are irrational, but could also have procedural impacts for domestic violence resources.

Helps Domestic Violence Resources Manage Their Message

Domestic violence resources want victims to access their resources. If the judgments, which are preventing domestic violence victims from accessing help, can be identified, isolated, and modeled, then domestic violence agencies can develop strategies about how to more effectively impact the victim’s decision to seek help. This can include changes in advertising, changes in information disbursement methods, and changes in outreach policy. Decision theory has been used frequently in the worlds of advertising and government to discover the best way to convey a message or persuade a target population (Bagozzi 2002). By modeling the decision we can see all of the necessary parts of the decision and how to provide information in a way that leads to better decision-making and improve policy. From the subsequent investigation of the current literature, it will become clear how years of decision theory research could inform domestic violence models.

5. Attempts at including DT in DV literature

5.1 Victim Coping

In the late 1980s, scholars began to move toward studying the different responsive behavioral strategies of victims. The subsequent field of victim “coping” emerged to try to address how victims respond to victimization.
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According to Lazarus and Folkman, coping is defined as “constantly changing cognitive and behavioral efforts to manage specific external and/or internal demands that are appraised as taxing or exceeding the resources of the person” (1984: 141). This definition of coping includes anything that the victim thinks or does in response to a stressful situation. The conception of coping is the jumping off point for today’s literature on victim decision-making.

Coping literature has reached no consensus on how to classify the coping strategies of victims, but generally agrees on distinguishing between the focuses of the coping (Zanville & Cattaneo 2012). One such classification is problem-focused and emotion-focused coping. According to Lazarus and Folkman, problem-focused coping includes strategies to take actions to fix the problem but also strategies to change psychological perspectives and cognitive processes. Emotion-focused coping is specific to “cognitive processes directed at lessening emotional distress” (Lazarus & Folkman 1984: 150). Another classification technique divides coping into categories of active coping or avoidance coping and engagement or disengagement coping (Zanville & Cattaneo 2012).

Much coping literature in the field of intimate partner violence focuses on the deficiency of victims. Until recently the research focused on why victims did not leave the relationship (Hamby 1997, 2007).

In the late 90s there was a move toward examining the victim’s coping strategies from a victim-specific approach. Dr. Sherry Hamby emphasized this literature’s break with the status quo by explaining that decision-making strategies had to be considered contextually.

Many in the general public, and even advocates and scholars with extensive experience in the field of partner violence, may find it difficult to accept that conditions of poverty and social isolation exist for so many women. Nonetheless, assumptions that leaving is always better or safer than staying have meant that people do not always recognize the wide array of protective strategies that victims use. There are many strategies in addition to leaving the abuser or staying in a shelter (Hamby 2009).

Hamby’s work here moves closer to an approach that incorporates decision theory understanding help-seeking behavior. This research advocates for a holistic approach that incorporates the obstacles that victims face. She classifies these obstacles into five categories: batterer’s behavior, financial obstacles, institutional obstacles, social obstacles, and personal values. Hamby addresses the concerns and risk that victims consider when deciding which coping strategies to adopt. Hamby concludes that there are three financial models that can be used to explain victim’s coping strategies: a strategy that
exposes the decision maker to limited risk, a more aggressive strategy, and a strategy that balances risk (Hamby 2009).

Hamby’s research represents a positive move in the direction of victim research. Hamby’s model points out that many scholars misinterpret the actions of victims as passive or active without considering the motives of the action. Hamby also moves away from the “one strategy fits all” approach and emphasizes the process of the decision rather than the outcome.

Goodman, Dutton, Weinfurt, and Cook expanded on Hamby’s progress in 2003. They divided coping strategies into public realm and private realm coping and created an index with which to document these strategies: the Intimate Partner Violence Strategies Index (IPVS). Goodman et al. asked subjects, victims of intimate partner violence, to talk about the strategies they used to cope with violence (2003). Based on these conversations, they developed a comprehensive list of 47 coping mechanisms divided into the categories of: formal, legal, resistance, placating, safety planning, and informal.

The language and intent of a 2004 study by Waldrop and Resick makes tremendous strides toward a decision analysis. The authors note that previous examinations of battered women’s coping styles often come to the conclusion that women are somehow deficient decision-makers (Waldrop & Resick 2004).

Shannon, Logan, Cole and Medley measured the coping strategies of rural and urban women in a 2006 study. This study focused on the fact that victims needed to be knowledgeable about the resources at their disposal. The authors asked 757 women about the help-seeking behaviors they used in the relationship and how hopeful they perceived those resources to be (Shannon et al. 2006).

The most recent and progressive developments toward integrating decision-making and risk into discussions of coping was Hamby and Gray-Little’s *Can Battered Women Cope?* This article will be discussed in detail in the critique of coping.

5.1.1 Critique of Coping

*Overall Critique*

The first and most glaring problem with the coping theory is that the idea of “coping” is a misnomer for what is really going on. The operational definition of coping strategies, as it is used in the literature as defined by Lazarus and reiterated by Waldrop, is the “broad diversity of thoughts and
behaviors used to manage the demands of a taxing situation” (Waldrop & Resick 2004: 291-292). According to this definition, coping in domestic violence would be thoughts and behavior to manage the violent situation. Therefore coping is a sometimes passive and unintentional behavior. Help-seeking behavior, however, involves a person actually seeking an end to violence rather than merely “manage” the situation. Coping literature tries to divide coping into two types to deal with this problem, but the divide makes it clear that half of the factors do not fit well within the definition of coping. Often “active coping strategies” factors, like going to shelter, have no business being lumped in with more “passive coping strategies,” such as denying that there is a problem at all. The whole notion of a strategy implies that a cognizant and willful choice is being made and a plan of action is being adopted or set into motion.

*Misuse of the Decision Theory Term “Strategy”*

The literature further confuses itself and compounds the problem when discussing strategy. Many papers refer to the act of choosing a coping strategy (e.g. Hamby, Goodman). Most domestic violence victims’ choices are situational and individuals decide what to do in specific circumstances. Victims of domestic violence do not say “I am going to adopt a strategy that bears a lot of risk” and then make decisions that are consistent with that strategy, as implied by the idea that victims “choose a strategy.” Rather, victims make choices and reveal their preferences for risk. The eminent coping literature even recognizes this fact by classifying strategies based on the actions of women, rather than arguing that women make choices based on these strategies.

*Hamby’s Model*

Hamby’s 2007 risk-based model is the most recent and widely accepted coping model. Hamby, while making many strides forward and directing the literature way from deficit-based models, mishandles risk. Hamby contends that what is missing from other coping models is that they ignore how the “risk of other harms” affects domestic violence. She lays out three strategies, which she states she borrows from finance: the conservative strategy, the balanced strategy, and the venture strategy. Defined by Hamby below:

Conservative strategy: Focuses on minimizing potential for additional losses, especially in other areas such as child custody and financial well-being. Tends to maintain status quo. Avoids stigma through information management; may be reluctant to disclose.

Balanced Strategy: Willing to accept some risk of loss in some areas as seeks to increase safety and other positive outcomes. Likely to try a variety of
responses to violence. Relative balance of conservative and venture strategies can change as context changes.

Venture Strategy: Willing to take greater risks for potential greater payoffs. More likely to leave despite increased risks of separation violence, stalking, and losses in other areas. Precipitous use of venture strategies can be dangerous.

The first obvious problem with Hamby’s model is that risks deals with known probabilities. When financiers are choosing between different portfolios and investment options, they know which options are riskier than others, and make those choices accordingly. Victims of domestic violence are dealing with situations of unknown probability in which they have to make probability judgments. They are not picking between different options laid out before them. Hamby’s risk model also assumes perfect knowledge. Many domestic violence victims do not even know the different choices they have (shown later in present study).

Moreover, financial risks are scaled to payoffs. The riskier investments have the potential to make more money for investors, while a riskless investment, like the purchasing of a U.S. bond, has low return on investment. If the payoffs were the same for investments with different levels of risk, no one would ever make risky choices. This is not the same for victims of domestic violence. Victims of domestic violence who engage in help-seeking behavior are trying to end the violence, no matter what strategy is used to do so. If the positive benefits of help seeking are an end to the violence and a return to safety, then no matter what the strategy used for reaching this goal was, the payoff is the same. Achieving a state of security and happiness is not affected by the risk the victim takes in order to get there. If Hamby states that the three strategies, which all try to minimize violence, lead to different payoffs, then she is feeding into the generalizations and assumptions she criticizes earlier in the paper. In her description of the venture strategy, Hamby almost explicitly states that leaving the relationship leads to a higher payoff, despite the fact that she criticizes the generalization that leaving the relationship is the best option for all women.

In this way, Hamby’s model ignores the risks associated with not seeking help. She states that the venture strategy, in which victims are more likely to leave and bear a high level of risk, is the riskiest of the three strategies. However, this ignores the amount of risk that the victim associates with staying in the relationship. If the victim is weighing the “separation violence, stalking and losses in other areas,” risks Hamby links to leaving a relationship, against the risk of being killed or seriously injured and maybe even having her children killed or seriously injured, is the venture strategy, or the “leaving”
strategy, more risky? Hamby assumes that if a help-seeking strategy comes with more potential costs it is riskier, but ignores the level of risk that the decision maker takes in the status quo.

Hamby also points out the cultural limitations to coping models, which can be corrected by decision theory. Hamby contends that many paradigms of coping would negatively classify strategies used by different ethnic groups for coping (Hamby 2007). Decision theory would correct for this as it accounts for the individual beliefs and preferences of the decision maker, instead of an objective standard of what is correct.

The literature on help-seeking behavior in domestic violence corroborates the idea that women are making utility judgments rather than judgments on risk. According to Karla Fischer (1995), at some point women reach the point in their lives where they decide “enough is enough” and they need to make a change. This finding is difficult to explain with Hamby’s model. According to Hamby, the decision maker would be utilizing a conservative strategy, and be avoiding “risk,” up until the moment she decided, “enough is enough,” in which she would switch to a venture strategy, and make “risky choices.” Could it not be that the decision maker’s preferences for risk are stable, but there reaches a point in which she judges it to be more risky to stay with the abuser than to leave? I posit that a decision theory model more easily and accurately reflects findings on women’s decisions to leave or seek help.

If Hamby is willing to borrow from other fields, as she does with the field of finance, then why not borrow from a very clear model of decision making under uncertainty? I would like to point out that Zanville and Cattaneo describe Hamby’s model as “a complicated weighing of multiple factors shaping their options, and making choices based on that assessment” (Zanville & Cattaneo: 2012). This almost perfectly describes decision theory.

Shannon et al.

Shannon et al.’s paper (2006) is a step forward in that it examines what domestic violence victims know, a crucially important aspect of decision-making. Its flaw rests mainly in the fact that it asks women who have already accessed resources how helpful they were. The relevant question when modeling a decision, is: how helpful do you think the resources will be? This question would allow us to see the utility assigned to different help-seeking alternatives. Moreover, the word “helpful” is extremely vague. Helpful how? Can speaking with a clergy person be compared to calling the police? One may be spiritually helpful while the other is legally helpful.
5.2 The Closest Study Yet: Stork’s Model of the Decision to Leave

Only one study was identified that did not completely and systematically ignore decision theory. In 2008, Elizabeth Stork constructed a model for the decision to seek shelter from intimate partner violence (Stork 2008). Stork uses naturalistic decision theory, a theory that falls within behavioral decision theory, and asserts that it is the most similar theory to the decisions of domestic violence victims. She contends that since naturalistic decision-making is reflective of every day decision making, it is closer to the decisions that domestic violence victims make. I would contend that the decision to seek help is not one that is an “every day” choice and involves a lot of analysis on the part of the decision maker. Stork uses a model of naturalistic decision-making that emphasizes the role of past experiences in decisions (Stork 2008). This model is extremely similar to case based decision theory. Her assumption that naturalistic decision theory is the best way to examine domestic violence victim’s choices is flawed. Her acceptance of behavioral decision theory as a useful tool is an important and unique development in domestic violence research. Moreover, even if we accept that classic decision theory or prospect theory is a non-descriptive model, by examining a prescriptive model we can still draw meaningful conclusions about deviations from ideal behavior and decision-making.

Stork conducted interviews with 25 victims of domestic violence to identify key factors in the decision making process. The common occurrences in the cases Stork examined were “occurrence of a violent event, the generation of options about what to do as a consequence of the violent experience, and a decision to stay or to leave.” Stork’s research and findings can help inform the present paper.

6. Help-Seeking Decisions

6.1 Aspects of Decision Theory That Could Explain Domestic Violence Findings

*Availability Heuristic*

Many domestic violence victims witnessed or were the victims of abuse in youth. Experience of past violence in subjects was found to be significantly predictive of future incidences of violence (Coker 1995).

Many scholars believe that women’s past experiences with abuse could be predictive of future decision-making. Gondolf & Fisher (1988), Pagelow (1981), and Schutte et al. (1988), found that domestic violence victims
who experienced abuse in youth or witnessed parental violence were more likely to leave their own abusive relationships (Anderson & Saunders 2003). This could be related to the availability heuristic, the act of making probability judgments based on past experiences. If domestic violence victims were victims in the past their probability judgments could be severely impacted by past experiences. In the case of domestic violence victims being more likely to leave, their experience of past violence could have affected their probability judgment that the violence would stop on its own or that the man would change. This judgment, formed on past experience, could be an example of the availability heuristic. Whatever the judgment process, the correlation of past violence and techniques of dealing with present violence clearly imply the presence of the availability heuristic.

_Sunk Cost Bias_

Numerous studies have found that the more the victim has invested in the relationship the less likely she is to leave. Strube found that economic dependence and emotional investment were both significantly and independently linked to a domestic violence victim’s decision to leave the relationship (1988). According to Strube, the longer those victims were in their relationships, the less likely they were to leave their partners. This phenomenon could easily be explained, or at least analyzed, by the sunk-cost bias.

### 6.2 Modeling Domestic Violence Help-Seeking Decisions

In order to show how decision theory can help us analyze domestic violence help-seeking behavior, the choice to call the police is examined below: It is estimated that the police are contacted in 56% of domestic violence incidents (Bachman 1995). In order to discuss the decision from a decision theory standpoint, it is necessary to know three things: victim’s perceived outcomes, the perceived probability they will occur, and their preferences/goals. From there we can glean important aspects of the decision-making process.

Most current studies examine the obstacles and psychological barriers to leaving rather than the pragmatic concerns of the decision maker (Anderson & Saunders 2003). It is important to focus on the actual decision-making process rather than simply correlates of action.

#### 6.2.1 Calling the Police

*Factors*
The call will be made if the cost of not calling outweighs the cost of calling.

The factors that are correlated with police intervention are below in Tables 1 and 2. Figure 6 shows the cost benefit analysis and Figure 7 shows that same analysis in a decision tree.

<table>
<thead>
<tr>
<th>Category</th>
<th>Concern</th>
<th>Found in:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Injury</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Severe physical injury</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Violence</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Substance abuse</td>
<td></td>
</tr>
<tr>
<td>Safety of others</td>
<td>Children in the home</td>
<td>Berk, Berk Fenstermaker, Newton &amp; Loseke, 1984; present paper</td>
</tr>
</tbody>
</table>

Table 1: Relevant Predictors of Calling Police

<table>
<thead>
<tr>
<th>Category</th>
<th>Concern</th>
<th>Found in:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal safety</td>
<td>Retaliation</td>
<td>Wolfe et al. 2003, Rennison &amp; Welchens 2003, Fleury et al. 1998</td>
</tr>
<tr>
<td>Economic concerns</td>
<td>Lose Job</td>
<td>Wolfe et al. 2003, Rennison &amp; Welchens 2003, Fleury et al. 1998</td>
</tr>
</tbody>
</table>

Table 2: Relevant Predictors of Not Calling Police

We know that the following deter seeking police intervention:
Rational Choice and Domestic Violence

Figure 6: Cost Benefit Analysis Model

Figure 7: “Should I call the police?” Decision Tree

As demonstrated by Figure 7, the expected utility on the left side must exceed the expected utility on the right side in order for the call to take place. It is important to note that the decision tree does think about further
incidents of violence that will occur independent of calling the police. This is because victims are not likely to be engaged in planning during the heat of the moment, and will likely be addressing the factors that are affecting them in the immediate moment.

The idea that increased danger is correlated with increased calling of the police corroborates the idea that the utility of calling will have to exceed the utility of not calling the police.

**Probability Judgments**

In order to analyze the utility associated with each outcome we would need to know the subjective utility values and the subjective probability judgments.

Berk, Fenstermaker Berk, Newton, and Loseke were close to asking the right questions in their 1984 study. They asked subjects (201 domestic violence victims, who did not necessarily call the police) what their concerns were about police coming. Worry here can be roughly translated as the probability with which subjects thought the concern would actually be a problem.

![Table 3: Victim's Concerns About Calling the Police, from Berk et al.](image)

From Berk, Fenstermaker Berk, Newton and Loseke

According to prospect theory, high probabilities are treated with near certainty and low probabilities as impossible. If we set “not at all” judgments to 0.00 probability they will occur, “somewhat” judgments to 0.50 probability
Rational Choice and Domestic Violence

yield will occur, and “very” judgments to 1.00 probability they will occur, we can see the distribution of probability judgments below:

<table>
<thead>
<tr>
<th>Concern</th>
<th>Probability Judgment (p)</th>
<th>Frequency (# of subjects)</th>
<th>Average (p) Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worse after police leave</td>
<td>1.00</td>
<td>107</td>
<td>0.642</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Do no good</td>
<td>1.00</td>
<td>58</td>
<td>0.425</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>88</td>
<td></td>
</tr>
<tr>
<td>Hurt relationship</td>
<td>1.00</td>
<td>73</td>
<td>0.453</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>92</td>
<td></td>
</tr>
<tr>
<td>Offender lose job</td>
<td>1.00</td>
<td>67</td>
<td>0.458</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>108</td>
<td></td>
</tr>
<tr>
<td>Bad for children</td>
<td>1.00</td>
<td>44</td>
<td>0.423</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>82</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Victim lose job</td>
<td>1.00</td>
<td>55</td>
<td>0.368</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>108</td>
<td></td>
</tr>
<tr>
<td>Friends disapprove</td>
<td>1.00</td>
<td>29</td>
<td>0.239</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>134</td>
<td></td>
</tr>
<tr>
<td>His family disapprove</td>
<td>1.00</td>
<td>27</td>
<td>0.609</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>191</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>155</td>
<td></td>
</tr>
<tr>
<td>Her family disapprove</td>
<td>1.00</td>
<td>18</td>
<td>0.184</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>145</td>
<td></td>
</tr>
<tr>
<td>Dealing with cops</td>
<td>1.00</td>
<td>52</td>
<td>0.373</td>
</tr>
<tr>
<td></td>
<td>0.50</td>
<td>46</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.00</td>
<td>103</td>
<td></td>
</tr>
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</table>

Table 4: Average Judgments
While Berk’s questions are a bit outdated and restrictive in that they asked victims only about ten aspects of a decision, it is a good example of how probability can be examined. A study similar to Berk’s should be conducted in order to evaluate the probability judgments of victims of domestic violence more clearly.

