## **Title: Can the Public be Trusted?**

**Subtitle**: On the Promise and Perils of Voluntarily Compliance

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## **Introduction**

Most research on trust in the context of regulation and compliance focuses on the decline of public trust in institutions. This book challenges the prevailing narrative by highlighting a neglected issue: the inability of governments to gauge the extent and quality of public cooperation with their policies. This book examines why voluntary compliance, despite being viewed as more sustainable, beneficial to society, and of higher quality than coerced compliance, remains largely an unrealized ideal rather than a realistic normative and practical paradigm.

To what extent can states trust their citizens to cooperate with laws and regulations with the least possible use of coercive measures? What will the state and public earn from such approaches and to what extent is this a desired goal?

This book will address these fundamental questions that arise in nearly every aspect of legal and social policy making. These questions affect a wide range of issues, including compliance with tax laws, environmental regulations, traffic and driving laws, commercial ethics, and more recently, COVID-19 regulations.

The idea of citizens’ voluntary compliance[[1]](#footnote-1) and cooperative behavior[[2]](#footnote-2) is discussed from different perspectives in nearly all the social sciences (psychology, sociology economics, political science, criminology, and more) as well as in the literature of law and even philosophy. From the outset, it seems safe to argue that obtaining voluntary compliance from citizens, especially if it intrinsically motivated, is the most desirable method of governance.[[3]](#footnote-3) However, to a large extent, policy makers feel that in order to trust the public to comply, thereby helping them uphold their commitment to protect the public interest, policy makers need strong assurances that those regulated will indeed behave according to the law. Without a clear indication of what to expect from reliance on voluntary compliance, policy makers fear that they might harm rather protect the public, thereby achieving inferior results and ultimately losing power. Thus, both states and their citizens ultimately arrive at some form of a prisoner’s dilemma, where regulators behave in a suboptimal way. This, then, will push even more people to view regulators as untrustworthy, simply because the regulators cannot know in advance when and how the public can be trusted to cooperate.

By and large, much of this deficit is a function of the relatively weak and limited empirical basis of our understanding of when people can be trusted in a given situation. As a result, risk-averse policy makers resort to monitoring and coercive measures, simply because it is very challenging and complicated to identify in advance the proportion of the public who will engage in more voluntary forms of cooperation in a given situation.[[4]](#footnote-4) The recent COVID-19 pandemic crisis led some countries to resort to sanctions and fear-based rhetoric to ensure public cooperation, and offers an excellent example of the mechanisms and effects of the more coercive process. These coercive measures were employed despite the overwhelming and recognized evidence of the short-term and long-term advantages of more lenient, less coercive regulatory measures. These have been shown to motivate people to engage in better quality compliance even in areas and contexts in which monitoring is impossible. However, despite these clear advantages of relying on voluntary compliance, regulators resort to traditional approaches in more contexts than previously assumed because of what they perceive as the constant risk and lack of precise knowledge regarding the likelihood of cooperation.

Deeper insights into the likelihood and quality of voluntary compliance can help advance the theoretical understanding of the nature of the interaction between democratic governments and their residents. This can also improve policy making in cases where the voluntary cooperation produces better results than coerced compliance or when the means policy makers could employ to coerce cooperation are limited, disruptive, or too costly. Much of the discussion in this book will demonstrate the extent to which voluntary cooperation could and should be sought and the optimal ways to achieve it. The different costs of voluntary compliance in terms of equality, communication, uncertainty, and increased risk to the public will also be explored here. Additionally, the benefits of voluntary compliance in terms of its effect on autonomy, resilience, quality of compliance, and enhanced trust relationships will be discussed.[[5]](#footnote-5)

The voluntary compliance paradigm developed here will enable researchers and policy makers to make more informed decisions about when, how, and to what extent states *could* resort to less coercive measures when trying to change the short-term and long-terms behavior of the public. Since part of the discussion of voluntary compliance is related to intrinsic motivation, where people believe in the purpose of the relevant law or regulation, we must examine if states are even allowed to engage in practices that could potentially shift people’s intrinsic motivation in the “desirable” direction. The behavioral analysis of when states can trust members of the public will be accompanied by a normative discussion on when, and to what extent, states *should* do so, given the potential broader effects of such an approach on the public and other players. Clearly, to evaluate these effects, it is important to identify who will cooperate voluntarily, and to what extent.[[6]](#footnote-6)

The different chapters of the book will address issues such as what regulatory approach is more likely to elicit voluntary compliance, what could undermine such compliance, and what needs to be done to understand how the individual, situational, regulatory, and cultural dimensions of the behavioral regulatory policy paradigm interact. In addition, we will review and analyze methods balancing the risk to the public of reduced regulatory coercion and monitoring with the potential long-term advantages to the public arising from a cooperative regulatory approach in which deserving regulatees feel trusted. The nature of this analysis is inevitably flexible, as it must adapt to the distinct types of behaviorally based regulatory tools and to different target populations with diverse backgrounds and ethical preferences.

