Dear Friends,

I very much look forward to seeing you all on March 25th. The attached draft is of a paper that addresses the well known "crowding out" effect known in law and economics literature primarily from Bruno Frey's work, but updated for newer work in this decade, synthesized with some of the law and social norms and reciprocity work that Dan Kahan did, and hopefully developed in a way that offers new opportunities to generate hypotheses that could translate into experimental or field-observational studies regarding the effects of likely law reforms. It has ties to Dan Markovits' new work on feedback effects on cooperativeness as well. It is by far the most "legal theory" piece I have done in a while, with claims about law's normativity, proceduralism, and indeterminacy tied to the phenomenon of interdependent motivations, as well as exploring what we might mean by legitimacy and legitimation in this framework. One question that may be interesting to talk about is what benefits there are from integrating what were traditionally discussions stated in conceptual and normative terms (e.g., what makes law legitimate) into current social and behavioral sciences (e.g., what in the practice of legal system produces a psychological effect of internalized compliance with an official command). I very much look forward to hearing what you make of all this.

If you are curious about how both these projects integrate with a broader research agenda seeking to integrate work in various behavioral and design disciplines into an approach towards human systems design (including internet-based computation systems, organizational systems, and legal institutions) a broad sketch is at
http://www.tobinproject.org/twobooks/pdf/New_Theory_Ch9_Benkler.pdf

To avoid the perception that I have forsaken Internet-related things, or if you are interested in how some of this gets applied in a real-world setting of online music distribution sites that rely on voluntary compliance, trust and reciprocity instead of on technical or legal forcing mechanisms, here's a new piece with Leah Belsky, Byron Kahr, and Max Berkelhammer. Pages 59-68 draw out some of the actual ways in which people have tried to implement these in the music sites.
http://dl.dropbox.com/u/4179045/Everything_Feb2010.pdf. The actual data regarding long term sustained high levels of contribution in these voluntary donation music sites described earlier in the paper is fascinating. The long and short of it is that mid-level artists, not the big stars who have already made it in the traditional world, have been able to sustain the (modest) levels of revenue they might make from royalties using online distribution systems that make it easy and legal for users to share their music, but also easy and normatively/socially prompted to pay the artist. We have over five years of data; over 150,000 transactions from three sites.

I do very much look forward to seeing you soon, Yochai