6.3 How this Model Will Change for Women in Philadelphia

6.3.1 Results from Philadelphia Victim Interviews

Victim A

Victim A was involved in a non-intimate partner domestic incident. She and her 13-year-old daughter were staying with the perpetrator because they were homeless. Their overall quality of life was low: they both slept on the floor and they could not be in the apartment when the perpetrator was not there. One night, after consuming a large amount of alcohol, the perpetrator attacked the victim in front of her daughter. The daughter immediately called the police and the victim’s older son. When the son arrived and saw his mother, bruised and bloodied, he attacked the perpetrator. When the police arrived they arrested both the perpetrator and the victim’s son. The victim dropped the charges on the perpetrator in exchange for the charges on her son to be dropped. The victim went to stay with friends and called the Women Against Abuse shelter soon after. She was pleasantly surprised by the quality of the shelter. The planning and resources at the Aftercare program have taught her important skills about benefits, employment, welfare, and legal guidance.

Victim B

Victim B was in a very economically comfortable situation with the perpetrator, her husband. She had called the police many times, but because she owned her home with the perpetrator, the police would not arrest him. It was not until the fifth time she called the police that they actually tried to arrest him, but he had left the house by the time they arrived. She had three children and was used to a certain privileged economic lifestyle. She was reluctant to leave because she did not want her children to go back to square one. Once the abuse got so bad she decided that it was worth it to lose the economic security:

“I wasn’t willing to let go of anything because I felt like I worked so hard to get where I am. I was going to lose it all or keep it all. I wasn’t willing to sacrifice anything. But after I had been living in my house for about a year, my peace of mind was gone. I was always scared. I couldn’t watch TV—there was no comfort in it. I was losing my mind, and I finally just said, I’m going to let it all go, I have to leave. The night I told him I was leaving I ended up
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in the hospital”

While in the hospital, the nurse called the Women Against Abuse Hotline and the police. The victim expected the shelter to be a really bad place with women crammed onto cots. She was pleasantly surprised when she and her children had their own room. The victim lost her job as she did not know she could legally get time off of work for domestic violence. She also lost her car, her home, her job, clothes, and furniture.

The victim noted that even though she had a Protection From Abuse order, whenever the perpetrator would attack her in her home and the police would come they would not arrest him because he owned the home.

She noted that the entire process would have been much easier without her children since they did not understand what was happening and she wanted them to have safety. Her hardest decision, she says, was to decide that her children could not see their father.

Victim C

Victim C was in a relationship with the perpetrator for 2 years before the violence began. The perpetrator would call her “50 times a day” to ask where she was. The victim “had to call” to update the perpetrator at all times. “I had to call him when I did everything, even when I was driving home from work. One day I just wished I would get in a car crash because I’m on the phone with [the perpetrator]!” The victim called the police frequently and noted that she had to go through it “over and over again” until she was tired of it and decided to leave. Each time she was abused the severity of the violence increased. Then the attacker would come back with gifts and apologize and say he would not do it again. She noted that the perpetrator provided her with economic comfort, she didn’t have to pay any bills and she had a nice car and a nice house.

It was not until she was seriously injured that she pursued legal proceedings. She noted that her three children would hear the arguments and were being emotionally affected. He would victimize her at times when her children were not there and he would “make sure there were no witnesses.” It was not until she was very hurt that the police arrested the perpetrator. After he was arrested the victim conducted a background check on the perpetrator and saw that he had a very long rap sheet of other domestic violence incidents, but he was not convicted for any of them.
The victim emphasized how the justice system had failed her. “I didn’t want him to get away with putting his hands on me. I didn’t want him to get away with it. I want you to know you’re gonna get in trouble and shouldn’t do it no more. They’re gonna help me and you’re gonna get in trouble.” However, when she went to court the judge and the perpetrator had a jovial exchange and the DA was even surprised at the little punishment he received. “The judge acted like I was the one who wasn’t telling the truth. Justice wasn’t served.”

After the perpetrator was arrested the victim attended an event about domestic violence at her church and learned about the shelter. She was put in touch with Women Against Abuse. Now, she says, the PFA is the only thing that gives her peace of mind.

*Overall Observations:*

The Perception That There Was No Choice

All three subjects commented that once the violence got to a certain level of severity “there was no choice,” and they had to leave. This idea that it was okay to stay until the violence reached a certain point could reflect the victim’s probability judgments. It could be that once the women had the realization that the violence was serious, they increased the probability the violence would seriously injure them and decreased the probability things would get better. Then the eminence of serious injury outweighed all other costs of staying.

The Importance of Faith

Two of the three subjects emphasized their faith in Jesus and the importance of faith and religion in getting them through their struggles. This re-emphasizes the need for domestic violence resources to communicate with clergy and ensure that churches in Philadelphia have the adequate literature and information to relay to congregants.

All Pleasantly Surprised by the Quality of the Shelter

All three victims discovered the shelter was nicer than they thought it would be. They expected the quality of life to be similar to a general homeless shelter, but all found it to be very nice. The expectation of a bad shelter could negatively effect the victim’s decisions to attempt to be placed in the shelter.

6.3.2 *Results from Questionnaires*
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The ages, age at first delivery, and the number of children of the subjects interviewed with the questionnaire are below in Table 5.

<table>
<thead>
<tr>
<th>Age</th>
<th>Age at first delivery</th>
<th>Number of children</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>37</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>19</td>
<td>19</td>
<td>1</td>
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<tr>
<td>28</td>
<td>15</td>
<td>1</td>
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<tr>
<td>36</td>
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<td>5</td>
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<tr>
<td>19</td>
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<tr>
<td>21</td>
<td>16</td>
<td>3</td>
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<td>22</td>
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<td>32</td>
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<td>3</td>
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<tr>
<td>30</td>
<td>19</td>
<td>3</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>17.3</strong></td>
<td><strong>2.4</strong></td>
</tr>
</tbody>
</table>

Table 5: Subject Characteristics

<table>
<thead>
<tr>
<th>Organization of First Contact</th>
<th>How Subjects Knew About WAA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital</td>
<td>Hospital</td>
</tr>
<tr>
<td>WAA</td>
<td>Friend</td>
</tr>
<tr>
<td>Police</td>
<td>Sister</td>
</tr>
<tr>
<td>Red Cross House</td>
<td>Red Cross House</td>
</tr>
<tr>
<td>WAA</td>
<td>&quot;experience in repeated abusive relationships&quot;</td>
</tr>
<tr>
<td>WAA</td>
<td>App on phone</td>
</tr>
<tr>
<td>Police</td>
<td>Family court</td>
</tr>
<tr>
<td>Eliza Shirley Shelter</td>
<td>&quot;Some random girl&quot;</td>
</tr>
<tr>
<td>Police</td>
<td>Police</td>
</tr>
<tr>
<td>Mother and friends</td>
<td>Internet</td>
</tr>
</tbody>
</table>

Tables 6 and 7: Organization of First Contact and How Subjects Knew About WAA
Though this sample size is small, a significant majority of subjects did not know about the resources available to them in Philadelphia. The average number of resources subjects knew about before WAA was 1.4. Given the high quality and number of resources for domestic violence victims in Philadelphia, this is a sad fact. The existence of the resources cannot positively impact the decisions or the lives of victims if they do not know that they exist. It is absolutely crucial that victims of domestic violence know about their options so that their decisions can be fully informed.

6.3.3 Other Philadelphia Specific Observations

Police Do Not Have Appropriate Materials

During my ride along with the Philadelphia Police Department I inquired about the cards with the list of resources for victims of domestic violence in Philadelphia. The officer did not have the resource cards with him, as he is required to, and he noted that there are not any at the station either as the city of Philadelphia is inefficient at making sure the police have all of the correct paperwork.

Dissatisfaction with Police Response

During my police ride, the callers we responded to were generally surprised that the police officer could not do more to help them. It was clear that their expectations of the police officer’s legal abilities were inaccurate.

6.3.4 How This Applies to the Model

Knowledge

Based on my observations, Philadelphians know very little about the resources that are at their disposal. When they did know about resources, such as the police, their expectations of what the police could do for them were ill informed.

Rational decisions can be made based on incorrect beliefs. Given that the average subject in the present study only knew about one or two organizations before WAA, it is safe to assume that the average decision to seek help in Philadelphia is made based on partially formed and incorrect beliefs. Moreover, these subjects were more likely to know about resources in Philadelphia than the general population because the sample was taken from women that had already accessed resources. A representative population
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would probably know of many fewer options for help.

Every branch in a decision tree represents a different possibility for the course of that decision. If the average victim of domestic violence in Philadelphia only knows of one way to get help, then her decision tree will look extremely different from a decision tree formed under perfect information. If the victim feels as though there are more avenues for success outside of her abusive relationship, it may encourage her to seek help.

7. Implications for Policy

The biggest implication of the present study on domestic violence policy is how and where information is given to victims of domestic violence. These results are summarized below.

*Dispersal of Information*

Organizations in Philadelphia are not doing a good job of ensuring that victims of domestic violence know about the resources available to them. Outreach efforts need to be increased. Since all of the women in the sample had given birth or were pregnant, information should be dispersed at the hospital at the time of birth.

The domestic violence resource organizations ought to conduct outreach in schools. The women in the sample gave birth at relatively young ages, shortly after high school. Therefore, information dispersal on domestic violence should not be delayed. The resources available in Philadelphia should be emphasized in Philadelphia schools.

*Content of Information*

Expectations ought be managed. The police officer I rode along with was dismayed that the same women were calling 911 over and over again. Yet, he did not have the informational resource cards to give to the victims. The police have a huge amount of visibility in the community. It could be that women are merely calling the police because they do not know whom else to call. Often when the police do come, victims are not satisfied with what the police can do for them. There could be a more efficient access of resources if domestic violence victims knew what different services could do for them. When the information is dispersed it needs to be made clear that in most cases, in which the victim is not in extreme danger, a call to the WAA hotline will be more helpful than a call to the Philadelphia police.
Since many victims of domestic violence do not leave until they realize the violence is severe and continuing, it may be of use to start a public service campaign educating victims that even a seemingly small abusive act is dangerous. Perhaps a slogan like, “It starts with a shove and ends with a gun” or something to that effect, could make clear to victims of domestic violence that despite the promises of the perpetrator, the violence is most likely going to escalate. A key development in the advertising and outreach of the organizations would be to make victims understand that even the least severe act of violence is unacceptable. If DV resources were able to intervene where the police cannot, before the abuse is injurious, then it would save the resources’ money and save the victims time, pain, and maybe even their lives.

8. Limitations of the Study

Because of limited time and a lack of funding the sample size of the investigation was relatively small. Further room for study would involve a full-scale survey of victims of domestic violence in the relevant population. The survey would ask about what resources they knew about at the time of the incident, what resources they know about now, and the different costs and benefits they were considering when/if they attempted to seek help. The present study is only the beginning of the potentially wonderful marriage of decision theory and domestic violence research.

9. Conclusion

It seems as though the field of domestic violence came to its own conclusions about the need to examine decisions without even knowing that the field of judgments and decisions existed. It is time to incorporate the two. Even if domestic violence scholars decide that the decision theory models are inadequate, they can borrow from the years of research on human biases, heuristics, and judgments to better understand victims of violence. It is not appropriate to effectively ignore a validated and prolific field of discovery of human behavior.

Once domestic violence victims’ perceived outcomes, probability judgments, and preferences are understood, a world of implications for policy will appear. If women are judging the likelihood that their partner will be arrested if the police come to be unreasonably high, then the police department can train its officers to explain their powers of arrest more clearly to victims. By isolating and analyzing the variables in a decision, we can see where more information is needed, and what needs to be said to make judgments more accurate and safe.
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Rational Choice and Domestic Violence


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THROUGH THE LENS OF EQUALITY: Eliminating Sex Bias to Improve the Health of Pennsylvania’s Women Terry L. Fromson, Amal Bass, Carol E. Tracy, Susan Frietsche The Women’s Law Project


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Appendix

Appendix-1 – In-person and over the phone interview questions and information provided

Hi. I’m Lizzie, Lizzie Sivitz. And I’m working on my college degree. In order to graduate, we have to do a project. I am studying how people make decisions and I am interested in learning about how you have made decisions about your relationships, your safety, and getting help when you needed it. Last year I worked on a project about violence against women in Philadelphia that looked at a lot of different agencies. This time I want to learn about it from the woman’s point of view.

Would it be okay for me to ask you a few questions? I won’t record our conversation but will take a few notes from time to time. You don’t have to answer any question you don’t want to answer. And you might think of things that are important for me to know even if I don’t ask.

What type of resources have you accessed?
Informal resources: friends, family, church, etc.?
Did you seek a PFA order through the family court? (If no, skip to next set of questions.)
  - When did you decide to do this?
  - What made you think that you needed a PFA?
  - What did you think a PFA would do?
  - What happened?, I mean, how did it work?
  - Was the process like what you expected?
  - Did you end up getting a PFA? (why or why not)
Did you call the police? (If yes, how many times? Did they come?) (If no, skip to next set of questions.)
  - When did you decide to do this?
  - Why did you call the police?
  - What did you think would happen when you called the police?
What happened after you called the police?
Was the process like what you expected?
Did you call the WAA hotline? (If no, skip to next set of questions.)
   When did you decide to do this?
   Why did you decide you needed to call?
   What did you think calling would do?
   What happened?, I mean, how did it work?
   Was the process like what you expected?
Did you access the DV shelter? (If no, skip to next set of questions.)
   When did you decide to do this?
   Why did you need to access the shelter?
   What did you think would happen when you went to the shelter?
   What happened?, I mean, how did it work?
   Was the process like what you expected?

Appendix-2

I am studying how people make decisions and I am interested in learning about how you have made decisions about your relationships, your safety, and getting help when you needed it.

How old are you? ______

Do you have children? Yes/No
If yes, age(s): ______

Why did you decide to seek help?

What resources/ people did you think were there to help you at the time you wanted help? Please list all of the organizations in Philadelphia you knew about and how you knew about them: (example: Women Against Abuse, or the police).

What resources (organizations, police, friends, etc.) did you contact when you first sought help?

How did you know about these resources?
A New Generation of Voting: 
Promoting Youth Voter Turnout Through Applied Behavioral Economics

Jonathan Skekloff

Abstract

The American democratic system is fundamentally based on the idea of a government of the people. At the cornerstone of this system is voting. However, to date, voter turnout among the youth vote (citizens aged 18-29) is very low. This paper explores the historical data of youth voter turnout and subsequently addresses two core questions. First, why is youth voter turnout important? Second, what can we do to increase youth voter turnout in the 21st century? This paper argues that youth voter turnout is important for a number of reasons, from education levels to habitual voting. Primary among these is the argument that increases in youth voter turnout can help to moderate U.S. Congressional polarization. In answering the second question, this paper turns to behavioral economics. After exploring bounded rationality, bounded willpower, and bounded self-interest, this essay proposes making voter registration, as well as voting itself, available online and applying nudges to boost online voter turnout. These proposed nudges include framing voting as a matter of identity, using social media to prompt individuals to vote, and turning voting into a type of social norm, among others.

I. Introduction

The United States of America is no longer a bastion of democracy in action. This is an unfortunate but sadly true realization. Upon its founding, America stood as a city upon a hill, proudly proclaiming its democratic freedoms. Few would deny that the very core of democracy is citizen engagement—particularly through voting. Simply put, voting is the distinguishing factor between a democracy and other forms of government. But many Americans do not vote; and not just a few, but rather the majority of eligible American voters do not vote.¹ Today, rather than standing as the beacon of democratic practices, the United States ranks 38th out of the 40 countries studied by the OECD (Organization for Economic Co-Operation and

¹ In the 2010 midterm elections, 48% of eligible American voters cast ballots, according to the International Institute for Democracy and Electoral Assistance. Available at: http://dx.doi.org/10.1787/888932382121.
Development) in voter turnout. While this is disheartening in itself, the issue is even graver when examining the “youth vote,” or voters aged 18-29. Young voters historically have the lowest rates of voter turnout; in 2010, for example, only 24% of eligible youth voters cast a ballot. This must be improved.

To explain why youth voter turnout must be increased, this paper will examine historical voting data and provide a series of arguments for the importance of the youth vote. Finally, methods for increasing youth voter turnout will be proposed utilizing the new field of behavioral economics and its theory of “nudges.”

II. Historical Youth Voter Turnout

In assessing the importance of increasing youth voter turnout it is helpful to first understand exactly where voting rates stand now. Included below are two figures illustrating voting rates for the 2010 midterm election and the 2008 election, respectively. Generally speaking, statistics indicate that voting rates tend to increase significantly with age. Specifically, as indicated in Figure 1 below, nearly 60% of citizens over the age of 65 voted in the 2010 midterm elections, while less that 20% of 18-20 year olds did the same.

![U.S. Voter Turnout by Age Group 2010](image)

Figure 1

2 Ibid. Statistical analysis available at: http://www.oecd-ilibrary.org/sites/soc_glance-2011-en/08/04/g8_co4-01.html?contentType=&itemId=/content/chapter/soc_glance-2011-29-en&containerItemId=/content/serial/19991290&accessItemIds=/content/book/soc_glance-2011-en&mimeType=text/html.

3 CIRCLE staff. “Official Youth Voter Turnout Rate in 2010 was 24%”. Center for Information and Research on Civic Learning and Engagement. 15 April 2011.

4 Note that 2012 voting rate statistics were not readily compiled and available as of the date of this essay.

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This is not merely a midterm election phenomenon, however. Presidential elections are similar. Even in the 2008 Presidential Election, widely acclaimed for relatively high rates of youth voting, overall voter turnout rates appear to follow a similar pattern to that seen above. While the disparities are much smaller, voter turnout among young Americans still fell far short of turnout among their elder counterparts. As indicated in Figure 2 below, nearly 75% of voters over the age of 65 exercised their right to vote, while only approximately half of 18-20 year olds did the same.6

Thus, accepting that youth voter turnout is considerably lower than the voting of other age groups, the question remains: “So what?” Why is it important that younger citizens vote in the modern era?

III. The importance of Increasing Youth Voter Turnout

This essay provides arguments regarding the importance of the youth vote by first taking a closer look at 21st century polarization. In particular, this essay will show that Congressional polarization is high and increasing, while polarization among the American public is not. Analyzing this disparity, the essay will then argue that increases in youth voter turnout can moderate such partisanship. Third, this paper will contend that the citizens comprising the youth vote are the single most educated group of voters that America has had since its inception.7 As will be discussed, the educational attainment level of each generation of Americans has increased since WWII, making younger

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6 Ibid
voters significantly more systemically educated than their elders. Fourth, the disproportionate effect of current Congressional debates on younger voters will be analyzed. Finally, this paper will argue that young voters become habituated to voting and, consequently, increasing youth voting today will have lasting effects on overall turnout.

III.a Modern Polarization

Given the events of the 112th and 113th Congresses, such as the recent sequestration, debt limit crisis, and government shutdown, it seems intuitive that Congress is more polarized now than in recent history. It seems that, even at moments when bipartisan support on some issue is right around the corner, legislation is halted at the behest of inter-party blaming. Many scholars have asked whether this partisanship is truly new or simply “politics as usual.”

III.a.i Congressional Polarization

To provide an answer to this question, McCarty, Poole, and Rosenthal conducted analyses on the polarization of sessions of Congress through time. With their research, the answer becomes clearer: Congress has become increasingly polarized in recent history. This is illustrated in Figure 3 below.