Part of the problem with voluntary compliance is related to understanding what exactly the “voluntary” in voluntary compliance means. Part of the discussion needed to advance our understanding of voluntary compliance involves distinguishing between various optional dichotomies. These can help clarify what is spontaneous or induced, the regulatee’s consciousness of the decision to comply—as in the case of many nudges—the relationship between voluntary and extrinsic measures—such as positive incentives where the individual’s free decision might be related to them—and how coercion-free voluntary compliance measures actually are.

These discussions could lead to a much more nuanced and meaningful understanding of the antecedents of cross-sectional variation in levels and types of voluntary compliance. Such understanding may be promoted by focusing on dependent variables beyond the classical regulatory and compliance measures of impact (e.g., proportion and typology of cooperators, broad-term[[7]](#footnote-7) impact of regulatory tools, quality of cooperation, beyond-compliance measures of cooperation, and the likelihood of internalization processes following the regulatory intervention) as well as on the long-term effect of regulation (by measuring attitudes repeatedly on the same panel).

## Reversing the trust paradigm

In research and policy analysis, “trust” is typically studied in the context of the trust of the public in institutions.[[8]](#footnote-8) This book seeks to reverse the trust paradigm and examine how we can identify ex ante when governments can trust the public and to what extent, and how trust should affect the regulatory style and governments’ efforts to foster the public’s voluntary cooperation. The apparently unambiguous goal of governments to have their citizens engage in voluntary compliance is examined from different social science perspectives (psychology,[[9]](#footnote-9) social economics,[[10]](#footnote-10) political science,[[11]](#footnote-11) criminology,[[12]](#footnote-12) law,[[13]](#footnote-13) and philosophy[[14]](#footnote-14)).

To date, the empirical basis of our understanding of when and to what extent the public can be trusted in a given situation is weak both theoretically and normatively. Theoretically, since most of the relevant literatures (compliance, ethics cooperation, and more) rarely intersect. Empirically, since most studies focus on only one type of behavior in one regulatory context and fail to examine broader questions regarding the distributive effects in the context of a heterogeneity in a population, or sustainability in terms of duration of regulatory effects on behavior. Various meta-analysis studies show that most people do not cheat most of the time.[[15]](#footnote-15) While we now know to identify the contexts in which even self-perceived “good” people can cheat,[[16]](#footnote-16) we still do not know enough to accurately predict ex ante in what regulatory contexts such unethicality will dominate.[[17]](#footnote-17) Furthermore, the related literature in behavioral public policy[[18]](#footnote-18) usually focuses on the extent of the effect of specific interventions (e.g., nudges, incentives), but rarely discusses theoretically, empirically, or normatively other dimensions, such as the population heterogeneity of the effect, the long-term effect on trust, and the quality and intensity of the compliance. As a result, risk-averse policy makers resort to monitoring and to coercive measures, simply because there is not enough information about the benefits of voluntary compliance, in terms of its effect on autonomy, resilience, quality of compliance, and enhanced trust relationships. The same holds true about its costs, in terms of resulting inequality, communication costs, uncertainty, and increased risk to the public.[[19]](#footnote-19) For example, the recent COVID-19 pandemic led many countries to resort to sanctions and fear-based rhetoric to gain public cooperation following the first signs of certain levels of non-compliance. These governments had limited ability to understand whether fear-based rhetoric and taking harsher steps actually improved all aspects of compliance, not to mention the possible negative effect on intrinsic motivation.

## Current research on voluntary compliance

The existing literature on voluntary cooperation suffers from a number of weaknesses, which this book aims to address. First, all previous work on the subject lacks any discussion about how their analysis interacts with regulatory policy or whether it can contribute to a systematic shift in states’ regulatory policies. In fact, all the literature provides only partial contributions to the most important questions of compliance theory. For example, studies that explore concepts such as trust, efficacy of incentives, behavioral ethics, compliance, nudges, the regulatory toolbox, experimental legislation, behavioral approaches to law, cross-cultural differences in solidarity, and rule of law, rarely ask about the long-term effect of different regulatory interventions on trust or solidarity. This project will be the first to combine regulatory policy theory and behavioral theories to answer the most fundamental questions of compliance—when and to what extent states should trust the public to cooperate and what regulatory policies are likely to contribute to the creation of voluntary compliance. This book’s premise is that the motivation to cooperate voluntarily with a regulatory requirement cannot be understood by using only a single perspective. Therefore, behavioral, institutional, and cultural contexts must be combined across many types of doctrines, cultures, and behaviors to help create a regulatory balance that can offer insights into the advantages and disadvantages of striving for voluntary compliance.

