

How Law Changes the Environmental Mind: An Experimental Study of the Effect of Legal Norms on Moral Perceptions and Civic Enforcement

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Abstract

This paper examines a fundamental and yet unexplored question in the field of environmental law and policy -- how different legal instruments affect people's moral intuitions and willingness to engage in social enforcement. Such omission is surprising in given the wide range of regulatory techniques that are used by environmental regulators and the wide-ranging recognition of the important role of civic action in the enforcement of social and legal norms. The different instruments that exist in the environmental field vary in terms of their governance technique (e.g., standards versus market-based instruments, criminal versus civic enforcement), the process through which they were enacted (e.g., participatory versus hierarchical law-making), and the way in which they allocate enforcement responsibilities (e.g., government-centered versus self-regulation).

This paper examines the effect of different legal instruments on citizens' moral evaluation and emotional reaction to corporate polluting behavior as well as their motivation to engage in private enforcement of legal norms, drawing on an innovative experimental method. To study these questions we conducted an experimental survey on a representative sample of 1400 individuals in Israel, using a web-based platform to collect their responses. In our experiment, the sample's sub-groups were randomly assigned to different legal scenarios associated with different types of environmental instruments.

Our findings demonstrate that the design of the legal instrument does influence the level of moral and emotional resentment people experience when they observe an environmentally problematic behavior as well as their motivation to engage in private enforcement. The design of the regulatory instrument could thus generate biases in social reactions to polluting behavior by either enhancing or reducing moral and emotional resentment and enforcement reactions, irrespective of the actual ecological adversity of the observed behavior. We analyze the moral and psychological mechanisms which underlie these effects and explore their various policy implications.

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