This graph shows the relative difference over time between Republican

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9 Ibid
A New Generation of Voting

and Democratic members of Congress in each house on the liberal-to-conservative scale. “First Dimension” refers to economic issues, indicating that, since WWII, there has been a consistent increase in the degree of polarization over economic issues in both the House and the Senate. Moreover, while the figure above shows the degree of polarization over approximately 130 years, recent years (2000-2007) indicate a sharp rise to levels unseen since before WWII. This rapid rise in polarization is not confined to economic issues, however. McCarty, Poole, and Rosenthal discovered similar patterns of polarization over time on scales involving social issues as well.10

Based on these findings, many scholars have attempted to determine what factors have caused such increases. Such research suggests that this more recent increase in polarization is attributable to the loss of the moderate factions of each party.11 As discussed by Professors Richard Fleisher and John Bond, where 40% of Congressional Republicans were either moderate or non-conformist in the 1950s, only 15% were by the 1990s. This shift was nearly identical for Democrats.12

III.a.ii Polarization among the American people

For some, simply acknowledging Congressional polarization wasn’t enough; a deeper question remained. They looked one step beyond Congressional polarization, examining whether similar degrees of polarization exist in the general American public. One individual leading this investigation, Morris Fiorina,13 found that the American public is, for the most part, fairly moderate. In fact, he discovered that values and opinions among self-proclaimed Republicans and Democrats are almost identical, except on the most divisive issues, such as homosexual adoption and gun control. Using data from Pew Research, Fiorina conducted numerous analyses and published his findings in a book entitled Culture War?: The Myth of a Polarized America.14 One such study showed that among supposedly contentious social issues, voters expressed the following preferences as outlined in Figure 4 below.15

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12 Ibid.
13 Morris P. Fiorina is currently a Professor of Political Science at Stanford University. At the time of publication of Culture War?: The Myth of the of a Polarized America he was the Thompson Professor of Government at Harvard University.
15 Ibid. at p. 25.
This figure depicts the percentage of respondents who agree with the contentious policy questions in Red States (i.e., a state that voted for Bush in 2000) compared to respondents in Blue States (i.e., a state that voted for Gore in 2000). Examining these social issues, perceived as divisive among liberals and conservatives, respondents generally agreed on most issues. Note that out of 16 issues, the variance between the two groups of respondents is less than 10% for 10 items, and the variance is 15% or less for 15 of the items.

Additionally, in a separate analysis Fiorina excluded non-voters and examined self-proclaimed political positions on a liberal-conservative spectrum. In this experiment he used a 7-point scale to score data (with 1 representing “very liberal” and 7 representing “very conservative”). Figure 5 below illustrates the results of Fiorina’s study.16

The figure below shows that the majority of American voters fall within the moderate range (3, 4, and 5), as approximately 58% of individuals in Red States and approximately 60% of individuals in Blue States fall into this category. With the exception of slight extremity (#6) in Red States, this reinforces Fiorina’s findings in Figure 5: The general public is in agreement more than it is not. Thus, based on Fiorina’s findings, one notes a large discrepancy between the levels of polarization observed in Congress as compared to the American citizenry.

16 Ibid. at p. 28.
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This disparity between Congressional polarization and the moderate views of the general American public have left many searching for the cause of Congressional partisanship. Certainly, numerous factors have come together to cause such an event. Nonetheless, a few core factors are believed to exist. Primary among these is that, according to Matthew Levendusky, Americans have begun to simply “sort” themselves along party lines, despite relatively similar views. The implication of this is that, while individuals may be similar on the conservative-liberal scale, conservatives are more likely to vote purely Republican and liberals are more likely to vote purely Democratic. As will be discussed in section IV of this essay, this type of increased party identification and straight-ticket voting is likely due to what is known as a psychological heuristic. Sorting is not the only explanation of the disparity between Congress and the general public. Another likely cause is the primary electorate. The electorate of American primary elections is disproportionately

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17 Matthew Levendusy holds a Ph.D. from Stanford University, is an Assistant Professor of Political Science at the University of Pennsylvania, and is the author of The Partisan Sort.


19 A full explanation of this concept is set in section IVb. Briefly, a psychological heuristic is a shortcut created in the mind to make complex decision making simpler, faster, and easier. While heuristics can be beneficial sometimes, they come with many biases (i.e. people associate the probability of an occurrence with how easily they can think of an example of it). Heuristics can create inefficient outcomes for decisions that require more attention such as voting.
comprised of extreme and activist voters who are unrepresentative of the broader populace.

In brief, numerous scholars have argued that the primary electorate is unrepresentative and “out of step” with the broader citizenry.20 More specifically, the primary electorate is much more extreme and polarized than the generally moderate public. This occurrence is not a result of large factions of extremity but rather because of the degree to which the sample of voters who turn out during primaries is relatively small and abnormally activist in nature. For example, in the 2012 Republican nomination process, twenty different state contests (primaries and caucuses) had a turnout of less than 10%.21 One could certainly argue that this low turnout is due to the relative insignificance of the earliest primary votes. Nonetheless, even in the later contests that determined the nomination, only two states achieved a 30% turnout: New Jersey and Montana.22 23 The low turnout among youth is only accentuated in these initial contests; on Super Tuesday24 in the 2012 election, for example, youth voter turnout was recorded at a paltry 5%.25 Figure 6 below further illustrates this voting trend.26


22 Ibid.

23 It should be noted that a third state, New Hampshire, also reached a voter turnout rate of 31.1%. However, New Hampshire held the second primary contest on January 10, 2012. As it was not a key state in the final stretch of the GOP primary, it was omitted from the above statistic.

24 Super Tuesday is the day in which the greatest numbers of presidential primary contests are held. In 2012, 10 states held primaries on Super Tuesday.


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The figure above shows that since 1972, the voting rate in primaries for youth voters has remained relatively unchanged with voter turnout of 17% in 1972 and 18% in 2000, averaging turnout of 17% over the 6 election years analyzed. However, this is the only age group to have remained the same in terms of voter turnout. Over the same period, voters aged 40 and older collectively doubled their turnout rates. It should be noted here that the differences between McDonald’s calculations (see note 21) and Wattenberg’s calculations of voter turnout shown above (see note 26) arise from the use of different methodologies. However, the purpose here is not to promote either method but rather to show more generally that voter turnout is low (whether at 10% or 40%) and that youth voters are disproportionately underrepresented. With either dataset one finds that over this period the joint voice of the (already quiet) youth vote has become further diluted relative to other age groups in presidential primary contests.

However, it is Congressional races, not merely the Presidential race that are at the heart of the polarization. Given its perceived significance, the Presidential race often receives significantly higher turnout than Congressional contests, which are generally low. While some rates are as high as 22%, less contested races around the country have had turnouts less than 4% of registered voters.\footnote{27} This low turnout leaves room for a small part of the

\begin{thebibliography}{9}
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electorate to gain a disproportionate voice in elections.

Because of these low turnout figures, special interest groups, party activists, and more extreme party members are able to have much louder voices, via voting, than would normally be expected. As such, in order to become elected and remain elected, candidates must either be more extreme or act more extreme in order to win their respective primaries.30

III.a.iv Moderating polarization through youth voter turnout

One clear step toward alleviating the rise in Congressional polarization is to increase primary voter turnout—among all age groups, but especially among younger voters. The more primary voters that go to the polls, the more the extreme voters’ voices are diluted and the true, moderate voice of the general population can be heard. Accordingly, more moderate candidates will begin to win their primaries and, once in office, will be able to take more moderate stances without fearing that their Congressional voting record will ruin their future electoral chances. The long-term consequence, theoretically, is a return to a moderate Congress that better matches the level of political unity shown by the American public. Looking more closely at various age groups, one finds that young voters are the single most important group for this movement. This is because, while these voters are collectively a left-leaning and socially liberal age group, they are only slightly so. In fact, according to the Pew Research Center, they are the single most moderate group of any subset of the population with 40% describing themselves as moderates and a near even split (29% liberal, 28% conservative) on each side of the aisle as of 2010.31 The fact that the youth vote is currently the most moderate and the least likely to vote means that the greatest potential for a dramatic change that would ameliorate polarization lies with engaging young voters.

III.b Education and the Youth Vote

While moderating polarization is perhaps the most immediately compelling reason to reach out to the youth vote, there are additional reasons to work toward increasing youth voter turnout. Beyond the simple fact that the youth population is 21% of the potential electorate,32 one finds that these

30 See Brady, supra note 20, at p. 83.
voters are also the single most collectively educated group in American history. Thus far, each generation since WWII has reached new levels of educational attainment, as shown below in Figure 7.

![Figure 7](image-url)

The top, green portion of this figure shows a drastic increase in the number of college graduates from 1940 to 2012, with less than 5% of individuals holding a bachelor’s degree in 1940 and more than 30% in 2012. Conversely, in the bottom, blue portion of this figure, one can also see the sharp decline in the number of individuals without a high school diploma as this rate drops from more than 75% in 1940 to approximately 12% in 2012.

The overall percentage of educated individuals significantly improved throughout the 20th Century and, while gains have leveled off in the last two decades, there still exists a strong relationship between age and education. The importance of, (or more specifically the marginal returns of) a more educated populace is up for debate. However, a correlation between political awareness and education was established in 1948 and was calculated at 0.31. A correlation of this size means that approximately 10% of an individual’s increase in political awareness is solely and explicitly explained by an increase in her level of educational achievement. While this correlation may not seem particularly high, it has greater significance due to its stability over time. This

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34 For further graphical data see Appendix A.
correlation has remained relatively stable for over 50 years, being calculated at 0.37 in 2004. As Martin Wattenberg, professor of Political Science at the University of California at Irvine, points out in *Is Voting for Young People?*, this statistical data should suggest that political awareness and knowledge in young people today is significantly higher than it has ever been before.\(^{35}\) However, as shown in *What Americans Know about Politics and Why it Matters*\(^{36}\), a “general decline in political engagement has offset the positive impact of rising education levels.”\(^{37}\) Consequently, while young voters have the potential to be the most politically educated and active group of citizens to date, they have thus far remained relatively silent in exercising their democratic rights. Tapping into this potential is important for two reasons.

First, it was the intention of the founding fathers to have educated voters casting ballots. In fact, one of the greatest fears of some members of the Continental Congress was that an uneducated electorate would lead to disastrous consequences in the long term. In 1879, Delegate Elbridge Gerry opposed the Constitution without a bill of rights, for fear that the “the people are uninformed, and would be misled by a few designing men.”\(^{38}\) It was also partially because of this fear, for example, that an electoral college was put into place to determine the Presidency. Certainly, these founding fathers could not have predicted the advent of Google or the rapid flow of information to younger individuals as a result. Nonetheless, today’s youth voters, if re-engaged in the political process, would be the well-informed voters the founders designed this system around.

Second, a highly educated electorate is important as, moving into the remainder of the 21st century, the United States will face a number of unprecedented issues. These issues, including but not limited to global warming, overpopulation, and international debt crises, will require innovative solutions. In order for these solutions to come about, governmental representatives must be elected who are willing to undertake such programs. Actively choosing these programs, particularly over short-term gains, will require an electorate that understands both the complexities of the issues at hand and the necessity of postponing short-term gains in order to promote long-term well-being. For example, as global warming becomes a more imminent threat, a highly educated electorate will be required to understand the convolutions and implications of the issue and, in turn, to adopt the types

\(^{35}\) See Wattenberg, supra note 26, at p. 69.


\(^{37}\) See Wattenberg, supra note 26.

of difficult programs necessary to abate further global warming. The youth vote, presently representing the most educated segment of the population, can offer this type of open-minded, knowledge-oriented voter base. However, this only applies if they engage with the issues and turn out to vote.

### III.c Modern and Future Challenges

Having considered the importance of the youth vote with regard to education and potential long-term problems, it should be noted that younger voters are also disproportionately affected by many current Congressional debates. For example, three of the biggest issues of the 112th and 113th Congresses—sequestration, changes to Medicare and Medicaid, and paying off the national debt—affect the youth more than any other age group. Senior citizens (aged 65+) remain relatively untouched, as any changes to healthcare laws generally include a clause sidestepping this group. Similarly, for economic issues, the future income potential of retired senior citizens is significantly lower than younger voters. Moreover, individuals at their peak earning age, between 40 and 60 remain less at risk of exposure to the long-term negative effects of Congressional decisions. Because many of the key issues of the modern day involve long-term problems such as unsustainable social security budgets, skyrocketing U.S. debt, rising healthcare costs, and global warming, many societal risks are not imminent but in the slightly more distant future. Consequently, it is young voters who will, later in their lives, have to face these debts, feel the cuts due to the previous (and potentially future) sequestration(s), and see any changes in the quality and availability of healthcare. Additionally, while headlines dramatically attempt to speak of the effects on babies and young children who are unable to vote, the youth vote is truly the key demographic for representing the younger population, including children and future generations.

This is important for three reasons. First, as with any decision-making process, there are incentives associated with various options. The fact that many Congressmen and the vast majority of active voters fall into older age brackets means that certain incentives may be misaligned for younger generations. For example, while many people wish to change policy on global warming, the cost-benefit analysis of making difficult lifestyle changes is different for youth

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as opposed to older citizens. For younger voters, the prospects of experiencing the negative effects of global warming are very real and, consequently, the incentive structure may favor more aggressive measures to halt global warming, even at the cost of economic growth and profits. However, for elder voters who have a smaller likelihood of experiencing the effects, the cost-benefit analysis may be, hypothetically, different (although familial ties would likely mute this difference to some degree). In this case more immediate issues like economic well-being, and job growth, may take precedence over global warming.

Because these different incentive structures and, consequently, policy goals can exist between various age groups on many issues including, but certainly not limited to, global warming, a well-rounded voter base is necessary. Without this base, the decision-making process risks becoming out of balance with the needs of all citizens, focusing too heavily on those of smaller, more politically active subsets.

Second, as alluded to earlier, the education level of youth voters and their comfort with technology makes them ideally placed to facilitate public discourse on innovative solutions to long-term problems. This can be done in a number of ways, whether through public service announcements, nationwide awareness campaigns, think tank reports, or—of interest presently—voting. Through voting, not only can young citizens ensure proper representation as noted above, but they can also ensure that proper discussion and consideration of new ideas is taking place.

Finally, from a purely democratic philosophy perspective, the youth vote should be properly represented on matters that will significantly affect their well-being. Because of the democratic-republic nature of the U.S. Constitution, young voters will not directly vote on each issue but rather rely solely on representatives to tackle these issues for them. Because of the disproportionate effect many current debates will have on young voters, it is ever more important that the tenets of representative democracy are upheld and young voter’s voices are heard.

III.d Voting is habitual and life-long

Finally, if for no other reason, youth voter turnout is beneficial as a strong predictor of and motivator for future voter turnout, especially among first-time voters. Penn State University Professor Eric Plutzer summarizes


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the issue well: “Virtually all major works on turnout have concluded that voting behavior is, [at least] in part, a gradually acquired habit.”43 This means that boosting youth impact today will have an even greater impact on overall turnout in years to come. In other words, increasing youth voter turnout does not simply have short-term effects but instead has a long-lasting impact on the overall voter turnout of the populace. In fact, according to Gerber and Green, the single greatest predictor of whether an individual will come out to vote is whether they voted in the last election.44

In analyzing this phenomenon, there are a few noteworthy implications. First, voting at a young age not only increases the likelihood that voting will continue into the future but also that partisan identities held as a youth will be carried into future votes.45 In other words, increasing youth voter turnout today not only increases the likelihood that increases spill over into future years but also that the ideological preferences of youth voters are likely to be slightly better preserved. 46 This is particularly useful in continuing the moderation of polarization (as discussed previously) into the future. By engaging younger, moderate voters earlier, one can increase the likelihood that both voter turnout and moderate preferences may increase over time, thus further ameliorating polarization in Congress.

Second, the psychological explanation of this phenomenon and its implications are also important. Robert Cialdini, Professor of Psychology at Arizona State University, explains that individuals carry strong self-identities.47 As a result, once an individual commits to a certain factor or set of factors (i.e., voting as a moderate, well-informed individual), she feels a need to remain consistent with her internal view or self-portrait. In essence, human nature is such that individuals purposefully take actions to avoid contradictions in internal identity, whether they are aware of the intentions of these actions or not.48 Hence, this predicts the patterns of behavior observed: once an individual becomes “a voter,” that individual will feel the psychological need to be consistent in her behavior and continue to be “a voter” in the future. This concept of psychological identity, as well as its manipulations on behavior,

45 See Meredith, supra note 41.
46 Ibid.
48 Ibid.

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will be important to developing strategies for increasing voter turnout shortly.

III.e Concluding remarks on the importance of increasing youth voter turnout

Assuming the foregoing reasoning is sound, it can be safely concluded that increasing youth voter turnout in America is not only beneficial but also important to the future of American prosperity, whether manifested through a moderate Congress or protection against continual rises in U.S. debt. This then leads to the obvious question: What can we do about it? More eloquently, McCarty, Poole, and Rosenthal leave their readers with this as part of their concluding remarks:

Why, then, in the midst of affluence and much positive social change are we struck with political leaders who are at daggers’ point while the general population is generally not? Compared to our political leaders the public is relatively moderate. We have no easy cure. We wish we did, as we find this trend deeply disturbing.49

IV. What Can Be Done?

McCarty, Poole, and Rosenthal are certainly correct in believing that polarization will not be easily cured. The same can be said of increasing voter turnout. While a complete, failsafe cure may be impossible, many scholars have nonetheless proposed strategies to boost turnout. Most often these strategies are focused on increasing overall turnout or increasing turnout to favor one party, rather than targeting a broader subset of the electorate. Though this is less common, others have approached the issue focused primarily on youth. This paper will briefly outline these various strategies, and then propose a new solution using recent breakthroughs in behavioral economics as a guide.

Among the older, more standard recommendations for increasing voter turnout, few are as popular as moving Election Day to a Monday or Friday and making it a federal holiday, thus giving everyone a day off of work and providing them with plenty of time to vote. Similarly, some suggest that changes should be made to voter registration laws; this often includes allowing same-day voter registration, online registration, or both.50 Online registration is believed to be particularly impactful for boosting the youth vote.51 Meanwhile, some institutions suggest increasing early voting

49 See McCarty, supra note 8, at p. 203.
periods and increasing funding to civics education and political awareness campaigns. Others still focus less on the voter experience and more on the campaign tactics. In brief, there are numerous proposals that run the gamut of target populations and potential benefits.

Looking at all of these recommendations, however, there appears to be one key commonality: a root in behavioral economics. Each recommendation is predicated on the goal of changing a voter’s cost-benefit analysis for deciding to vote. Most, like voter registration- and early voting-based proposals focus on making voting easier and less costly to a potential voter. This means that it will take up less of a voter’s time and make voting a more convenient process. Over the past couple of years some newer recommendations have focused on changing the other side of the equation—increasing the benefit of voting. They do this by making it more painful to not vote by putting social pressure on a potential voter. In what is perhaps the most well known of this type of pressure, scholars have shown that simply telling voters that voting is a matter of public record increases voter turnout. One of the tactics studied by Donald Green and Alan Gerber of Yale University involved using direct mail to notify registered voters of this fact. Moreover, they found that notifying voters that their neighbors may receive a list of who voted and who did not vote further increases turnout. In their experiment, the control group (receiving generic direct mail referring to the civic duty to vote) elicited a 29.7% voter turnout, while the pressuring direct mail (including a list of neighbors voting histories and asking “What if your neighbors knew whether you voted?” elicited a 37.8% voter turnout.