In this section, we will examine the concept of voluntary compliance from multiple perspectives and will briefly review some of the main parts of the existing literature. While some of these bodies of literature will receive more attention in later chapters, at this point, we are interested in providing a broad overview of the voluntary compliance dilemma.

## Regulation and trust

In recent years, the regulation literaturehas been studying softer approaches aimed at reducing the excessive regulatory burden and eliciting voluntary compliance.[[20]](#footnote-20) Two especially relevant paradigms are responsive regulation and self-regulation. The widely discussed *responsive regulation* paradigm advances a more flexible and customized approach whereby smarter, less coercive regulatory measures are targeted at those parts of the population for whom coercive measures are not needed.[[21]](#footnote-22) The emerging *self-regulation* paradigm focuses on transferring responsibility for the creation of standards and their enforcement to the regulated parties or businesses.[[22]](#footnote-24) However, both these paradigms fail to address a fundamental question: Do compliers comply all the time and non-compliers fail to comply all the time?

Some of the complexity of the issues around compliance is reflected in the growing research on compliance motivation,[[23]](#footnote-25) in which scholars differ in their perceptions of what can be considered the leading motivation for compliance, whether procedural legitimacy,[[24]](#footnote-26) costs of compliance,[[25]](#footnote-27) deterrence,[[26]](#footnote-28) obligation to obey the law,[[27]](#footnote-29) and political orientation.[[28]](#footnote-30) As part of our conceptual work regarding regulatory theory, we will present an original taxonomy which will examine to what extent voluntary compliance is and regulatory tools can be considered *cooperative*. This includes defining, for example, large incentives or system 1 nudges, with a special focus on trust-based and behavioral-based regulation.

Defining regulatory tools based on their level of cooperativeness becomes more complicated because the incorporation of behavioral approaches into regulation to date has led to a dramatic increase in the variety of regulatory tools available to policy makers (e.g., nudges, framing, pledges, and so on). While the greater number of tools available render the instrument choice dilemma more difficult, this variety does provide concrete, quantitative means to measure and compare their efficacy.[[29]](#footnote-31) The nudge approach,[[30]](#footnote-32) based on the influential work of Richard Thaler and Cass Sunstein,[[31]](#footnote-33) represents an important addition to the regulatory choice dilemma, and has led numerous scholars to examine when nudges can be relied upon to replace more compulsory rules.[[32]](#footnote-34)

## Intrinsic compliance motivations

As suggested above, the advantages of voluntary compliance and its importance have been recognized across a number of dimensions.[[33]](#footnote-35) Voluntary compliance, especially if driven by intrinsic motivation,[[34]](#footnote-36) is usually considered more sustainable and of higher quality than coerced compliance when the government is afraid to trust the public’s likelihood of cooperation with coercive measures, which tends to be short-term and sensitive to the presence of sanctions.[[35]](#footnote-37) In addition, reliance on voluntary compliance is more likely to increase feelings of trust and trustworthiness among regulatees,[[36]](#footnote-38) entail lower enforcement costs,[[37]](#footnote-39) and result in a higher quality of cooperation.[[38]](#footnote-40) Compliance that is more voluntary is also more likely to lead to greater resilience,[[39]](#footnote-41) as evidenced in findings from research on therapeutic jurisprudence[[40]](#footnote-42) and on happiness.[[41]](#footnote-43)

Efforts to understand how to stimulate and encourage voluntary compliance have acknowledged that factors related to fairness,[[42]](#footnote-44) morality,[[43]](#footnote-45) duty to obey, and trust[[44]](#footnote-46) play an important role in compliance in areas from environmental and health regulations (including COVID-19 measures)[[45]](#footnote-47) to traffic and tax laws.

This focus on voluntary compliance has also been highly relevant to the growing recognition of the importance of intrinsic compliance motivations,[[46]](#footnote-48) and supports the preference for tailoring the focus of compliance measures to individuals’ motivations.[[47]](#footnote-49) Generally, it has been shown that extrinsic motivators, such as deterrence, are not only less effective than was once assumed, but that they also undermine the ability of intrinsic motivation to enhance compliance with regulatory efforts.[[48]](#footnote-50)

However, as will be discussed in more detail in Chapter 4, which focuses on crowding out motivation, it is not fully clear from the literature whether compliance can be considered voluntary only when people *want* to cooperate. Is compliance voluntary also when people are not being coerced, but, rather, motivated to act in a certain way directly through incentives, or indirectly, through community norms or reputational mechanisms? Finally, the literature on voluntary compliance assumes its benefits, but rarely examines its effect on the distribution, sustainability, and quality of compliance. It also fails to account for any research on the societal externalities of compliance, including lack of trust and crowding out, as discussed in Chapter 3.

Another evolving area of study on the issue of regulatory compliance[[49]](#footnote-51) has emphasized how voluntary compliance and its importance have been recognized across a number of dimensions.[[50]](#footnote-52) Voluntary compliance, especially if driven by intrinsic motivation,[[51]](#footnote-53) is usually considered preferable and more sustainable than coerced compliance, which tends to be short term and sensitive to the existence of sanctions.[[52]](#footnote-54) In addition, reliance on voluntary compliance is more likely to increase trust among regulatees,[[53]](#footnote-55) entail lower enforcement costs,[[54]](#footnote-56) and result in a higher quality of cooperation.[[55]](#footnote-57) Factors related to fairness, morality, duty to obey, and trust have been acknowledged as playing an important role in compliance in areas from environmental and health regulations (including COVID-19 measures)[[56]](#footnote-58) to traffic and tax laws. This focus on voluntary compliance has also been highly relevant to the growing recognition of the importance of intrinsic motivations across many types of compliance behaviors[[57]](#footnote-59) and supports the preference for shifting the focus of compliance to that of individuals’ motivations.[[58]](#footnote-60),[[59]](#footnote-61)

## Voluntary compliance versus honesty

Behavioral ethics is another relatively new field exploring peoples’ ethical decision-making processes.[[60]](#footnote-62) My recent book, *The Law of Good People*,[[61]](#footnote-63) examines the challenges faced by governments that need to regulate people who do not view themselves as needing regulation in view of their ethical and legal perceptions, or, more accurately, misperceptions, of their own behavior.[[62]](#footnote-64) Scientific research on honesty and dishonesty has spiked in recent years,[[63]](#footnote-65) with most studies mentioning “dishonesty” in the context of rule following or rule violation.[[64]](#footnote-66) Laboratory studies of dishonesty have shown dishonesty in games to be related to various types of unethical behaviors outside the laboratory. For example, dishonesty in dice-role and coin-toss tasks has been associated with free-riding on buses,[[65]](#footnote-67) not returning undeserved pay,[[66]](#footnote-68) and being late to work.[[67]](#footnote-69) This line of could presumably lead to some pessimism about the advisability of the government trusting the public. However, because the opposite phenomenon—a connection between honesty and compliance to rules that are not solely related to honesty—has not been studied, it is not clear to what extent honest people differ from cooperators or compliers. For example, are honest people more likely to care for the environment? In addition, current dishonesty research, while focusing on the notion of the proportion of dishonest people,[[68]](#footnote-70) nonetheless fails to predict the distributive effect of the situational factors that might undermine honesty.[[69]](#footnote-71) The recognition that different people engage in misconduct on different levels of awareness and intentionality is an important contribution to understanding the likelihood of coercive versus cooperative regulatory styles succeeding in creating voluntary compliance in different segments of the population. Reviewing this literature is also important to help discern the proportion of “good” people in a given population, who might be more likely to react to trust-enhancing cooperative regulatory measures.

According to this approach, if even moral people cannot be completely trusted, given their ability to misperceive their own behavior, how can states trust the entirety of the public? Along those line, in related works, I have endeavored to create a taxonomy of the situations in which government should be more concerned about the likelihood of non-deliberative and unintended unethicality.[[70]](#footnote-72) In addition, in collaboration with others, I have also examined various ways in which a design aimed at inducing people to self-deceive themselves might work,[[71]](#footnote-73) as might the “self-imposed red lines” that people adopt for their own self-serving interpretations of the law.[[72]](#footnote-74)

## Between honesty and compliance

Another important perspective that will be examined throughout the book is related to the ability to learn about the likelihood of voluntary compliance working from literatures related to cooperation and honesty. For example, C,In Chapter 9, on taxation morals, we concentrate primarily on the resemblance of the literature on this issue with research about honesty and examine to what extent the predictions from honesty research are relevant to compliance. In contrast, in Chapter 10 on environmental compliance, our examination focuses mostly on the cooperation and prosocial behavioral research to understand when compliance is likely to occur. While these distinctions are not mutually exclusive, it is possible to recognize that there are systematic differences between these three regulatory domains. Thus, for example, we can explore a number of questions when discussing taxation. Can people be trusted to declare their donations without attaching the receipts? Extending beyond the issue of taxation, why can’t Israelis be trusted to turn right on red or turn left? During the COVID pandemic, were countries that used a more responsible-behavior approach successful relative in achieving compliance than countries that imposed COVID restrictions?[[73]](#footnote-75)

## How many cooperators do we need?

The relevance of the honesty literatures discussed above becomes especially important with regard to the question of governments’ ability to trust the public. Certainly, there are many differences between compliance and honesty in terms of the importance of factors such as institutions and external regulatory contexts. However, since there are also possible correlations between honesty and compliance, it is important to examine current research to understand how many people we know are lying and to gain at least some preliminary accounts of how many people cheat. In that context, the results seem to be mixed. On one hand, there an extensive meta-analysis[[74]](#footnote-76) suggested that, on average, 50 percent of people are dishonest. On the other hand, another highly influential economics paper[[75]](#footnote-77) that focused on trust found that the number of liars appears to be much smaller. This inconsistency, which seems to emerge from other studies that focus on honesty, raises an important issue related to the likelihood that there will be enough people who cooperate even without coercion. This research underscores the importance of collecting data with regard to a new regulation or law before attempting to decide how coercive should be the regulatory approach.