Efforts such as this begin to move away from traditional voter turnout methods and more toward those driven by behavioral economics. Behavioral economics is the key to increasing voter turnout among youth. To gain a better understanding of these implications, one must first examine the field of behavioral economics.

IV.a Behavioral Economics

Rarely has an intriguing concept flourished into an established field of study and a basis for policy-making in so little time. In other influential fields,

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52 See Pillsbury, supra note 50 at p. 21.
54 Ibid.
55 Ibid.
56 Ibid.

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such as political science, philosophy, economics, or mathematics, the founders and influential thinkers reach back to distant times, even ancient Greece and before. The vast majority of influential thinkers on the issue passed away long ago. In behavioral economics, however, the opposite is true. With its oldest historical roots in the 1950s, the field came into bloom with Daniel Kahneman’s Prospect Theory of the 1970s. As a result, behavioral economics is a very young field, whose founders and key thinkers are modern day professors at America’s top institutions. Despite its youth, behavioral economics has already evolved into an active policy-making theory, with its own agenda and issues. One of the patriarchs of the movement, Harvard Law professor and co-author of the New York Times bestseller Nudge, Cass Sunstein, recently served as President Obama’s Administrator of the Office of Information and Regulatory Affairs. It is commonly believed that, in addition to his work with President Obama at the University of Chicago, Sunstein was offered the position so that he could implement his views on behavioral economics and “nudges.” However, one should first briefly examine the tenets of behavioral economics in which the concept of nudges is based.

IV.b Understanding Behavioral Economics

At its core, behavioral economics is a sub-set of economics that, like traditional economics, attempts to explain and predict market events such as consumption, production, demand for goods or, in this case, voting patterns. Behavioral economics is in many ways an expansion of Daniel Kahneman and Amos Tversky’s prospect theory\textsuperscript{57}, which, in its simplest (if not over-simplified) form, explains how people make their decisions. It shows that people make judgments based on their own perception of potential gains and losses, dependent upon a reference point. Individuals have their own preferences regarding their risk of losing, known as loss aversion, and consequently their own tolerance of risk in attempts to gain. Perhaps one of the most interesting and crucial aspects of prospect theory is the fact that, depending on one’s reference point (also known as a “frame”), one’s perception of losses and gains can be skewed, which in turn affects one’s behavior. Manipulation of the frame, known as “framing,” will be discussed further shortly, as it is a key tool in affecting behavior.

Based on framing and many other aspects of prospect theory, behavioral economics has worked to develop a new field of study. By merging economics and psychology to simply describe people’s actions as opposed to developing theories of what “Homo Economicus” would or normatively should do, behavioral economics has been able to more accurately explain

human behavior.

The enhanced understanding of human behavior stems from a realization that real people are not like “Homo Economicus”—in many ways rational choice models have been found to be entirely non-descriptive. These realizations, at their core, result from the fact that traditional, rational economics differs from behavioral economics on three points. These three areas are known as “bounded rationality,” “bounded willpower,” and “bounded self-control.”

IV.b.i Bounded Rationality

The concept that unlimited rationality may not exist was originally discussed by Herbert Simon as “limited rationality” in his discussion of choice theory in the 1955. The term caught on as “bounded rationality” in his book Models of Man, published just two years later. Bounded rationality should not be confused as irrationality or a lack of rationality, although it is often used in this way. Rather, as explained by Oliver Williamson, who synthesizes Simon’s Models of Man, bounded rationality can be understood in this way: “although boundedly rational agents experience limits in formulating and solving complex problems and in processing (receiving, storing, retrieving, transmitting) information (Simon 1957), they otherwise remain ‘intendedly rational.’” In short, people are attempting to act in a rational manner but either lack perfect information upon which to base their

58 The term “Homo Economicus” stems from the term “Economic Man,” an idea established as a hypothetical abstraction by John Stuart Mill in his discussions of economics. Although the term was not coined by him, in his essay “On the Definition of Political Economy; and on the Method of Investigation Proper To It,” he states: “[Political Economy] is concerned with him solely as a being who desires to possess wealth, and who is capable of judging of the comparative efficacy of means for obtaining that end.” In essence, Mill is describing a man who rationally and completely pursues the maximization of utility. The concept of Homo Economicus has been criticized by many economists but especially by behavioral economists who find the assumptions that man is entirely rational and utility maximizing is unrealistic.

59 Rationality, for the purposes of this essay, can be understood as including both practical and epistemic rationality. In this way, rationality means that an individual’s beliefs and desires are inherently utility maximizing based on the information at hand and, based on these beliefs and desires; an individual takes the utility-maximizing action.


actions or lack the capacity to entirely understand the issue at hand. Thus, while from an objective, theoretically omnipotent perspective a person may appear to act irrationally, they may be acting in accordance with what seems (internally) to be the utility-maximizing choice. These gaps are often caused by the use of heuristic principles, or simply heuristics, which were described by Kahneman and Tversky as a means to “reduce the complex tasks of assessing probabilities and predicting values to simpler judgmental operations.” The representativeness heuristic, for example, allows one to quickly classify and judge an object. Rather than calculating the probability that an object belongs to a class of objects, one can merely look at the object and determines that if A looks like B then it is more likely to actually be like B. Representativeness is but one of many recognized heuristics.

Although the use of heuristics is not, in and of itself, “irrational,” as it may often be worth it for individuals to rely on a simpler estimation than calculating probabilities, one of Kahneman’s breakthroughs was the startling fact that people use heuristics even when it is more valuable to carefully contemplate an issue.

This is likely the case, for example, of straight-ticket voting. Straight-ticket voting is a basic heuristic that allows a voter to estimate, without going through the time-intensive and thus more costly, process of researching candidates. Instead, an individual can rely on her knowledge of generic party platforms and choose the same party for each position. As polarization has increased, party lines have been more clearly drawn, and partisan sorting has occurred, this heuristic has likely gained strength, as voters become less engaged and more party oriented.64

While heuristics are the core explanation for the gap between rationality and behavior, other theories also play a part. This aspect of bounded rationality can be most easily summarized as the human element of decision-making. Because of human aspects like the ego, or identity as discussed earlier, and personality, people tend to ignore certain information. This is known in psychology as a cognitive bias; people favor information that benefits their pre-existing notions and will actively avoid information that goes against their opinions. One such example is overconfidence. Mullainathan and Thaler describe the issue of overconfidence by explaining that, “If investors are

overconfident in their abilities, they will be willing to make trades even in the absence of true information.”\textsuperscript{65} This type of human flaw not only helps to explain the gap in an efficient market and in current financial models but also partially explains the shift away from following news stories and toward party-based campaign statements seen in Gallup polls.\textsuperscript{66} It explains why individuals who identify as conservative are far more likely to watch Fox News and those who identify as liberal are far more likely to listen to NPR.\textsuperscript{67} As the Washington Post puts it, voters from different sides of the aisle “often have not only their own opinions but also their own sets of facts, making it harder than ever to approach common ground.”\textsuperscript{68}

Finally, people simply have manners of thinking about an issue that are not always based on objective fact or probability but rather on personal preferences. Almost all people are significantly averse to losing and will pay more than they rationally should (based on the probability of losing) to ensure that they do not lose. This explains the “Endowment Effect,”\textsuperscript{69} or the idea that people tend to value an object in their possession far above the standard market value, as well as workers’ tendency to overwork to ensure they reach their income goals.\textsuperscript{70}

As a result of these numerous heuristic principles, behavioral economists have learned that an individual’s decisions can be dramatically affected by the manner in which the decision is presented to him. As prospect theory shows that frames can affect decisions, behavioral economics shows that these frames can be actively manipulated in a calculated manner to produce different results. This framing allows one to predictably estimate the “mistakes” an individual will make and affect her decision-making as a result.

This concept has become a large focus of bounded rationality, particularly as new theorists attempt to provide means of leading people towards more

\begin{itemize}
\item \textsuperscript{66} Ibid.
\end{itemize}
It is these psychological quirks that led Professor Christopher Bryan of Stanford University to discover that slight framing differences can alter voter turnout among youth voters significantly.\(^{71}\) In his experiments, with a median subject age of 22.8—near the median age of the youth vote—he tested the effectiveness of language in questionnaires on registered voters. Giving the survey to registered voters the day before the election, he broke the group into two and gave each a different questionnaire. In one condition of the experiment, voting was framed as a matter of personal identity. The questionnaire asked “How important is it to you to be a voter in the upcoming election?” In the second condition the questionnaire instead focused on the act of voting, asking “How important is it to you to vote in the upcoming election?” Using public records to follow up with participants, he found that those who took the first questionnaire were significantly more likely to have voted the following day. In fact, the experiment “found an increase in turnout in the noun [voter] condition of 10.9 percentage points, a 13.7% boost in turnout over the verb [voting] condition.” What causes the shift?

The two frames evoke entirely different sentiments and target different aspects of a potential voter’s decision-making process. As Bryan et al. point out, voting is merely a behavior, while being “a voter” is part of one’s identity.\(^{72}\) Behavioral economics allows us to drill down on step further. The behavior of voting is less compelling than being a voter, among other reasons, because a behavior is merely one of many alternate opportunities—one can exercise his right to vote or he can partake in numerous other activities (i.e., sleep, watch TV, exercise) that may have a higher utility for him at that time. However, if being a voter is part of one’s self identity, it is a loss of an opportunity to vote to skip the election for something else. Moreover, as part of one’s identity, skipping the opportunity to vote may incite personal feelings of laziness or other negative externalities that are at odds with the individual’s broader identity. These are costly and are to be avoided. Hence, as Bryan et al. found, one is far more compelled to maintain one’s identity and vote than to choose the behavior of voting. This will be beneficial to developing youth voter turnout strategies shortly. However, bounded rationality is only one component of behavioral economics. A great deal of study has also focused on the matter of bounded willpower and bounded self-interest.


\(^{72}\) Ibid.
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IV.b.ii Bounded Willpower

Bounded willpower may be better thought of as a limit to one’s self-control. In the realm of traditional economics, Homo Economicus, someone should rationally determine the correct course of action and then follow that course of action perfectly, without regard for temptations or possible deviations. However, in daily life this is simply not the case. There are numerous theoretical examples of this phenomenon, but the clearest examples are those seen in real life; Christine Jolls, Cass Sunstein, and Richard Thaler turn to the fact that “[M]ost smokers say they would prefer not to smoke, and many pay money to join a program or obtain a drug that will help them quit.”\(^3\) The rational action for a smoker who knows that smoking is dangerous and unhealthy is to quit smoking. Moreover, it is entirely possible for a smoker to quit smoking as there are no external barriers to quitting—the only necessary device is the willpower to resist a chemical addiction. For smokers, however, this is often easier said than done.

In many ways, bounded willpower can be boiled down to the fact that people often have goals to save more, exercise more, eat healthier, work harder, and strive for higher achievement, yet cannot muster the consistent, prevailing motivation to follow through. Consequently, individuals end up acting in a manner opposite of that which they had formerly hoped and decided to.

One of the manifestations of this discrepancy is known as hyperbolic discounting, a form of time-inconsistency in the evaluation of cost-benefit analyses. In essence, individuals often discount their future as compared to the present. For example, while smoking may be harmful in the long run, this future is severely discounted. Hence, the benefits (relatively small when objectively compared to the detrimental effects) that come immediately may outweigh the long-term, discounted negative outcomes. In this way an otherwise rational actor, due to discounting, may fail to act accordingly. This is likely the case for many registered voters who fail to vote and many unregistered voters who fail to register.

James Fowler of the University of California studied this concept and found that there is a direct correlation between an individual’s measurable patience—how little he discounts his future wellbeing—and his likeliness to vote.\(^4\) As Fowler points out, “While the costs of voting are paid on or before

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Election Day, any benefits related to the policy outcome are not obtained until after Election Day.”

It is likely, as shown in this research, that some young voters decide that they wish to vote, but when it actually comes time to vote they determine that the short term costs of going to the polls, waiting in line, etc. are not worth the long term gain of potentially changing policy. Individuals may not consciously weigh the costs and benefits of voting in an inter-temporal manner but rather focus on the present, writing off any gains that may be made from voting in the long run. The same logic applies to those potential voters who do not register. The barriers to registering in the short term may outweigh the benefit of having the opportunity to vote in the future.

As a result of these shortcomings, people often choose to sacrifice efficiency in an effort to force themselves to make the more rational decision. For example, rather than buying a large carton of ice cream (at a much cheaper price) and only eating a snack-sized amount, many people will buy the smaller container. They know that if they have the entire carton of ice cream in front of them, they will eat far more than the optimal amount. As such, they must take the less economically efficient road and pay more than necessary to lock themselves into their preferred course of action. Thus, with a certain cost, they are able to pre-commit to the outcome that is better off in the long-term. This creates an inefficient market where consumers are willing to pay higher prices for lower quantities of the same good. Under rational economic theory, this type of behavior is inexplicable. Nevertheless, it exists in the economic market, yet not in the political arena—currently no self-control device exists that allows an individual to commit to go to the polls or applies pressure on the self to do so. This is an opportunity that, if harnessed, could further boost youth voter turnout. Before addressing this, however, we must examine the final realm of behavioral economics: bounded self-interest.

IV.b.iii Bounded Self-Interest

The final assumption of rational economic theory that does not hold under real-world observation is the notion of a purely self-interested person. While the idea that people are inherently self-interested is pervasive across

75 Ibid. at p. 115.
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economics and political theory, self-interest cannot be said to be pure. Despite assumptions to the contrary, the empirical truth is that economic arguments regarding altruism do not account for the degree to which individuals donate to charity or act to promote equality. For example, as explained by Sunstein and Jolls, in many market-based games, “people care about being treated fairly” and are willing to destroy their own individual benefit to ensure that fairness and equality is maintained. Moreover, while individuals may not want to be fair to others, they do, perhaps for their own greater benefit, wish to appear fair to others. Hence, in ultimatum games, individuals generally offer a 60% / 40% or 50% / 50% split, despite the fact that Homo Economicus would suggest offering as little as possible.

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77 This concept exists throughout economics and can be most directly seen through the theory of a Free-Rider Problem, where people must often be obligated by institutions to act in a manner consistent with the more efficient collective-action solution. While collective action is better for everyone overall, the individual is better off by defecting from this solution and therefore will do so because he cares only for his own interests. See: Stanford Encyclopedia of Philosophy: “The Free Rider Problem” at http://plato.stanford.edu/entries/free-rider/ for further explanation of the example.

78 Indeed, the core of James Madison’s arguments for the U.S. Constitution in Federalist Papers No. 10 and 51 is the idea that each man’s interests in ambitions will guide their decisions and will create numerous factions that will always be pitted against one another, thus minimizing the likelihood that a majority will be able to gain enough power to singlehandedly control or force the agenda of government. Federalist Paper No. 51, in its argument for checks and balances, claims, “ambition must be made to counteract ambition.” These arguments are all derived from the assumption that people are self-interested and will predictably promote their own goals and interests. This concept, at least in modern political theory, can be found as far back Hobbes’ Leviathan (1651), which assumes that people without a government would murder, cheat, and steal so long as their own well-being was promoted.

79 Mullainathan, supra note 65, at p. 7.
80 Jolls, supra note 73.
82 An ultimatum game is a type of 2-player game testing allocations of funds. Player A has the choice of how to divide money in an escrow account between himself and Player B. Player B can then either accept the offer, in which case each player receives the allotted money, or reject the offer, in which case neither player receives anything. Traditional economic theory suggests that offering even 1 cent to player B should garner acceptance (as 1 cent is greater than nothing), but results show that offers of 80% to 20% or worse are often rejected by Player B.
Al Roth, 2012 Nobel Laureate in Economics, and his partner Jack Ochs find similar results in their “An Experimental Study of Sequential Bargaining,” but argue that the monetary incentives proposed in ultimatum games simply do not translate into the maximization of expected utility for the subjects. Rather, the utility of the subjects includes other unidentified preferences in addition to monetary gain. Nonetheless, even Roth and Ochs admit that they offer the argument, that “an unobserved component of bargainer’s utilities” can explain the discrepancy, “with the very greatest caution.” While Roth and Ochs’ explanation attempts to frame the discrepancy in a manner consistent with rational economic theory, it would go against the assumptions of Homo Economicus to argue that fairness and equality are truly aspects of an individual’s preferences. Moreover, evidence found by Colin Camerer and Richard Thaler suggests that people destroy their welfare (by declining the offer) in an effort to not only promote positive values like equality but also to show their spitefulness and frustration with the proposer’s lack of etiquette. They argue that, as an expectation that others will decline unfair offers, individuals often propose more fair splits as an economic strategy. These scholars have tried to rationalize fair proposals into traditional economic theory. However, some scholars who accept that fairness violates utility functions have proposed other reasons.

At the vanguard of this movement is Amartya Sen, who argues that “commitment,” whether to a norm or other higher calling, demands in certain circumstances that an individual pursue a course of action at odds with utility maximization. Many scholars, particularly Cristina Bicchieri, have argued about whether this type of commitment can be merely annexed into a broader concept of a utility function as part of social norms, but this is a discussion for a different essay. Assuming that commitment is, as Sen proposes, a violation of one’s utility function, may have profound implications for explaining voter behavior among youth in the 21st century.

In political science there is a long-discussed paradox to voting known as the Downs paradox. As discussed previously, there are certain costs associated with voting and certain theoretical benefits. We have addressed

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84 Ochs, Jack and Alvin E. Roth. “An Experimental Study of Sequential Bargaining.”
85 Ibid.
86 Ibid. at p. 380.
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the idea that these benefits may be discounted into the future and, thus, outweighed by the costs. Anthony Downs, in his book *An Economic Theory of Democracy*, explained that this creates a paradox. The benefit of voting is theoretically infinitesimally small even before discounting because, according to Downs, the primary benefit of voting is not policy but the probability of impacting an election. Under this view, given that the probability that one’s vote even slightly impacts an election is so small, nobody should ever vote—yet they do. Some have suggested that benefits come from taking part in the voting process or being able to say that you voted—these are valid arguments. However, bounded self-interest and commitment may provide a clearer explanation to this paradox.

Because, unlike in the traditional economic view of Downs, individuals are not wholly self-interested, they turn out to vote because of a commitment to a social norm of higher cause. In popular culture, this social norm is called a “civic duty.” Hence, according to this theory many voters turn out to vote, despite the costs, because there exists a commitment to this patriotic duty to do so. Angus Campbell and his colleagues at the University of Michigan explained it this way:

Wide currency in American society is given the idea that the individual has a civic responsibility to vote. When this norm becomes a part of the value system of the individual, as it has for most of our citizens, it may be regarded as a force acting directly on the turnout decision.90

Interestingly, this theory would accurately predict the pattern of age-based voting displayed in America. As seen below, the levels to which individuals identify with the concept of a civic duty to vote are relatively lower among youth.91

Understanding that self-interest is not the driving economic force behind decision-making opens the door to many opportunities for boosting voter turnout. In particular, understanding that creating a norm that requires voting can strengthen the push to vote will be useful.