## Voluntary compliance and trust

The fourth body of literature involves the growing recognition of the importance of trust and legitimacy in achieving voluntary compliance. Numerous studies across almost all the social sciences have sought to understand what builds trust[[76]](#footnote-78) and how trust contributes to the creation of a just and functioning society.[[77]](#footnote-79) However, most of this literature focuses on the ways in which people can trust public and legal institutions,[[78]](#footnote-80) and overlooks the mechanisms state institutions need in order to trust the public. In the context of commercial translations, a prime example of the importance of trust and reputation can be found in classic studies of the diamond industry, which has long relied on the extralegal enforcement of its business norms.[[79]](#footnote-81) Similar dynamics can be found in the cotton industry[[80]](#footnote-82) and among farmers in Shasta County.[[81]](#footnote-83) While clearly there are some reciprocal relationships between parties in places, many of the mechanisms related to the ability of governments to trust its own citizens,[[82]](#footnote-84) drawing on concepts such as social capital[[83]](#footnote-85) and interpersonal trust.[[84]](#footnote-86)

## Voluntary compliance without law?

As mentioned in the early parts of the chapter, it is possible to consider voluntary compliance in situations where it is social norms and not any particular laws that need to be obeyed. The order without law literature offers an additional theoretical perspective on voluntary compliance, indicating that behavioral change can be achieved even with limited involvement of the state. This type of literature usually emphasizes that in many situations, people can find alternative arrangements to those imposed by the law. This book goes beyond this insight. It seeks to understand in what ways people could interact that would engender enough confidence within the government to enable it to take a step back and trust that prevailing reactions by the public would be sufficient and stable enough over time to reduce the need for alternative mechanisms. Such an approach by the state could be taken in the context of public responses to regulation (as in cases such as using children’s car seats, where voluntary compliance was achieved by applying reason and science),[[85]](#footnote-87) or even in the absence of regulation, such as where the social and community norms emerged without any state involvement (as in the case of allocating fencing costs among the farmers in Shasta County, California[[86]](#footnote-88)). Nonetheless, is it unclear whether one can even define compliance with social and community norms as voluntary. It is also impossible to generalize from the few well-known examples, such as people learning not to smoke in public places, or the changing norms with regard to sexual harassment,[[87]](#footnote-89) and then apply them to other contexts.

When discussing the concept of voluntary compliance, an outstanding line of study relates to the emergence of social norms governing the behavior of people with limited involvement of the state. This can even be achieved though regulation, such as using children’s car seats, where voluntary compliance was achieved by applying reason and science.[[88]](#footnote-90) Nonetheless, these studies are novel, and it is still not possible to generalize from the few well-known examples, such as that of people learning not to smoke in public places, or the changing norms with regard to sexual harassment[[89]](#footnote-91) and apply them to other contexts. These few cases do not enable us to build a comprehensive account of when monitoring and sanctioning are not needed. Nor do they help us understand the mechanisms of why voluntary compliance succeeded in these cases. In fact, these few cases have provided a very limited view of the social norms involved in voluntary compliance.

For example, according to Bernstein, who conducted studies in the diamond[[90]](#footnote-92) and the cotton industries,[[91]](#footnote-93) close social groups with shared values are able to function and maintain order and rules with only limited formal legal intervention. Even when discussing approaches beyond command and control, it should be recognized that there are different, sometimes competing, approaches, which could lead to voluntary compliance. These include nudges, internalization, social norms, moral persuasion, procedural fairness, and self-regulation mechanisms. Each of these very different extra-compliance mechanisms is likely to lead to different behaviors. Consequently, it is important to understand which non-coercive measure is more effective in enhancing voluntary compliance. Can people who are nudged to behave in a certain way be considered as complying voluntarily? In addition, given that compliance nudges could result in what can be termed mindless cooperation, can the resulting behavior be viewed as voluntary? Even in cases where the law successfully changes people’s attitudes and preferences, it is questionable how stable this change is. Finally, it needs to be examined to what extent sanctions are or are not part of a process which might create voluntary compliance.

Furthermore, because this literature has not traditionally been considered part of the regulatory and behavioral ethics literature, many important questions on the interaction between regulatory choices and the response of communities have not been studied. For example, what regulatory interventions are more likely to lead to change, if at all, in a sustainable way within the social norms of a given community? To what extent can a strong sense of solidarity with one’s community lead one to comply with states’ laws and regulations? These questions are of particular interest in contexts in which the greater good (global warming or enriching the state treasury) is not necessarily aligned with that of the community, thus increasing the need to adjust the regulation to account for community as well as behavioral factors. Insights from the social norms literature also has great importance because this approach, too, weakens the dichotomy between external versus. internal measures, as people’s reactions to their surrounding communities reflect a combination of intrinsic and extrinsic motivations.[[92]](#footnote-94)

## Behavioral public policy and voluntary compliance

The literature on behavioral public policy and voluntary compliance, with its emphasis on the recognition that people cannot comply solely by reacting to prices, as classical economics suggests, serves as one of the basic foundations of this book. Behavioral public policy has contributed to the greater variety of regulatory tools available to policy makers (e.g., nudges, framing, pledges,[[93]](#footnote-95) and so on) aimed at changing people’s behavior through means other than coercion. However, behavioral public policy suffers from the absence of any normative perspective.

Nudges are indeed situated somewhere in the middle between the more intrinsically oriented interventions, such as morality and reason, and the more extrinsically oriented measures, such as incentives and sanctions. Nudges themselves can of course range from educating people to reminding them of their morality and the likelihood of getting sanctioned. They can also lie simply somewhere in the middle where they simply change the choice of the architecture of legal mechanisms.[[94]](#footnote-96)

As suggested above, there has been a growth in the number of interventions in the behavioral regulatory era, with some comparative studies conducted. However, most of these studies do not involve concrete, quantitative measurements and thus do not allow for comparisons of the efficacy of the interventions.[[95]](#footnote-97) The nudge approach, based on the influential work of Thaler and Sunstein,[[96]](#footnote-98) represents an important addition to the regulatory choice dilemma, leading numerous scholars to examine when nudges can be relied upon to replace more compulsory rules.[[97]](#footnote-99) The seminal work of Katy Milkman, for example, shows the negative correlation between expert predictions of which regulatory intervention works better and their success in short-term changes in behavior only.[[98]](#footnote-100) An important goal of Milkman’s important comparative project is distinguishing the long-term impacts of the vast array of behavioral regulatory tools, which lie somewhere on the spectrum between intrinsic and extrinsic measures, in the context of the above-mentioned dimensions.

## The importance of culture in voluntary compliance

To better understand the issue of compliance, it is critical to clarify how trust, social diversity, social inclusiveness, solidarity, and helpfulness affect the different levels of cohesion and solidarity in European countries. Generally, countries with a higher value of social cohesion are more likely to have a higher level of innovation and social progress.[[99]](#footnote-101) In Chapter 6 of the book, focusing on culture and voluntary compliance, we examine the huge variation that exists between the different countries with regard to trust,[[100]](#footnote-102) power, collectivist versus individualistic culture,[[101]](#footnote-103)solidarity, and other values that appear to predict the likelihood of voluntary compliance.

## What current literature does not explain about voluntary compliance

As described above, important literature has emerged that identifies voluntary compliance and self-regulation as the optimal guiding principles of regulatory governance. However, these concepts can be elusive and thus difficult to fully understand conceptually and practically on both the individual level and the aggregate level, which is of interest for the regulatory state. In this book, we show that many of these studies on voluntary compliance were carried out in very contextualized circumstances, thus limiting the possibility of generalizing from them to the realm of broader policies.

Table 1.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Voluntariness | Regulatory approach | Type of definition |  |  |
| Spontaneous | Order without law | Narrowest definition |  |  |
| Not coerced | Sanction / monitoring | Broadest definition |  |  |
| incentivized | Positive/negative | Depends on size and social meaning |  |  |
| Intrinsically motivation | Reasoning |  |  |  |
| Aware | Nudge? | Choice without aware |  |  |
| Mandated | Duty |  |  |  |
| Reputation | Social norms |  |  |  |
| Citizenship | Legitimacy/ trust | Less related |  |  |
| Moralistic | Guilt | Could be quite coercive |  |  |
|  |  |  |  |  |