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91 See Wattenberg, supra note 26, at p. 121.
### Percent Completely Agreeing in Recent Years with Statements Regarding the Duty to Vote, by Age

<table>
<thead>
<tr>
<th>Statement</th>
<th>18-29</th>
<th>30-44</th>
<th>45-64</th>
<th>65+</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;I feel it’s my duty as a citizen to always vote.&quot;</td>
<td>44%</td>
<td>61%</td>
<td>71%</td>
<td>75%</td>
</tr>
<tr>
<td>&quot;I feel guilty when I don’t get a chance to vote.&quot;</td>
<td>24%</td>
<td>34%</td>
<td>44%</td>
<td>44%</td>
</tr>
</tbody>
</table>

Source: June 2000 and August 2003 Pew Research Center surveys

Figure 8

### V. The Solution: Nudges and Libertarian Paternalism

As we have seen, as a result of heuristics and bounds to human behavior, many people fail to act in a manner that maximizes their personal utility (as proscribed by *Homo Economicus*). As a result of these clear issues with neoclassical, rational economic theory, new types of decision-making processes have been suggested that can be beneficially adapted to voter turnout policy. At the vanguard of this movement are Richard Thaler and Cass Sunstein, whose book *Nudge: Improving Decisions about Health, Wealth, and Happiness* has become the gold standard of applied behavioral economics. It has also become widely popular in the public, being named one of The Economist’s books of the year in 2008. It is from the concepts and policy ideas of this book that many behavioral economic suggestions are formed. Solutions to low youth voter turnout will come through the lens of nudges.

A nudge begins with a “choice architect,” or a central decision maker who generally attempts to think as objectively and rationally as possible to develop the structure of the choice. In this case the choice architect would be whoever is designing voter registration and voting mechanism. According to Sunstein and Thaler, a nudge is a choice structure “that alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives.” An article in The Economist describes this theory as “soft paternalism,” explaining that:


94 Ibid. at p. 6
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[proponents of nudges] are paternalists, because they want to help you make the choices you would make for yourself—if only you had the strength of will and the sharpness of mind. But unlike “hard” paternalists [they] aim only to skew your decisions, without infringing greatly on your freedom of choice.95

For example, a common form of nudging is changing the default option for a program. Thus, in a system where someone has to opt into a beneficial program, a nudge would be to automatically enroll them and give them choice to opt-out if they wish. Sunstein and Thaler deemed this type of policy “libertarian paternalism,”96 as it is paternalistic to push someone towards a course of action deemed best, yet still somewhat libertarian as freedom of choice technically remains. Sunstein and Thaler proposed numerous policies based on these principles. Some include a proposal for a “presumed consent” model of organ donation, automatic enrollment into retirement plans, and redesign of the EPA fuel economy notifications. At its core, the purpose of libertarian paternalism is to push citizens towards decisions they would (at least theoretically) make themselves, were they more rational, controlled, and self-interested of Homo Economicus. In this case, the goal is clear: increase voter turnout among youth. Assuming a case has been made that this is the rational choice, the choice architect would aim to, without decreasing an individual’s choices or imposing extreme costs on the individual, increase the individual’s likelihood of voting.

It should be noted that libertarian paternalism has received a significant degree of criticism from people who believe it is more “paternalistic” than “libertarian.”97 This paper does not contend that nudges are without negative externalities or may not have a slippery slope when used in government policy. However, while voter turnout is tangentially related to government policy, nudges involved in boosting voter turnout are, at least arguably, unlikely to lead to greater nudges in government. Nor are they likely to slide down the metaphorical slope toward more paternalistic actions like compulsory voting.

VI. Specific Recommendations

No single strategy is likely to suffice in boosting youth voter turnout in a significant manner. Rather a multi-faceted approach must be taken that alters the cost-benefit equation for voters by simultaneously minimizing

96 See Thaler, supra note 93, at p. 4.
97 For further discussion of the implications, risks, and resistance to broad nudges, see an excerpt of my previous work, On Nudges, in Appendix B.
the cost of voting and the future discounting of the benefits of voting, while reframing the issue to promote the benefits.

VI.a. Digitization of Registration and Voting

Online voter registration has been mentioned above. This tactic was tested in California in 2010 and proved to increase voter turnout. Moreover, the change disproportionately increased turnout among youth voters.98 Taking this shift to a national scale would further increase voter registration, which then—assuming historical correlation between registration and turnout holds—would increase voter turnout on a national scale as well. There are many additional benefits of online registration at a large scale. First, given that campaigns and advertisements could include direct links to voter registration websites, such registration would likely increase more than seen in the prior experiments of limited scale. Similarly, because online registration would be (essentially) instantaneous, the deadline for registering could safely be much closer to Election Day. Currently, it can take weeks for paper registrations to be mailed and processed—this lag would be eliminated.

On a similar note, implementation of this proposal should be relatively low cost and efficient. Presently, voter registration in many states involves paper forms that must be either mailed in or dropped off at a relevant city office. Going paperless for registration would likely actually present an opportunity to save money in state budgets. Further, from a nudge standpoint, this proposal does not remove any choices or options but rather makes pursuing one’s choice easier and cheaper. However, this alone will only boost youth voter turnout to a small extent. Digitizing online voting as well will further boost turnout.

While online voting may increase voter turnout among all age groups, it would primarily and disproportionately increase turnout among young voters. This is true in both theory and practice. Theoretically, online voting should increase turnout among youth. With digitization of the voting process, the costs associated with voting are nearly entirely eliminated. This includes both the monetary and temporal costs of driving to a polling station, taking time off of work, waiting in line, etc. Consequently, these lowered barriers should change the outcome of a potential voter’s cost-benefit analysis. Based on limited trials, these predictions hold true in practice. This has been

examined scientifically in the U.K.\textsuperscript{99} and put into public practice in Estonia,\textsuperscript{100} where online parliamentary elections were held. In both instances, some negative externalities existed—namely that voting favored educated, wealthy individuals,\textsuperscript{101} but youth voter turnout was significantly increased.

Moreover the same arguments regarding cost-effectiveness and efficiency of voter registration apply to online voting as well. While in the first few elections costs may be higher, as both online voting and polling will need to be in place, eventually a time will come when voting can be done entirely online. At that time, the costs of elections will likely be significantly decreased, as a central online platform (whether nationally or for all 50 individual states) with high levels of cyber security will, theoretically, be less expensive than the implementation and maintenance of polling machines in each state.

In this way, digitizing the registration and voting processes will lower the barriers for voting and, in turn, lower to cost to voting. Thus, voter turnout, particularly among youth voters, will be increased. Nonetheless, efforts to boost youth voter turnout should not stop there. In addition to lowering the costs of voting, direct nudges could also be implemented to further the effect as discussed below.

\textbf{VI.b Reframing as a Social Norm}

With the digitization of voting comes the opportunity for online nudges that would be less effective. In particular, there are two nudge-based approaches could be taken. The first is using public acknowledgement of voting to create a social norm in younger voters. This can be done by adapting the findings of Green and Gerber’s study regarding the notification of potential voters of the fact that voting record is public record.\textsuperscript{102} According to Green and Gerber, individuals may find voting a costly act, but they find that violating a real or perceived social norm is even more so. This is the essence of peer pressure and can be replicated and amplified using social media.


\textsuperscript{101} Ibid. at p. 20.

\textsuperscript{102} See Green, supra note 53.
The nudge is relatively simple and, depending on sensitivity to paternalism, can be implemented in various degrees: Add a button on Facebook and other social media sites that asks “Have you voted?” and allows a potential voter to click “Yes, I am a voter.” Then, using this information, social media sites can show in news-feeds how many of an individual’s friends had voted. As more and more people say, “Yes, I am a voter,” a tacit social norm will be created that reframes the decision making process for potential voters. This effect will be seen primarily among those groups using social media most, as well as those groups most likely to quickly garner a large number of networked votes. In other words, more affluent, educated individuals who are more likely to vote will more quickly develop an online presence that invokes social pressure. In these cases, rather than individuals considering voting as an optional, though recommended, voting becomes perceived as a social norm that should be completed to avoid negative social consequences. Some may object to the idea of posting who has voted and who has not on a public, social media site. However, who has voted is already a matter of public record—prompting an individual to volunteer that information publicly, without revealing the details of which candidate he chose, allows for a similar level of protection of privacy.

Robert Bond and his team used a variation of this tactic in a 2012 experiment. He teamed with Facebook to study the influence of social media on voting by placing a button at the top of Facebook in two conditions. The first simply allowed an individual to click an “I voted” button and the general count of how many people on Facebook overall had voted was given. The second condition was exactly the same except for the addition of pictures of friends and a count of how many friends had voted as well. Not surprisingly, the closer interaction of the second condition led to a greater impact. In fact, the opportunity to declare, “I voted” with the knowledge that close friends would see increased youth voter turnout significantly.

The proposal here is to take the Bond et al. nudge one step further by reframing the issue as one of identity, as suggested by Bryan et al. Rather than asking if an individual “has voted,” asking if an individual “is a voter” should augment turnout and increase the benefit found by Bond even further. Additionally, empirical studies may reveal that further language changes could push voter turnout even further. For example, invoking other sources of identity that carry great pride and force could further strengthen the nudge. Perhaps the best incarnation of this type of nudge would be a button on Facebook that states “I am an American and, yes, I am a voter.” More subtle

104 See Bryan, supra note 71.
means of drawing this type of patriotic force could involve the aesthetics of the page. For example, rather than strictly saying “I am an American,” the original “I am a voter” button could be written in a Red, White, and Blue box. Each of these alterations to the proposed nudge would likely shift voter turnout somewhat and, with further study, could be refined to maximize the effect on voter turnout. Nevertheless, while useful, this is likely not the most powerful nudge of all.

VI.c Nudging Harder: Altering Choice Architecture

One of the benefits of nudges is that by carefully arranging and architecting decisions, you can ensure that all choices are kept available yet promote a more rationally desirable outcome. Changing this choice architecture, as noted by Sunstein, should involve only minimal or negligible costs to the decision-maker.105 With online voting and social media, this is more possible than ever. While the restructuring about to be proposed may be less comfortable for some and may garner calls of paternalism, it offers the greatest probability of boosting youth voter turnout without applying compulsory voting.

One of the smallest, yet noticeable costs one can impose on an individual in the modern era is forcing someone to re-login to e-mail and social media. Using this fact allows one to take the previously proposed social media nudge to greater heights. With greater cooperation from Facebook, as well as e-mail applications like Microsoft’s Outlook and Google’s Gmail, youth voter turnout can be boosted even further. The nudge works as follows: On Election Day, users whose IP addresses show them to be in the United States and whose account information show them to be of voting age are logged out of their account. They must re-login, as often happens, in order to reach their News-Feed or e-mail. Additionally, when brought to the traditional login screen, a pop-up appears with a reminder that it is Election Day and asking “Have you voted yet today?” An individual can then click “Yes, I am a voter” (or any of the variations discussed previously), “No, not yet,” “I am abstaining,” or “I do not wish to answer.” Any of these buttons will quickly remove the pop-up allowing the individual to log in normally. However, the “No, not yet” answer will also provide the link to the state election website, so that, if the user wishes, he can open the site in a new tab and quickly cast his ballot before reading his e-mail. In this way, a potential voter receives both a subtle reminder to vote and a nudge to do so with little to no barrier to voting immediately. Finding themselves with little reason not to, this final push will likely skew the cost-benefit analysis of voting heavily toward casting a vote. This will be particularly helpful in increasing voting among those who

105 See Thaler, supra note 93.
Jonathan Skekloff

are most likely to vote online and are not likely to go to a physical polling station—i.e., young voters.

It should be noted that these approaches require the cooperation and aid of private enterprises that may or may not be willing to participate. Nonetheless, while these nudges would be most effective if integrated into the online applications themselves, alterations could be made to make the nudges based in advertisements that could be purchased by third parties. Thus, with or without the alliance of Facebook, Gmail, and the like, some forms of these nudges are possible.

VII. Concluding Remarks

Voting is more than simply a civic duty—it is the very cornerstone of a healthy democratic republic like the United States. Currently, nearly 20% of the potential electorate consists of voters aged 18-29, who are relatively unengaged and vote in extremely low numbers. There are many reasons that this low turnout must be altered. Beyond the fact that many issues today disproportionately affect youth voters, there is also the fact that these voters are the most educated block of voters in American history. Moreover, their voting in current elections will significantly affect whether they vote in future elections. Perhaps most importantly, increasing voter turnout among youth is one of the most effective opportunities available to moderate the increasing Congressional polarization of recent decades. Boosting youth voter turnout will ensure that elections represent a larger, more unbiased sample of the population and mitigate the effects of more extreme voters. A number of strategies have been proposed in the past to accomplish this, but thus far they have fallen short either in experiments, field studies, or in actual elections. Some of these strategies have been more effective than others, namely those that have targeted the cost-benefit analysis of voting and either lessened the costs or increased the perceived benefits. This knowledge, the advent of behavioral economics, and the refined understanding of human decision making that has developed as result have collectively allowed for the design of more targeted, effective approaches. Nudges, as originally suggested by Cass Sunstein and Richard Thaler, have created a framework through which voter turnout can be increased among young voters. The specific tactics to be applied depend significantly upon the comfort of voters with nudging and libertarian paternalism, which has yet to be determined given the lack of prior application to voting. This essay proposes three types of efforts to boost youth voter turnout. First, it is imperative that both voter registration and voting itself are digitized, allowing voters to have their civic voices heard online. Second, social media should be utilized to reframe voting as an identity-based social norm, using social pressure and a “Have you voted today?” prompt.
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Using targeted, identity and norm promoting language, these prompts can be further amplified. Finally, a bolder approach to this second nudge has been proposed in the case of a citizen more accepting of libertarian paternalism. In this scenario, potential voters are prompted to re-login to their accounts, whereby they are asked “Have you voted today” and may choose any answer to dissolve the pop-up. Providing those who choose “No, not yet” with a link to cast their ballot will be most effective in increasing voter turnout among young voters.

Nevertheless, some caveats should be mentioned. While this paper makes suggestions based on the findings of behavioral economics, empirical evidence and trials are still necessary to further verify the benefits of and refine these nudges to maximize youth voter turnout. Additionally, this paper claims only what would likely work if put into practice and makes no claims about the logistical efficacy of such proposals. Primarily, while cooperation with Facebook has been achieved in the past, it is merely assumed here that such cooperation would continue into the future. In addition to potential difficulties garnering cooperation with private enterprises, many obstacles would be likely to occur in the public sector. For example, interest groups focused on senior voter issues, as well as the more politically extreme aspects of each political party (particularly the GOP), would view significantly increased youth voter turnout less as a benefit and more as a threat. These logistical problems would have to be overcome and are worthy of further discussion separately.

Finally, one must note in good faith that the nudges as proposed here are likely to carry certain negative externalities. Chief among these are that online voting and social media targeting are likely to not only disproportionately boost voter turnout among young people but also well-educated, more affluent, and native-English speaking individuals, as was discovered in the Estonian experiment.106 This holds true within the realm of young voters as well, which means that less affluent voters could face underrepresentation in online voting. However, given that online voting could supplement traditional voting, the negative externalities of the proposed nudges would likely be minimal. Overall, these minor externalities are outweighed by the benefits gained by engaging a significantly greater part of the electorate, promoting a more moderate, high-functioning government and ensuring a healthy American republic in the 21st century.
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Appendix

Appendix A: Further Graphical Evidence

1. Polarization over time

Figure A.1\textsuperscript{107}

2. Education and Age

Figure A.2

\textsuperscript{107} See McCarty, supra note 8. Also available at the website of Polarized America vote view.org.
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As seen in the graphs above, the youth population has nearly always (or at least as long as the Census Bureau has collected data on the subject) outpaced its older counterparts with regard to educational attainment. This pace has slowed for high school as the 25-29 year old category has hit a sort of “ceiling” around 84% completion, while college completion continues to increase at a relatively steady rate.

Figure A.4

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108 See Wattenberg, supra note 26, at p. 93.

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Appendix B: Nudges and their Implications
Excerpt from my former work, On Nudges, slightly adapted for relevance here:

B.1 Critiques of Libertarian Paternalism

Sunstein and Thaler have received critiques on both sides of the libertarian-paternalistic spectrum. Some paternalists have come out and argued that Nudge does not go far enough. Elizabeth Kolbert of The New Yorker, for example, asked the following:

If the ‘nudgee’ can’t be depended on to recognize his own best interests, why stop at a nudge? Why not offer a ‘push,’ or perhaps even a ‘shove’? And if people can’t be trusted to make the right choices for themselves how can they possibly be trusted to make the right decisions for the rest of us?\(^\text{109}\)

The argument here would lead toward the concept of compulsory voting, which, while occasionally proposed, is generally believed to be anathema the principles of American democracy. While Ms. Kolbert shows where the concept of a nudge may one day lead, other critics have more directly made this “slippery slope” argument. Mario Rizzo and Glen Whitman, for example, have directly responded to Nudge with the objection of a slippery slope. Because slippery slope arguments are made often and poorly made even more often, Rizzo and Whitman developed a framework to properly consider the notion of when a slippery slope concern is legitimate. They begin with the concept of a “gradient.”

A gradient, according to Rizzo and Whitman, is a situation where vagueness in terms or cutoffs makes it difficult to distinguish between appropriateness and inappropriateness.\(^\text{110}\) As they point out, the classic example of this is the appropriate drinking age. Because the risks of alcohol are dependent on maturity and development of the body, there is a continuum of ages where people are ready. However, because this creates a gradient whereby younger, unready individuals may attain alcohol, the government has established an arbitrary dividing line at age 21. As Rizzo states, “Though we may choose an arbitrary dividing line for a particular purpose … there is nothing inherently right about it.”\(^\text{111}\) In the example of ages, the vagueness is relatively slim and, consequently, arbitrary dividing lines can be created.


\(^{111}\) Ibid. at p. 7.
to flatten the gradient and decrease the risk of a slippery slope less likely. However, as Rizzo and Whitman discuss, the greater the vagueness of terms or concepts or (similarly), the more a concept is based on a continuum rather than rigid levels, the sharper the gradient and the greater the risk of a slippery slope.112

Applying this concept to Nudge, one must note that the “gradient” created by libertarian paternalism opens the door to particularly paternalistic policymaking in the future. 113 This occurs for two reasons. First, the gradient is fairly large because the foundation of libertarian paternalism is completely lacking of distinguishable levels of the degree of paternalism present or the costs it imposes on individuals. On the contrary, as admitted by Sunstein and Thaler:

It should now be clear that the difference between libertarian and non-libertarian paternalism is not simple and rigid. The libertarian paternalist insists on preserving choice, whereas the non-libertarian paternalist is willing to foreclose choice. But in all cases, a real question is the cost of exercising choice, and here there is a continuum rather than a sharp dichotomy.114

Thus, by its very nature, libertarian paternalism is subject to quite steep gradient, whereby a well-intentioned libertarian paternalist may, without realizing, become what Sunstein calls a “non-libertarian paternalist” (more simply called a paternalist).

The second reason that the nudges of libertarian paternalism may lead to dangerously paternalistic policies if used in government policies in the future is based in the nature of politics. In many instances “once the initial policy is in place where no policy existed before, it often becomes politically cheaper than before to propose extensions to that policy. The logic of the political process often requires that a milder form of a policy be introduced and adopted first,”115 followed by a slow transition to more extreme policies over time. In the context of libertarian paternalism, the fear is that policies may initially be libertarian but over time may shift to become more and more paternalistic. While this is the primary argument that has been raised against libertarian paternalism, others have also been proposed.

Some scholars, particularly Jonathan Klick and Gregory Mitchell, have come to believe that the long-term effects of such policies could lead people to become more dependent on a central “choice architect” and may

112 Ibid.
113 Ibid.
115 See Rizzo, supra note 110, at p. 9.
have a more difficult time learning from experience than otherwise. Drawing on philosophical foundations from John Stuart Mill and Alexis de Tocqueville, Klick and Marshall argue that the long-term affects of paternalistic decision-making must be considered.\(^{116}\) Rather than looking at behavioral economics in a static time frame, they believe one must consider the policy implications over a number of years or even generations to consider the impact on a citizen’s skills and understanding. They firmly believe, as Mill and de Tocqueville did, that increased liberty and burden of increased personal risk in decisions lead to a more intellectually rigorous, ambitious, and rational society.\(^{117}\)

Finally, Edward Glaeser has raised the point that cognitive biases theoretically affect everyone, creating a problem for the development of nudges. As Glaeser proposes, even the choice architects who are nominated to rationally create nudges are human and, consequently, are subject to the same biases inherent in others. While they may be able to, with training, avoid some aspects of bounded rationality, other afflictions like the self-serving bias or optimism bias will likely still be present. As a result of their own irrationality and personal biases (ranging from personal preferences to political and religious beliefs, and so on), it is well within reason that the nudges they propose could be just as inherently biased in one direction as an individual’s personal choice is biased in another.\(^{118}\)

**B.2 Proponent’s responses**

Many scholars, like Jolls, Sunstein, and Thaler would address many of these claims together. For example, they do not attempt to directly argue that the risk of a slippery slope does not exist, nor do they submit that the choice architects are somehow above the limits on rationality. On the contrary, they openly admit, “that planners are human, and thus are both boundedly rational and subject to the influence of objectionable pressures.”\(^{119}\) Rather than make these individualized arguments, the proponents of libertarian paternalism often resort to the simple claim that choice architecture is inevitable.

As Sunstein, Jolls, and Thaler argue, “in many cases there is simply

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\(^{117}\) Ibid. at p. 1623, referencing J.S. Mill’s On Liberty and de Tocqueville’s Democracy in America


\(^{119}\) See Sunstein, supra note 114, at p. 1200.
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no viable alternative to paternalism in the weak sense, and hence planners are forced to take at least a few tiny steps down that slope.”120 They point out that choices must be made and, in many situations, a planner or choice architect must set up the choice one way or another. From surveys to office retirement plans, the creator, or choice architect, must realize that the phrasing of the questions or the enrollment method will directly affect the results. In the example of a retirement program, whether the choice architect decides to create a classic opt-in program or an auto-enrollment program, he is actively nudging consumer choices one way or another. In short, there is no such thing as an innocent bystander when it comes to choice architecture. As a result, in the opinion of Sunstein, Jolls, and Thaler, a slippery slope may be inevitable. Similarly, because the choice must be created in one form or another, the shortcomings of a choice architect are irrelevant.

Sunstein provides one additional retort to this claim. He again highlights that libertarian paternalism does not require one to make a certain choice but rather allows for opt-out options, which sharply limits the steepness of the slope.”121 Thus, “an opt-out right operates as a safeguard against confused or improperly motivated planners” so that the libertarian side of the paternalistic continuum is severely favored and the objected gradient will be (at least theoretically) minimized.

Some scholars, beyond Sunstein, Jolls, and Thaler, have presented other, more direct counter-arguments. Of these, one stands out; as explained in section IIIc, people have issues with willpower that cause them to restrict their own preferences in an effort to maximize their own welfare. Oftentimes they increase their utility as a direct result of curbing their choices. Moreover, many individuals have shown approval of programs, like auto-enrollment into retirement plans. For example, research of businesses’ retirement programs by David Laibson showed that enrollment rates skyrocketed, 97% of employees approved of the auto-enrollment, and even of those who opted-out, approval was still 79%.122 This argument consequently raises two separate, yet highly correlated questions. First, if people are willing and able to impose costs on themselves to increase their utility, does it not make sense that regulations and governmental policies may be able to do the same thing on a larger scale? Second, given that libertarian paternalism is one option for increasing utility in such a fashion and people approve of being nudged, is this really such a bad policy?

120 Ibid. at 1199.
121 Ibid.
An Intercultural Dialogue between Confucianism and Liberalism
Towards a Universal Foundation for Human Rights

Elton Yeo

Abstract

This paper builds on the debate between Confucianism and human rights first sparked by the Bangkok Declaration of 1993. I show that there is indeed a conflict between Confucianism and human rights, which on the broader level, can be characterized as the conflict between communitarianism and liberalism. These are two particular traditions and in spite of the conflict between them, I show that they can come to complement each other through an intercultural dialogue. The idea of an intercultural dialogue is a response to the inadequate responses of liberals to the fact of multiculturalism, which is a broader implication of the liberalism vs. communitarianism debate. In this regard, I argue that an intercultural dialogue can ensure fairness. In addition, the intercultural dialogue also sustains traditions, and ultimately, is able to produce a truly universal foundation for human rights through a shared understanding of “human universals”.

An Intercultural Dialogue between Confucianism and Liberalism: Towards a Universal Foundation for Human Rights

The Bangkok Declaration of 1993 was the culminated expression of Asian political leaders which declared the particularity of “Asian values” that prevented them from adopting human rights doctrine in its entirety. It was, in effect, a charge against liberal values of the West and their claim of universalism. “Asian values” were strongly championed, in particular, by Singapore’s Lee Kuan Yew who linked it with Confucianism (de Bary 1998, 3). While the “Asian values” rhetoric has largely disappeared from the international political scene, the scholarly debate of the compatibility of other particular traditions, such as Confucianism, with human rights is still alive and strong.

This paper takes as a starting point the debate between Confucianism and human rights. In Part I Section 1, I first introduce our conception of culture, tradition, civilization before I clarify which human rights and Confucianism
we are referring to in this paper. In Section 2, I then show what the ethical
cores of human rights and Confucianism are and argue that the conflict that
we see between them is, in fact, a specific characterization of the conflict
between liberalism and communitarianism. Given that the wider implication
of this conflict is the fact of multiculturalism, I then critique the responses of
liberals to multiculturalism as being inadequate and unfair in Section 3. I also
introduce the idea of an intercultural dialogue in that section and claim that it
can ensure fairness.

In Part II, I develop more fully the idea of an intercultural dialogue. To begin, I consider three motivations for an intercultural dialogue. I show
that an intercultural dialogue ought to be motivated by a desire for fairness,
a desire to understand and embrace our common humanity, and a desire
to sustain traditions. I focus on fairness as I develop the conditions of an
intercultural dialogue in Section 5, and show that fairness is achieved when
those conditions are met in the dialogue. This shows the contribution of such
a dialogue to the liberalism vs. communitarianism debate. In Section 6, I show
that the desire to embrace our common humanity is manifested as a search
for “human universals” which can become a truly universal foundation for
human rights. This constitutes our long-term vision of what the intercultural
dialogue can produce, and brings us back to address the specific conflict
between Confucianism and human rights. In Section 7, I consider objections
to the idea of an intercultural dialogue in the various forms that other
scholars have imagined them in. In Section 8, I conclude with the assertion
that there is a need for an intercultural dialogue that fairly accounts for the
fact of multiculturalism and produces a shared understanding of “human
universals” which can become the foundation for a human rights doctrine that
is truly universal.

I. Confucianism and Human Rights

1. Introduction

A. Our Conception of Culture, Tradition and Civilization

Among philosophers, there is little distinction between the use of
the words “culture” and “tradition.” In this paper, I will use these two terms
interchangeably. Nonetheless, it is worth pointing out how these two terms
might differ and what they refer to when we use them interchangeably.

Ram Adhar Mall points out that Alfred L. Kroeber and Clyde
Kluckhohn have worked out as many as 150 definitions of culture (4). Broadly,
he thinks that culture “stands for all sorts of performances, achievements,
and products of the human mind, starting from the simplest agricultural equipment and extending to sciences, arts, religion, and philosophy” (4). We can see how such a notion of culture is not far from the idea of a tradition. Tradition is defined by the Oxford dictionary as “the transmission of customs or beliefs from generation to generation.” Given that cultures take time to develop and are typically sustained across generations, it is not surprising that philosophers tend to use these terms interchangeably.

Yet, I think that there often is a preference for the term “culture” among Western scholars because the liberalism that Western liberal democracies are founded upon casts notions of “tradition” in a negative light. Alasdair MacIntyre points out that it was the project of liberals to found “a form of social order in which individuals could emancipate themselves from the contingency and particularity of tradition by appealing to genuinely universal, tradition-independent norms” (335). Yet, they do not realize that they too are working within a tradition – the liberal one – that has constructed a new concept of an individual as one who reasons as an “individual qua individual” (339). I will elaborate on liberalism as a tradition in 2A of the paper.

So far, I have attempted to explain why Western scholars might prefer using “culture” over “tradition,” and that ultimately, we shall use both interchangeably to refer to products of the human mind that have formed a distinct identity for itself. I will now clarify another aspect of cultures that is often taken for granted – its dynamism.

David Wong and Nicole Hassoun argue that an essentialist conception of culture as a static entity with an essence is a problematic one. Essentialists think that cultures have a fixed set of customs, norms and beliefs that are connected to form an integrated whole. Such a conception, however, is not reflective of the actual dynamism within cultures, and lends itself to further misunderstandings. Their proposed alternative conception sees “culture as conversation,” which acknowledges the plurality of voices that brings about internal diversity, dissent and the possibility of change (10).

Such an understanding of culture is not entirely new, though Wong and Hassoun have certainly given it one of the most thorough expositions. Wm Theodore de Bary argues that a major tradition must be “self-defining and self-confirming,” which means that there needs to be substantial dialogue that has taken place within the tradition itself, with disagreements and “constant, repeated cross- and back-referencing” (2013, 49). On the weight of such dialogue, the tradition takes shape and substance. MacIntyre similarly argues that “a tradition is an argument extended through time in which certain fundamental agreements are defined and redefined in terms of [internal and
external] conflict” (12).

In this paper, I will adopt this dynamic conception of culture as a conversation. However, I think it is wrong to be too carried away with this conception and to fail to recognize that cultures have a core of beliefs and principles that, while mutable, is also stable. Wong and Hassoun seem to deny this when they reject the “essences” of cultures. This core is important because it is the foundation upon which the disagreements arise from and go against. Without a core that we can say is distinctive of each culture, cultures lose their identities. If all we have for cultures are conversations alone, then each “culture” is really the same thing, merely differing in content and location. Since this is clearly not the case, I argue that cultures have a stable but mutable core that we can identify it with. However, this core is constantly facing objections and dissent from voices just beyond the core that brings about changes to the core. These voices of dissent can come from both within and without the culture. Internal dissent begin from the core of the culture while external dissent begin from other cores, both bringing into question the core of that culture and sustaining the culture itself. It is the core of cultures or traditions that we will work with for the rest of the paper.

Some scholars like Samuel Huntington and Onuma Yasuaki use the term “civilization” as when they refer to a “clash of civilizations” or an “intercivilizational dialogue.” Since we will be considering their arguments later, it is important to note Huntington’s definition of “a civilization [as] the highest cultural grouping of people and the broadest level of cultural identity people have short of that which distinguished humans from other species” (43). Civilizations, then, are cultural entities. For Huntington, civilizations also have a geographical dimension to them. Thus, even though he concedes that the boundaries that divide them are not sharp, he asserts that they are real (43). I will not be using the term “civilization” since it implies that there are geographical locations for cultures to be situated. While we can trace cultures to specific geographical locations, it is the case in our globalized world today that foreign immigrants in a different country could still identify strongly with aspects of their own culture even if they are citizens of a place that is geographically distant from where their original culture originated. Therefore, using “culture” allows us to accommodate the reality of multiculturalism that is not simply a global fact, but sometimes a local or national one. I will revisit this issue when we consider objections to the idea of an intercultural dialogue in Section 7.

B. Which Human Rights?

Philosophers debate widely about the form and function of rights as
well as the history of the language of rights (Wenar *Introduction*). Human rights as we know them today found expression first in the language of natural rights used by Thomas Hobbes, John Locke and Hugo Grotius (Nickel *Introduction*). Institutionally, they found expression in bills of rights such as the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration of the Rights of Man and the Citizen (1789), and the Bill of Rights in the United States Constitution (1791).

In this paper, human rights refer to those explicitly stated in the International Bill of Rights, which comprises Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The International Bill of Rights is recognized today as the source of our contemporary conception of human rights, which can be distinguished from earlier expressions of human rights as stated above. Since the International Bill of Rights carries our most accepted expression of human rights and has been signed and ratified by most of the countries in our world today, it is this bill of rights which the biggest debates center on and which we will be the point of contention here.

C. Which Confucianism?

Philip J. Ivanhoe in *Moral Self-Cultivation* gives a survey of key Confucian thinkers and their interpretation of the task of moral self-cultivation. His work highlights the difficulty for my project of comparing Confucianism and human rights – which Confucian theory, in its two thousand years of history and evolution, are we to look at? Joseph Chan’s piece is instructive for this problem. I choose to adopt his method of limiting myself to the theories of early Confucianism, reading closely *The Analects and Mencius*. *The Analects* is a compilation of sayings directly attributed to Confucius and *Mencius* is the development of Confucianism that came about two-hundred years after *The Analects*. That is short enough a timeframe for us to place these two works within early Confucianism.

Critics might argue that appealing to early Confucianism only is insufficient for the project of comparing Confucianism and human rights. If the purpose of the project is to provide insight on how Confucianism can navigate and place itself within dominant human rights discourse today, then of what use is it to turn to early Confucianism? It would be more sensible to consider Confucianism as it is now, rather than as it was then.

There are two considerations for my approach; the first is practical and the second is political. The practical consideration is that we are unable
to look at the entire two-thousand years of Confucianism within a paper like this. Indeed, that would be a book-length project. Out of the works and thought that span the history of Confucianism, selecting The Analects and Mencius makes sense because they are both considered classics within the tradition, upon which the newer theories were built upon. Even though both were written from 6th century B.C.E to 4th century B.C.E., they were assigned as foundational texts for the civil service examinations during the Ming (1368 – 1644) and Qing (1644 – 1912) dynasties. As part of the classical canon, Confucian thinkers returned to them time and again as the base from which their theories arose from and challenged. By doing the same, we hope to approach what is the core of Confucianism which can then provide the basis for future discussions on later Confucian interpretations.

The political consideration relates to our desire of getting to the core of Confucianism. Confucianism, as did all other ideologies, came under attack during the Cultural Revolution. It ceased to develop as an intellectual endeavor during the late 20th century except in the Chinese diasporas of Hong Kong and Taiwan. Arguably, it continued to influence the Chinese informally in their lifestyle and thought. With Marxism discredited after the fall of the Soviet Union, “China is in an ideological crisis, and Confucianism as cultural perspective seems most natural to fill the vacuum” (Chan 213). Given this scenario, there is the potential for Chinese politicians to manipulate it for their own ends, as was done by other Asian political leaders during the “Asian values” debate. Getting to the core of Confucianism by focusing on the Confucian classics clarifies what is most important to it and prevents politicians from distorting it wildly. In the next section, I consider what the ethical cores of human rights and Confucianism are and explain the conflict between them. I show that Confucianism is a communitarian tradition, human rights are a liberal tradition, and the wider implication of the conflict between communitarianism and liberalism is the fact of multiculturalism.

2. The Conflict between Confucianism and Human Rights

A. The Ethical Core of Human Rights

Human rights doctrine emphasizes the equality of all individuals and the primacy of their personal autonomy. This is evident from Article 1 of the UDHR, which states that “All human beings are born free and equal in dignity and rights.” Articles on the rule of law (Article 7), liberty and security of person (Article 3), freedom of thought, conscience, and religion (Article 18), freedom of opinion, expression and the press (Article 19), freedom of assembly and

1. I refer only to Confucianism in the Chinese context, omitting references to Korean Confucianism or Japanese Confucianism, which have developed distinct characteristics of their own.
association (Article 21) are further testaments of the emphasis on the equality of all individuals and the primacy of their personal autonomy.

Certainly, human rights doctrine also refer to the rights of individuals in relation to their status as members of groups and even to the rights of groups themselves, as seen in Article 1.1 of the ICESCR which states that “All peoples have the rights of self-determination”. Nonetheless, the roots and grounding of human rights are still found mainly in the ideas of human agency and autonomy (Nickel 2.2; Booth 65), which is as much the result of the history of the language of rights (Donnelly 80, 82; Brown 105) as it is of the dominant position of the United States in global affairs today and her emphasis on civil and political rights over other kinds of human rights (Onuma 113; Taylor 1992, 54). We will consider the historical rise and contemporary identification of human rights with the liberal tradition in the following section.

B. Human Rights as a Liberal Tradition

What is liberalism? In its Lockean formulation, the individual stands “at the center of liberalism, alone, as the best rational judge of one’s self-interests and must be permitted to act freely to achieve them” (Chua 185). Contemporary scholars have not drifted far from this Lockean formulation in their understanding of liberalism. Will Kymlicka shows that the barest outline of liberalism states that “since our most essential interest is in getting [our personal and internal] beliefs right and acting on them, government treats people as equals, with equal concern and respect, by providing for each individual the liberties and resources needed to examine and act on these beliefs” (Kymlicka 1989, 13). The role of the state, then, is to be a neutral umpire in the interactions among individuals; it does not intervene in the private lives of individuals unless there is a threat to public interest that arises because of disputes among private parties (Chua 186). In the absence of such threats, any intervention is an infringement of the rights of the individual.

Liberalism as a tradition grew out of Western political theory and the experiences of the French Revolution and American Revolution and came to heavily influence the UDHR because of the dominant roles of the U.S. and Europe in the drafting process (Donnelly 80, 82; Brown 105; Beitz 5). The UDHR and subsequent human rights doctrine became an expression of liberalism in its emphasis on the equality of all individuals and the primacy of their personal autonomy. Thus, human rights belong to the liberal tradition in its growth and maturation. What is the ethical core of Confucianism and why would we consider it a part of the communitarian tradition?
C. The Ethical Core of Confucianism

There are two major themes that run through The Analects. The first is the emphasis on the righteousness (yi) and virtue (de) of the ruler. People listen and follow when he commands properly (4.26; 12.7; 12.12; 14.12; 20.1). He commands properly when he cultivates trust (12.7) and practices the rites (li) which teach him righteousness (3.19; 4.13; 15.18) and give him virtue, a kind of moral superiority and power (2.1; 2.3; 13.6). In that sense, the ruler has duties to carry out - by ensuring his righteousness and virtue, he gains the trust of his people and keeps the peace.

The second is the emphasis on harmony within society. Everyone ought to take his place in society and do what is expected of him, while in the public sphere and especially within the family (2.21; 4.14; 12.11; 14.26). This takes the form of being deferent to elders, being righteous to juniors, and doing what is expected of one’s role to contribute to the functioning of family and society. Such conduct exemplifies humaneness (ren) in that one expresses the love and compassion that one has for others by taking into account their interests in one’s actions. In this way, a strong sense of fraternity is promoted which places the needs of the collective over those of the individual. Again, we see that a culture of dissent and of claiming one’s rights is not emphasized. Instead, duties to maintain harmony and build up society are emphasized at the level of the individual.