## 

## What is non-voluntary compliance?

It is clear that behaviors driven by nudges are not voluntary if people comply to avoid sanctions, as previously suggested when we mentioned the voluntariness of these behaviors. Fully understanding the effect of sanctions becomes even more complicated when we move from a behavioral perspective to the less direct, sociological one (e.g., Emile Durkheim), according to which punishment is viewed as a solidarity-producing mechanism,[[102]](#footnote-104) although the actual punishment effect is more indirect. However, what is not fully clear from the literature is whether voluntary compliance includes more ambiguous situations where people react to positive incentives or when people are nudged to behave in a prosocial manner. Although coercion is usually considered the opposite of voluntary compliance, this is not always the case. For example, if a reputational mechanism is put in place that increases the reputational cost people will pay for not upholding a certain norm, can their ensuing compliance be considered voluntary because people want to belong to a certain community in which certain behavior is considered desirable? In essence, as we will examine in the next chapter discussing intrinsic motivation, our question is whether compliance can be considered voluntary only when people autonomously *want* to cooperate. Or is compliance voluntary also when people are not being coerced, but, rather, incentivized to act in a certain way directly through incentives, or indirectly, through reputational mechanisms? Similarly, when non-voluntary interventions are used to induce voluntary compliance, how long do they successfully affect people’s choices to cooperate? Some of these questions will be examined in Chapter 3, which examines the connection between regulatory tools used and the likelihood that voluntary compliance will emerge from them.

## Spontaneous compliance

The first approach of spontaneous compliance could differentiate between induced and spontaneous, where the focus on the definitions is related to the process whereby people choose to comply. Under this approach, any time an individual chooses to comply without any external intervention, it the compliance should be considered voluntary. Examples of such an approach include various social practices which have evolved in legal institutions. Certain personal behaviors affecting the environment, such as not eating meat or buying recycled product,[[103]](#footnote-105) where the behavior is not induced in any way but is voluntary because this is what the person wants to do, can also be considered voluntary compliance. Such a definition of voluntary limits the contexts in which voluntary compliance is possible. For example, in the area of taxation, there is no expectation that people will freely want to pay a tax which does not exist.

## Voluntary as awareness

A second approach, following our previous discussion regarding nudges might focus on conscious awareness that the decision is voluntary, and people are fully aware of their behavior and its impact. It is arguable that when people unreflectively engage in compliance because it is a default in their behavior, the voluntary element of it is absent. Embedded in this approach is some criticism of nudge approaches, which are considered non-coercive. However, at the same time nudges do take advantage of some automatic behavioral processes, much like engaging in binge watching on Netflix and other streaming services may be induced because of the default created by the next episode in a 10-second feature.[[104]](#footnote-106)

## Voluntary as an autonomous choice

Another related approach to voluntary compliance involves the question of whether the regulatee’s feeling is a subjective or an objective one.[[105]](#footnote-107) Arguably, if people subjectively feel that they have the freedom not to comply, their compliance is voluntary, even if this is not the case objectively.[[106]](#footnote-108) Alternatively, if people in a certain group make similar compliance choices, it may be reasonable to conclude that there may be some objective social mechanism that causes people to comply, even if they subjectively think that this is their voluntary choice.

## Voluntary compliance as discretion

Another way to understand the meaning of voluntary compliance is related to the amount of discretion that states give people. The more discretion people get, the more they can apply their own interpretations of what is expected from them.[[107]](#footnote-109) While it is generally understood that giving people discretion cannot be considered voluntary compliance, it is true that when people have multiple behaviors to choose from within certain requirements, it can have an effect on their actions.[[108]](#footnote-110) People can decide: should I always wear a mask, or only when I’m near people? Never turn on red, or turn on red when traffic allows for it?

Much of the inspiration for writing this book came from the COVID crisis, during which states came to understand the classical limits of compliance. One prominent dilemma faced by many countries involved whether to trust people with the decision about wearing a mask all the time or only there were people near them.[[109]](#footnote-111) Since the definition of what it means to be near people is flexible, people have some leverage to define terms like crowded or near people and decide their level of compliance and how careful they wanted to be. In Israel for example, in the early days of COVID, everybody had to wear masks all the time, as if their discretion could not be trusted. This non-discretionary approach reflects certain assumptions in Israeli culture. For example, unlike most other countries in the world, Israel does not allow cars to turn right on red lights, not trusting people’s choices. There is a similar debate between safe sex and abstention in the literature regarding sex education for adolescents.

## Voluntary compliance motivation

A third approach, the most classical one, focuses on whether the motivation behind compliance is coerced by state sanctions or by other barriers which makes non-compliance impossible. An example of the latter can be found in the context of public transportation. There are some places where there is simply no way to travel without a ticket. In such places, people are likely to be complying with at least some public transportation rules.

In some cases, administrative tools, such as fines, are used to enforce fare payment, for example. There are several enforcement strategies such as: increasing the fine amount; improving the fine collection procedure; changing the offence from civil to criminal; improving the ability to identify the identity of the passengers; and adopting a joint fast-track justice procedure for paying fines.[[110]](#footnote-112)

In other public transportation systems, where enforcement is accomplished using inspectors,[[111]](#footnote-113) the compliance is voluntary but there is some risk of being caught not complying that people take into account.[[112]](#footnote-114) Although current research distinguishes between totally voluntary and coerced voluntary behavior, it is not entirely clear what level of expected sanction could be seen as reducing or even eliminating the individual's perceived or actual voluntarism.