The themes that run through Mencius are not too different. This is not surprising as Mencius is often seen as the primary defender of Confucianism against the rise of competing philosophical movements in the years after the death of Confucius. Again, it is the virtuous ruler who is guided by humaneness and righteousness who will be able to earn the command and respect of his people (1A1; 1A5; 1A7; 1B7; 1B8; 1B12; 1B13; 2A3; 2B2). Mencius is also committed to the ideal of a harmonious society in which individuals cultivate humaneness, righteousness, wisdom, and propriety (2A6).

However, he does not merely reiterate Confucius in a different form; he further builds on various aspects of The Analects. A key development is the idea of human nature being innately inclined to goodness (2A6; 6A1; 6A15). He thinks that we possess humaneness, righteousness, wisdom, and propriety as moral sprouts that we need to cultivate individually in order for us to be good. We learn to develop these sprouts by engaging our heart-mind (xīn). It is important to note that he thinks we are all inclined to goodness to the same extent (6A15). This emphasizes a “natural equality among human beings” which some scholars appropriate to show that some conception of human rights exists in the core of Confucianism (Munro qtd. in Ivanhoe 2009
Introduction xiv). I will show why such an interpretation is problematic in Section 7. How is Confucianism a part of the communitarian tradition?

D. Confucianism as a Communitarian Tradition

Communitarianism is a Western tradition that arose as a critique of liberalism in the wake of its resurgence brought about by John Rawls’ A Theory of Justice. Communitarians like Michael Sandal, Charles Taylor and Michael Walzer criticized liberals for their overly individualistic conception of the self which undermines the value of communal associations for human well-being (Bell 2004, 33; Kymlicka 1989, 181). Bell argues that there are three central claims to communitarianism. The first is a “methodological claim about the importance of tradition and social context for moral and political reasoning”; the second is a “metaphysical claim about the social nature of the self”; and the third is a “normative claim about the value of community” (Bell 2013).

From our understanding of the core of Confucianism, it should not be difficult to see how Confucianism is a type of communitarianism. Confucianism is a tradition foreign to liberalism that envisions a society in which the individual is embedded within wider social networks that he sees as being as important as, and sometimes even more important than, himself. In making such a claim, it emphasizes the social nature of the self and the value of community which are the second and third points above. By being a tradition that is situated outside of the West, where liberalism took root and flourished, it proves the first point above that tradition and social context does play an important part in developing our outlooks in life and the way we reason morally and politically. Thus, Confucianism belongs to the communitarian tradition since it intersects with Western concerns about liberalism (Fox 563).

E. Wider Implications of the Liberalism versus Communitarianism debate - Multiculturalism

It is clear now that pitting Confucianism against human rights doctrine is but the liberalism vs. communitarianism debate in a more specific form. Scholars have also identified other cultures that similarly intersect with communitarianism and oppose liberalism in their conception of the individual such as the Islamic and Buddhist traditions (An Na’Im 147; Satha-
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Anand 193; Taylor 1999, 124). In the face of a plurality of visions in which each characterizes the individual, state and society differently, it becomes clear that we have a plurality of cultures or traditions in our world today, with liberalism and Confucianism being but two of the many. Multiculturalism is a fact that all of us, whichever tradition we identify with, need to acknowledge and accommodate.

In the past few decades, liberals have been seeking to account for the fact of multiculturalism within a state (Kymlicka 1995) and in the world (Okin; Rawls 1999; Beitz; Taylor 1999). In the next section, I want to address some problems with the responses of liberals to multiculturalism. In the process, I also consider what we can learn from these problems and how they might help us to address the fact of multiculturalism better.

3. The Problem with Responses of Liberals to Multiculturalism

The problem with responses of liberals to multiculturalism lies in their inability to remove themselves from their liberal stance to properly accommodate and respect other cultures in their responses. They make multicultural claims on their liberal terms and this is insufficiently sensitive to other cultures. In examining the positions of Will Kymlicka and Susan Okin, it will become clear that both are comprehensive liberals, as opposed to being political liberals. Okin takes a much stricter stance on comprehensive liberalism than Kymlicka does, but ultimately, they both argue for their positions from their liberal standpoint and fail to properly respect other cultures in their implicit assumption that liberalism is the superior and true tradition. Martha Nussbaum makes the distinction between comprehensive and political liberalisms clear in her reply to Okin and I discuss this in 3B. While she does lay out the directions for a political liberal treatment of multiculturalism and the human rights of women, she does not give us any details of it. I then consider Beitz’s practical conception of human rights to fill that gap but finally show that such a conception is insufficient as well in its treatment of multiculturalism.

A. Kymlicka on Multiculturalism

In Multicultural Citizenship, Kymlicka argues that liberalism requires for group-differentiated rights within states that allows minority groups to actively maintain membership in their own societal culture (Kymlicka 1995, 105). He argues that individuals are closely tied to their own particular societal culture and that since minority cultures are vulnerable to decisions of the majority culture, group-differentiated rights are necessary to address this “disadvantage” that is just as “profound and morally arbitrary as the
inequalities of race and class that liberals worry about” (Kymlicka 1995, 126).

I do think that Kymlicka’s proposal for liberals to give minorities recognition as separate and self-governing societies alongside the main society is a compelling argument for how liberal states ought to handle the fact of multiculturalism within their borders (1995, 129). His proposal also includes the idea of recognition for other cultures, which I consider important to my own project.

However, I disagree with Kymlicka’s idea of liberal toleration that is dependent on a commitment to personal autonomy. On this account, illiberal groups or states must be tolerated because imposing liberalism on them is illiberal and illegitimate. Instead, liberalism and its key principle of autonomy need to be promoted in illiberal societies through “education, persuasion and financial incentives” (1995, 166). I disagree with this since it assumes from the start that the principle of personal autonomy is foremost in the conception of a good life.

Indeed, liberalism is not an abstract individualism that features an individual far removed from community or culture. On the contrary, community and culture provide the context and capability for individuals to exercise their freedom of choice (Kymlicka 1995, 92-93). What liberalism does, however, is to place the individual at the center of the picture – community serves a purpose for him/her, rather than being “constitutive” of the person’s identity. Kymlicka does not provide a substantive argument for why the community could not be central in the conception of a good life. He claims that a common national identity cannot be a basis for communitarian politics simply because while sharing “a language and history, they often disagree fundamentally about the ultimate ends in life” (1995, 92).

Yet, he does not explain what some of these fundamental disagreements might be, and why they might be enough to render communitarianism untenable. Perhaps he means to say that people will desire different outcomes for their lives based on their own individual desires. But surely a communitarian society allows for this, and to think otherwise stretches the communitarian argument too far. Just as liberals are not abstract individuals, communitarians are not fully embedded parts of a whole – we ought to grant them degrees of autonomy and individuality. A communitarian nation, then, need not be unable to accommodate differing ultimate ends in life, even though we might expect that the set of possible ultimate ends in life might be smaller. (This would be the case since the number of possibilities of ends is limited by the desire of the people for personal autonomy. Given that we are assuming a composition of communitarians at the outset, this desire would
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be smaller and reached more quickly.) Therefore, the set of possibilities are smaller not because of a complete imposition of group values and goals on the individual, but because of the communitarian individual’s personal decision to have the group prioritized. This different understanding of human nature cannot be dismissed from the start and it allows us to imagine other societies where the ideal of community is foremost and individualism takes a backseat, though still existent.

Therefore, we can imagine why what we need is not toleration, but a form of dialogue. Since we cannot dismiss either liberalism, communitarianism, or any other major tradition at the outset, I argue that we need to allow for some kind of meaningful intercultural dialogue that works out the similarities and differences among major traditions. Before I consider the feasibility of such an idea, I want to consider another response to multiculturalism from a liberal. I argue that Okin makes the same mistake as Kymlicka does in accepting as true the underlying premise that personal autonomy of the individual and equality among individuals – values that are fundamental to liberalism – should be the most fundamental values for all societies. We will consider her argument and the implications it has for us next.

B. Okin on Multiculturalism and Human Rights of Women

In “Is Multiculturalism Bad for Women?” Okin argues against multiculturalism from within a stricter form of comprehensive liberalism. Multiculturalism is understood as the claims made by other liberals that, beyond promoting tolerance of other ways of life and encouraging cultural diversity, liberal democracies ought to grant group rights that protect minority cultures or ways of life (Kymlicka 1995, 105). Comprehensive liberals see a problem with this because one of its core tenets, egalitarianism, is threatened. If group rights allow for minority cultures to sustain their own ways of life, then practices which encourage the control and dominance of men over women will continue and be indirectly endorsed by liberalism (Okin 23). Okin thinks that liberals should not allow such practices to continue since they offend a core tenet of liberalism. In fact, the principle of egalitarianism ought to be spread to all cultures and individuals since it is of such fundamental importance (16).

I take issue with both her methodology and position. I will specifically address the problems with her methodology in Section 5 when I show how she violates the conditions of an intercultural dialogue. Here, I will focus on the problems with her position of comprehensive liberalism. Martha Nussbaum, in a reply to Okin, lays out the distinction between comprehensive liberalism and political liberalism, as first advanced by Rawls (Nussbaum 1999, 108-109). Comprehensive liberals fight for egalitarianism because they

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think that personal autonomy, if rightly prized, ought to exclude any kind of oppression. Cultures with practices of oppression, then, ought to be oppressed so that personal autonomy can flourish. Already we can see the irony in the previous statement. Political liberals, on the other hand, acknowledge the fact of multiculturalism in our world and attempt to accommodate it by allowing for the existence of reasonable and comprehensive conceptions of the good. Given basic liberties and opportunities, individuals should be free to pursue a non-autonomous life in a decent, hierarchical society or culture (Rawls 1999, 71). In this way, there is respect and tolerance for alternative comprehensive conceptions of the good. Given such respect and tolerance of other cultures, traditions and religions, Nussbaum suggests that reasons for state action against patriarchal practices (that do not go against basic liberties and opportunities as understood in the Rawlsian sense) can only be found from within a political conception that all citizens agree to because it respects their differing comprehensive conceptions of the good. She does not state what those reasons might be, only that our pursuit of it will be a difficult one because of the fact of multiculturalism. I think that Charles Beitz picks off nicely where Nussbaum ends in his argument for human rights of women. I want to consider next his argument for human rights of women, and the implications it has for my search for universal foundations of human rights.

Beitz argues, like Okin does, that an appeal to culture for the continuation of oppressive acts against women cannot be condoned (191). However, his argument differs from Okin in that he does not thereby condemn multiculturalism; he thinks that a practical conception of human rights which appeals to the underlying basic interests of every individual is sufficient to dispose of the appeal to culture. In his words, “the liberty interests involved in marriage and divorce law and the security and subsistence interests involved in laws governing property-holding and inheritance do not differ in nature or urgency by gender” (191). Since such basic interests of liberty, security and subsistence apply to all humans, regardless of culture or gender, they ought to be protected by a practical conception of human rights that allows for both state and international action.

While Beitz identifies such basic human interests through his practical conception of human rights that recognizes “certain predictable dangers to which [such interests] are vulnerable under typical circumstances of life in a modern world order composed of states” (109), my argument calls for the identification of such basic human interests through an intercultural dialogue among major cultures. The benefit of this approach is that it is not culturally neutral, thereby bearing in mind the fact and implications of multiculturalism in our world. Given that we all have cultures which are constitutive of our identity and which serve as a framework through which we view the rest of
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the world, it is important that we recognize the merits and demerits of our own culture in light of others. The dialogue is not a search for an overlapping consensus as suggested by Taylor (1999); instead, it hopes to explore the possibility of forging new common grounds among cultures based on mutual respect and understanding of the core of each culture. In this way, the foundation for agreeing upon what constitutes basic human interests differs from Beitz, even though we might expect some overlaps in content. I will provide a more elaborate response to Taylor’s argument in Section 6. In Part II, I will take up the idea of an intercultural dialogue fully.

II. Intercultural Dialogue and its Implications for Human Rights

4. Motivations for an Intercultural Dialogue

A. Fairness

As shown in Part I, since we do not have a priori reasons to prefer one tradition over another, we need to engage in meaningful dialogue to experience and understand other traditions if we want to even start thinking about which tradition is “preferable to another.” This reason, as shown above, demonstrates the value of intercultural dialogue to the liberal. It is this motivation which I will focus on in fully developing the conditions of an intercultural dialogue in Section 5 since this paper situates itself as a response to the liberal vs. communitarianism debate. Even so, there are two other important motivations which we should be aware of.

B. Embracing our Common Humanity

Through dialogue, traditions ought to work through differences in traditions by appealing to similarities in human nature. This does not seem like an impossible task; advocates of a liberal education advance this vision that has the potential to unite different peoples and traditions (de Bary 2013, 37; Nussbaum 1997, 10, 63). We see evidence of this common humanity in both liberalism and Confucianism since at the core of both traditions, it is the well-being of the individual which is desired. What the two traditions differ on is how the individual is to achieve such well-being. Therefore, what is left is for us to see how knowledge of this common humanity can help introduce external but beneficial concepts into internal dialogues of traditions. For example, if liberals perceive the need for greater emphasis on community in liberalism and Confucians perceive the need for great emphasis on rights of individuals in Confucianism, then they can learn from the external tradition to advocate change within its core. In this manner, cultures evolve and incorporate more of other traditions (or begin to emphasize parts of their
tradition that were previously neglected) based on terms that are internal to their tradition, thereby reducing differences and moving closer to a common point. This common point is not fixed, but we can imagine that traditions will keep redefining it and moving towards it together through the dialogue that continues to reveal more about a common humanity.

Bhikhu Parekh further suggests that such other similarities in our human nature, which he calls “human universals,” are human dignity, human unity, human worth, and equality (149). He argues that we will realize that these values are the most important to us since they are “grounded in an interculturally shared human identity and are capable of being defended by interculturally shareable good reason” (150). With such human universals as a foundation, we can start to construct human rights with the right form and function to achieve these universals. I shall demonstrate the importance of this motivation in Section 6 when we consider the vision of an intercultural dialogue.

C. Sustaining Traditions

Wong and Hassboun argue that we should aim not for preservation of a culture, which assumes an essentialist conception of culture, but for sustaining of a culture, which allows for participants to have full control over practices, norms and beliefs within the culture as they change over time (15). An intercultural dialogue is non-coercive, allowing for traditions to take content from the dialogue back to be placed within their own internal dialogue and worked out at their own time. In this way, the tradition is sustained since it evolves at its own pace, yet, the fact of multiculturalism is allowed to properly affect the way it evolves. As long as there is an intercultural dialogue in motion and a particular tradition participates in it, we can consider that tradition being sustained.

5. Conditions of an Intercultural Dialogue

What are the conditions for a fair intercultural dialogue? In this section, I will propose three conditions. After each condition is briefly explained, I will draw on the work of various scholars to show when the conditions are violated or abided by. I will show that abiding by these conditions allows us to give other cultures a fair hearing that properly respects them. In the process, we properly account for the fact of multiculturalism in our world today.

1. An attitude of fallibilism (that is accompanied by a presumption of worth): participants must enter the dialogue without assuming that their tradition is already superior and the final answer. They must be ready to
learn from other traditions, admitting where aspects of other traditions can fill gaps in one’s tradition or be complementary (Nussbaum 1997, 9). This must necessarily be accompanied by a presumption of worth, which requires the participant to accord due respect to a tradition on the basis of the tradition being accepted, practiced and lived out by a substantial group of people for an extended period of time. The presumption of worth can also motivate one to develop an understanding of the core of other traditions (see condition 3).

Violation of Condition 1: Okin

As shown in Section 3b, Okin enters the debate on multiculturalism as a comprehensive liberal who already assumes the superiority of the liberal tradition. This translates to an attitude of infallibilism which leaves her with the only option of condemning all other traditions. This is evident when she makes sweeping states such as “while virtually all of the world’s cultures have distinctly patriarchal pasts, some – mostly, though by no means exclusively, Western liberal cultures – have departed far further from them than others” without substantial support or good reasons (16). This is clearly unfair and it further leads her to make the normative claim that liberalism should be universal and enforced in all other societies which are still stuck in their “patriarchal pasts” (19).

Abidance of Condition 1: Taylor and Walzer

Taylor in “The Politics of Recognition” steps out of the both the comprehensive and political liberal positions to consider “a liberal society that singles itself out by the way it treats it minorities, including those who do not share public definitions of the good, and above all by the rights it accords to all of its members” (1992, 59). This form of liberalism he proposes allows for strong collective goals to be prioritized if basic and fundamental rights are protected and those who do not share the common goals are respected. In this way, a society which prizes the survival and flourishing of a particular culture may do so. To define it by the terms we have been using in Part I, this is a communitarian society with liberal characteristics that prioritizes the collective good over the individual good while still allowing for minimal notions of personal autonomy.

Why is Taylor’s view preferable to Okin’s? Taylor enters the debate on multiculturalism without assuming the infallibility of any one tradition. He acknowledges that there can exist liberal societies which view the individual as central and “primarily a subject of self-determining or self-expressive choice” alongside communitarian societies which prioritize collective goals over individual goals (1992, 57-58). He argues that, in the face of multiculturalism,
liberals ought to be open to the existence of communitarian societies because that is what equality and fairness demands of them (1992, 43).

Nonetheless, he allows for such communitarians societies to be limited by minimal notions of liberalism, thereby acknowledging that liberalism can still be of value in such societies. By entering with an attitude of fallibilism, he recognizes that liberalism is not the only way and that there can exist different types of society that assign different weights to collective and individual goals, even though the presence of both are equally important. Such an approach asks for reason in showing why one particular society should prioritize one type of goal over the other, and allows for diverse weighting of goals to exist. It also presumes that other ways of lives are worthy of respect given that a significant number of people have lived by it for a long time and continue to ask for the survival of those ways of lives (1992, 62).

Given such an understanding, Walzer further suggests in a reply to Taylor that America would choose a liberal position as a collective goal from within the communitarian position (103). By showing that Taylor’s approach allows for liberalism to flourish in particular societies which are suited to it, he demonstrates the superiority of Taylor’s attitude of fallibilism which allows for diverse types of comprehensive societies, liberal or communitarian, to exist alongside each other. Lacking in Taylor’s account is what the basic or fundamental rights are. I will take up this matter in Section 6 when I suggest how we might find truly universal foundations for such a set of human rights.

2. Argument by reason: good reasons must be given for why a tradition should adopt aspects of other traditions or drop aspects of its own.

Violation of Condition 2: Okin

Okin shows the lack of good reasons in arguing for her position of comprehensive liberalism in “Is Multiculturalism Bad for Women?”. Okin describes the oppression that women face in other cultures through the use of anecdotes and interview statements (14, 15). One has to question if the oppressive attitudes expressed by those few individuals are indeed representative of their entire culture. Furthermore, even if there is a trend or history of oppression in a society, I do not think that such descriptive statements alone are sufficient to condemn their entire culture or society. One has to question what the normative core principles of the society are – if practices merely present a deviation from those core principles are do not represent the core principles themselves, then one is arguing against the wrong set of principles. I also do not see how Okin’s blanket dismissal of oppressive practices in Asian, African and Islamic cultures (12-16) ought not
to be applied to her own society in America, which has its history of slavery and oppression which many argue still exists today, albeit in the form of the system of mass incarceration (Alexander, Gottschalk). Given her reasoning, since liberal democracy in America is descriptively oppressive, the culture of liberalism ought to be denied the group rights to sustain itself. Liberalism would then have to be open to an overhaul of its principles and tenets, and the very foundation of Okin’s arguments needs to be questioned first. Therefore, Okin does not give us good reasons to accept her position of comprehensive liberalism and what it demands of other cultures.

Abidance of Condition 2: Joseph Chan

In “A Confucian Perspective of Human Rights for Contemporary China,” Chan argues for the compatibility of human rights and Confucianism based on the concept of humaneness (ren) which entails care and compassion for others through one’s action (217). While humaneness is often tied to roles within one’s particular social relations, Chan further argues that there are also “nonrelational occasions when moral actions are also required by [humaneness]” (218). To provide good reasons for such an interpretation of humaneness, he draws from key passages in Mencius and The Analects. From Mencius 2A6, a humane person is moved to save a child from a drowning in a well not because of any particular relationship he has with the child or his family, but because he cares for human life and does not want to see the child suffer. From Mencius 4B28 and 7A46, a humane person is expected to love “other people” and everyone, without specifics. Finally, from The Analects 1.6, 12.2, 12.22, Confucius makes it clear that the humane person is to “love the multitude,” “love others,” and “not impose on others what you would not like yourself.” These passages provide us good reasons to accept Chan’s claim because he draws from the same widely-accepted authoritative sources within the tradition to refute the claims of those who argue that humaneness is only applicable within the specific roles we take on in society.

Having proven his claim through sound analyses of authoritative texts, he then argues that the concept of humaneness would “endorse human rights as an instrument to protect humanity and important human interests” since care for the needs of other human beings is of central importance to it (237). At this point, one might wonder why I agree with Chan’s reasons that lead to the conclusion that human rights is compatible with Confucianism, when in Part I, I had argued for that the two traditions are in conflict with each other. I should point out that though I do stand by the notion that the two traditions are opposed in their recognized key tenets and the practice of them, I do not think that they will always be opposed to each other. In fact, it is the possibility that traditions can come to complement each other in the way that
Chan proposes which also motivates the idea of an intercultural dialogue (see Section 4B of this paper). I will return to this point in Section 6. It is enough to note here that while I think that the two traditions are opposed to each other, I do not think that they are incompatible with each other. Chan argues with good reasons for his claim and contributes to the intercultural dialogue.

3. Expertise of one’s tradition and knowledge of other traditions: participants need not belong to the culture they represent by birth, ethnicity, or geography, but they must be recognized within the tradition itself as an active participant who is capable of representing the tradition. As important is an understanding of the other traditions that are participating in the intercultural dialogue. While we should expect them to be experts in the details of their traditions, we will only expect them to know the core of the traditions they are in dialogue with.

Violation of Condition 3: Kymlicka and Okin

Neither Kymlicka nor Okin demonstrate an understanding of the core of any other traditions in the world today. In *Multicultural Citizenship*, Kymlicka acknowledges that other traditions exist and that liberalism is but on among many (1995, 18). Even so, nowhere in his book does he make an attempt to seriously engage with the core of any one of those other traditions that he acknowledges exists. By remaining comfortably within the liberal tradition, he fails to properly respect what other cultures could bring to the discussion about the fact of multiculturalism. He falls back mainly on the liberal notion of tolerance in his treatment of multiculturalism, which accounts for the difference but not the possibility of mutual learning and compatibility among traditions (1995, 152).

Okin shows an attempt to engage with Islamic, Asian and African culture but her attempts are marred with bad arguments and a superficial treatment of these traditions (see Violation of Condition 1 in this section). Instead of drawing on authoritative texts or figures from within the respective traditions, she cites interviews with strangers as evidence for her claims about these traditions (12-16). She makes no attempt to seriously engage with the traditions as a whole or to at least acknowledge and understand the key debates within the cores of each tradition.

Abidance of Condition 3: Daniel Bell and Joseph Chan

In *Beyond Liberal Democracy*, Daniel Bell not only acknowledges multiculturalism but makes an effort to seriously engage with the tradition of Confucianism, taking him beyond the liberal tradition which he grew up in. He draws on Mencius in his discussion of just and unjust wars in the Confucian
context (2006, 35) and engages in dialogue with contemporary scholars on liberalism and Confucianism throughout his entire book. In the same way, Chan also engages directly with the Confucian classics and with contemporary scholars in building up his argument, demonstrating knowledge of both the liberal and Confucian traditions.


In this section, I will consider what the participants in an intercultural dialogue should aim towards. Given that fairness and the sustaining of traditions are both ensured if traditions participate in a fair intercultural dialogue with above conditions in place, what substantive outcome should participants hope to reach at the end of the dialogue? In other words, what should their vision of the intercultural dialogue be?

Certainly, we expect the dialogue to produce some form of agreement about human rights that will give parties reasons to accept and act on them. But of what nature is this agreement? This needs to be answered before we can proceed to consider the vision of the intercultural dialogue. Beitz distinguishes three different kinds of agreement theories: common core, overlapping consensus, and progressive convergence (74). Each of these has their own problems, which I will further develop here. I will also show how my theory of agreement is different from those three, and why it is preferable.

First, we consider the common core agreement theory. This theory is the simplest of all three and aims to find human rights that are common across the major cultures of our world to produce a list of human rights that we would all agree to. This theory, in its simplicity, is quickly invalidated. As we have noted already, human rights themselves are culturally specific, so if we are searching for specific rights language in the various cultures, the major ones associated with communitarianism such as Confucianism and Islam are immediately excluded as a whole. Even if one argues that what one wants to find is a common core which reflects the substance of human rights, this common core would produce too thin a list and exclude many of the human rights which we think are of importance to us today such as human rights of women (Beitz 74).

Second, we consider the overlapping consensus agreement theory. This theory is more nuanced, recognizing a distinction between the norms and the justifications of human rights (Beitz 75). In “Conditions of an Unenforced Consensus on Human Rights,” Taylor elaborates on this theory by drawing first on the original Rawlsian idea of an overlapping consensus which aims to accommodate a plurality of cultures within a democratic regime. Rawls
argues that it is possible for various cultures and philosophies to have an overlapping consensus on a “regulative political conception of justice” that would “provide a shared public basis for the justification of political and social institutions” within a democratic society (1987, 1). Taylor builds on this idea and suggests that it can be applied in the global arena among different cultures and philosophies as well, so that human rights norms can be agreed upon in their practice, even as they are supported by different legal forms and have different background justifications within different cultures and societies (1999, 143).

The problem with this theory is that searching for the norms of human rights that are common across the major cultures in the world is likely to produce too thin a list of human rights as well. Furthermore, if we work from the assumption, as Taylor does, that it is the current set of human rights norms found in the Bill of Rights that we ought to agree on and work our way towards from each tradition, then we would have the “relationship between agreement and justification backwards” (Beitz 78). It is precisely because human rights norms were based on liberal foundations in its conception that we want to have a justificatory theory that helps us to distinguish the specifically liberal human rights from the human rights that we can all accept. Accepting all the current human rights norms as they are now and then working to justify them within the respective traditions is to defeat the purpose of searching for an agreement theory.

Third, we consider the progressive convergence agreement theory. This theory claims that we can come to agree on current human rights if we have each tradition “develop or evolve under pressures for adaptive reinterpretation” so that we soon find human rights norms within each of them (Beitz 88). As previously mentioned at the end of Section 2C, scholars have attempted to justify the “natural equality” of all human beings and, hence, human rights from the Mencian idea of the innate inclination to goodness. In this way, they hope to readapt Confucian conceptions to directly support human rights norms and justifications. If all other traditions could also develop such a revisionist understanding of their own tradition to support current human rights norms, then we have a convergence which gives us reasons to act on current human rights doctrine (Beitz 90).

The problem with this theory is that we reverse the relationship between agreement and justification once again. If what is in question is the universality of current human rights, then the kind of agreement theory which we seek needs to give us good reasons to accept or reject them. If it assumes the universality of current human rights already, then the charge of unfairness remains.
Having considered the three kinds of agreement theories, I want to propose an agreement theory that drives the idea of an intercultural dialogue, sets a vision for its participants, and also gets by the weaknesses of the theories above. This theory also works on the idea of convergence. However, instead of converging on an existing viewpoint such as liberal human rights, it aims to converge on a new viewpoint which is a hybrid produced by the intercultural dialogue. What could we imagine this hybrid viewpoint to look like? Returning back to Section 4B, the intercultural dialogue will strive for a shared understanding of “human universals” among traditions which serves as the basis of the human rights norms which we agree on from the process. Indeed, it is important to not be too prescriptive about what the exact content of the hybrid viewpoint might be, but one can imagine that traditions would benefit from each other in the way that Chan (see Section 5: Abidance of Condition 2) and Taylor (see Section 5: Abidance of Condition 1) have proposed.

Ultimately, a shared understanding of “human universals” will provide a truly universal foundation for human rights. This gives us a justificatory theory that comes before agreement, thus avoiding the problem we had seen with the progressive convergence and overlapping consensus theories. It also does not limit the scope of human rights since the dialogue itself allows for the scope of human rights to be debated on in a fair environment. Thus, it avoids the problem of having too small a scope which we had seen in the common core and overlapping consensus theories. In embracing our common humanity through an intercultural dialogue, we arrive at shared understandings that become a truly universal foundation for human rights.

In the next section, I will consider objections that might be raised against the idea of an intercultural dialogue itself, in the various forms envisioned by different scholars. I will show that in spite of these objections, an intercultural dialogue is still possible in the form which I have proposed.

7. Objections to an Intercultural Dialogue

In The Clash of Civilizations, Huntington argues that, as a result of increasing civilization consciousness in the post-Cold War world, differences among civilizations will become the major source of conflict, replacing the preceding ideological conflict between liberalism and communism. While he rightly shows that differences among cultures do exist, he does not show why there is no hope for an intercultural dialogue that could bring cultures closer together. He lists evidence for the relevance of his civilizational paradigm (38, 39); yet, he chooses to only emphasize instances of conflict among civilizations, and clearly ignores instances of cooperation. In our modern world, instances of conflict do abound, but so do instances of cooperation. Internationally, one can look at economic cooperation among states and civilizations.
demonstrated by the signing of Free Trade Agreements and the increasing prevalence of multinational corporations that transcend borders. Nationally, one can look at the proliferation of multicultural societies which bring cultures to co-exist together. Such multicultural societies are not without conflict, but that they still exist and that participants in such societies make an effort to work towards greater cohesion is evidence that a clash of civilizations, globally or within societies, is not wholly inevitable. Since it is in defending the idea of an intercultural dialogue that its form and value becomes more apparent, I will now address possible objections to the idea of an intercultural dialogue in this section. In the process, I also hope to fill in a gap in Huntington’s work.

In *Beyond Liberal Democracy*, Bell considers three authors and their conceptions of an intercultural dialogue. I will consider here his four objections against the work of Onuma Yasuaki, Amitai Etzioni, and Charles Taylor.

* A. Against Onuma Yasuaki

In “Towards an Intercivilizational Approach to Human Rights,” Onuma argues for the need for an intercivilizational dialogue. He thinks that such a dialogue will help move us away from “West-centrism” (122) and also legitimize human rights theoretically (120) but he does not attempt to sketch out the conditions of the intercivilizational dialogue. Bell’s first objection comes in the form of questioning what the boundaries between civilizations are and how we ought to delineate them even before we begin such a dialogue (2006, 80). As Bell does not explicitly say what type of boundaries he is referring to, I will respond to interpretations of boundaries as either physical or cultural.

If Bell is questioning the physical boundaries of civilizations, then I think his objection arises from Onuma’s problematic use of the civilizational paradigm, which is concerned with searching for the largest fixed cultural grouping of peoples to be participants in the dialogue. As I stated in the Section 1A, I think that the use of “civilization” is problematic because it is really culture that we are concerned about. Onuma defends his use of “civilization” by arguing that it is the more comprehensive analytical concept, especially since “culture” is often narrowly defined within human rights discourse to not include “economic, social, civil and political fields” (119). While this is indeed a problem, I think that it is a minor one that can be quickly overcome by properly defining the wider scope of culture to one’s audience or readers. This task is also aided by the fact that definitions of culture outside human rights discourse are often much wider to begin with as shown in Section 1A. Even though our explicit project is to have the intercultural dialogue provide a legitimate theoretical foundation for the idea of human rights, we can imagine that the dialogue will also be of benefit to humanity in other
realms of policy-making or comparative work. Therefore, there is no need to restrict our understanding of “culture” to how it is often understood in human rights discourse; rather, in realizing that the intercultural dialogue will be of wider relevance to all disciplines and fields of work, we can choose to adopt a definition of culture that is wider and also more widely accepted.

Moreover, “civilization” also implies a specific geographical location. Onuma thinks that such groupings of people transcend the boundaries of nations and are rightly termed “civilizations.” While it is true that cultures originated in “spheres of people [that have] both a geographical and historical dimension,” it is not the case today that cultures continue to remain within a specific geographical space (119). In our increasingly globalized world, the high speed and volume of people moving around the world means that diasporas are forming in multicultural states and societies. Immigrants in such diasporas might be citizens of a new country, but they often still bear allegiance to their cultures in the way they behave and think. As a result, there is also the possibility of a clash of cultures at the national level that is removed from specific geographical locations that each culture originated from respectively. This means that even though the term “civilization” is the broadest cultural grouping of people, it is not conceptually broad enough to capture the reality of multiculturalism that occurs at various levels of societal groupings. While it might be true in the past that cultures did remain in specific geographical locations, that claim is not true today. The use of “civilization” distracts us from our main concern of analyzing cultures and their interactions at all levels of society.

Therefore, we can understand this interpretation of the first objection to be against the idea of “civilizations,” and not explicitly against the idea of the intercultural dialogue itself. Bell is right that physical boundaries between civilizations are hard to delineate. But this is only important if we choose to limit ourselves to the civilizational paradigm in our analysis of culture. Once we acknowledge that identification with a culture can transcend specific geographical boundaries and thus remove ourselves from the civilizational paradigm, this objection fades.

What if Bell was referring to the difficulty in delineating the cultural boundaries between civilizations? Again, I think that he is right. However, it is unnecessary for us to delineate firm cultural boundaries for the dialogue. As I have argued earlier in Section 1A, our definition of culture is such that it has a stable but mutable core. It is these cores which are distinguishable from each other, and which makes the idea of an intercultural dialogue and his own project of the “mutual learning and enrichment of political theories” possible to begin (2006, 9). Therefore, firm boundaries among traditions are
unnecessary and this interpretation of his objection is also unfounded.

In response to Onuma, Bell’s second objection to the idea of an intercultural dialogue is that it will exclude minority cultures and marginalized groups in society such as “sex workers, refugees, and people who are mentally ill” (2006, 80). How such marginalized groups are to be incorporated into human rights doctrine is indeed an important issue in thinking about the idea of human rights, but to incorporate it into the idea of an intercultural dialogue now is premature. That endeavor has not been properly accomplished even within the current human rights doctrine which draws mainly on just one particular tradition – liberalism. To expect the intercultural dialogue to accommodate these complicated issues right from the start is to overcomplicate the task. Nonetheless, we can imagine that the intercultural dialogue will mature and develop to be able to accommodate such issues. As each tradition draws on its own resources and learns to address how we should treat marginalized groups in society, the dialogue becomes a platform to share principles and philosophies behind our treatment of such groups.

In a similar vein, the intercultural dialogue should start off with a dialogue among only the major cultures so that we can learn to work through the finer details of the process. As the dialogue matures, minority cultures should then be included. They will be expected to participate on the same terms as the major cultures. At that point, it would be necessary to come up with requirements that will help us to distinguish legitimate minority cultures from illegitimate ones. That will be problematic since the politics among cultures will complicate matters. Nonetheless, if we aim for complete universality, we would want to include legitimate minority cultures at some point. That, however, is a project which should be shelved till we learn to properly manage the intercultural dialogue among the major cultures.

B. Against Amitai Etzioni

Bell’s third objection goes against Etzioni’s conception of a worldwide moral dialogue. Etzioni thinks that a worldwide moral dialogue is needed to produce “global mores that have the compelling power of those of various societies” (236). Since Etzioni also does not explicitly state the design of such a worldwide dialogue, Bell questions if the dialogue is to include every individual in the world today. This is a practical impossibility and will not allow us to reach any meaningful conclusions. Thus, we need to find representatives of each culture. Even so, that is also a problematic issue (2006, 80).

I respond to how we are to choose the right representatives from each culture in Section 5 where I proposed conditions to be placed on participants.
in the intercultural dialogue. If participants can meet those conditions, then they are worthy of representing a culture. The dialogue need not be a physical encounter; it could be accomplished through an exchange of letters or articles that are published periodically for access to all. In this way, everyone is invited to participate in the process but only those who meet the conditions will eventually be published to have their voices amplified. Such back-and-forth will eventually come to constitute the dialogue.

B. Against Charles Taylor

Bell’s fourth objection is against Taylor’s idea of an unenforced consensus on human rights. While Taylor (1999) does not explicitly refer to the idea of an intercultural dialogue, his method suggests how we could accommodate a plurality of cultures within human rights doctrine through some form of agreement as shown in Section 6. Thus, it is useful for us to consider his ideas within this context since a particular aim of the intercultural dialogue is to achieve that very same aim.

Bell objects to Taylor’s consensus-forming process because he thinks that it will be difficult for people to remove themselves from their deep-seated cultural values and beliefs during the course of such dialogue. Furthermore, even if participants remove themselves from their specific cultures, it is likely that the agreement will take place on general levels that do not actually reach the heart of the arguments that surround contested rights (2006, 80). I agree with Bell’s objections, and think that they are aiming at a broader objection against Taylor’s position. This broader objection I have explained clearly in Section 6 as well. In brief, it is that the consensus-forming process ultimately assumes the validity of all current human rights which is based on a position that liberalism is true and superior. However, I have shown that it is possible to conceive of an idea of an intercultural dialogue that is based on a different kind of agreement theory which gets us out of this worry.

8. Conclusion

In this paper, I have shown that there is indeed a conflict between Confucianism and human rights, which on the broader level, can be characterized as the conflict between communitarianism and liberalism. These are two particular traditions and in spite of the conflict between them, they can come to complement each other through an intercultural dialogue. The idea of an intercultural dialogue is a response to the inadequate responses of liberals to the fact of multiculturalism, which is a broader implication of the liberalism vs. communitarianism debate. In this regard, an intercultural dialogue can ensure fairness. In addition, the intercultural dialogue also sustains traditions,
and ultimately, is able to produce a truly universal foundation for human rights through a shared understanding of “human universals”. The objections raised against the idea of an intercultural dialogue highlight some difficulties of the intercultural dialogue, but do not deter us from pursuing it in the specific form that I have proposed. This paper is but a starting point for the intercultural dialogue which takes place on a much grander scale, involving all the major cultures of the world. To work towards deeper understandings of each other’s cultures that culminate in a shared vision for humankind is the hope of an intercultural dialogue. That hope might very well be the hope of humankind in our world today.
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