## Voluntary compliance and intrinsic motivation

While intrinsic motivation may be considered an element of some of the definitions of voluntary compliance above, even intrinsic motivation could be viewed as undermining voluntary compliance, given self-imposed constraints created by guilt[[113]](#footnote-115) In contrast, a normative perspective on a rule of law would arguably want normative members of society to have strong instincts about engaging in wrongful behavior. The harder question involves circumstances that do not present a clear moral violation—malum per se.[[114]](#footnote-116) In such cases, where the violation is a legal but not a moral one, adding an explanation for why it is important to obey the law might intensify guilt, which would prevent people from making fully free choices.

From many perspectives, the fact that someone makes a choice because they want to, and not because of any external measure, positive or negative, seems like the most complete representation of voluntary compliance. However, there are many examples in which being intrinsically motivated might actually reduce your freedom to choose a specific behavior. For example, if someone wants to improve their social image by complying with a certain rule, is it plausible to argue that their compliance is not voluntary only because it is done for extrinsic reasons? A similar question arises about the non-voluntary nature of the compliance in the opposite context, where, for example, an individual’s compliance is driven by guilt.

## Incentives and voluntary compliance

An additional regulatory approach, which is based on incentives and will be discussed in more details in Chapter 3 and in Chapter 10 is related to increasing the use of incentives.[[115]](#footnote-117) Incentives such as subsidies and tax breaks have various advantages over sanctions since they are seen as being better suited for fostering cooperation, encouraging innovation, and reducing enforcement costs. Part of the advantages of incentives seems to be in the fact that they cause people to want to comply even when they do it for extrinsic financial reasons. However, especially when incentives become high and when environments are competitive, people may not really have a real choice other than to behave in a way that will maximize the regulatory incentives they receive for compliance. In such situations, one might question whether incentivized compliance, which could be viewed as voluntary, is truly voluntary. This is because it seems to be a replica of the behavior of people in the market context, which is often considered the best example of market relations. This is especially true if we remember that part of the attempt to clarify what is voluntary compliance is related to examining when it might be enduring, lead to positive externalities, and cause people to engage in behavior beyond compliance.

## Voluntary compliance and self-regulation

As described above, relevant literature has emerged that identifies voluntary compliance and self-regulation as the optimal guiding principles of regulatory governance. Both processes are heavily conditioned upon the creation of trust both between people and between people and their governments. However, these concepts can be elusive. As a result, it is difficult to fully capture important behavioral and institutional factors that moderate the behavioral effect of different regulatory governance measures.[[116]](#footnote-118) Considering the range of situations in which there is public interest in promoting honest and ethical behavior, this lacuna is especially significant for legal and public policy, as such behavior goes beyond mere compliance with the rules.[[117]](#footnote-119) While a liberal democratic state may only be able to expect and demand compliance with respect to what is required by the law, it is invaluable to understand what underlies questions of compliance as well as behavior that goes beyond compliance with explicit rules. Our ability to accurately predict such behavior influences policy regarding how to best encourage both accounts of honesty with regard to compliance and other aspects of ethicality, which can contribute to better theoretical predictions about voluntary cooperation with different regulatory measures.

Thus, the main purpose of this book is to create a new conceptual language and an integrated concept of voluntary compliance that will combine concepts from different literatures, such as being honest, trustworthy, moral, compliant, and cooperative. It will also examine to what extent findings from the different literatures can help explain and accurately predict voluntary compliance and in what contexts. Clearly, there are many situations in life where one is required to comply. These include contexts where, for example, honesty does not play an important part (e.g., environmental compliance), some contexts within which compliance and honesty are far more tightly intertwined (e.g., misreporting income on tax forms), and still more contexts within which the relevant behavior appears to be linked primarily to rule-surpassing honesty. Other contexts involve some other aspect of substantive ethicality, as distinct from mere compliance (e.g., reporting problems in the sale of property, withholding information that could help a customer find a less costly solution, or information about an imminent price drop).[[118]](#footnote-120)

## The desired proportion of voluntary cooperators and regulators’ dilemma

In light of these dilemmas about non-voluntary interventions, other issues to be examined at the group level are the proportion of people who are likely to cooperate and their characteristics relative to the group; that is, whether they are part of the weaker or stronger parts of the group.[[119]](#footnote-121) Other questions include: How can regulators determine in advance whether or not the advantages from voluntary compliance will be outperformed by a complete lack of compliance? How likely it is that people will hold moral views that reflect those of the state? Are there people who are more likely to engage in voluntary compliance across all disciplines? These issues become important at the level of the regulatory toolbox available to policy makers. Here, there are many barriers to relying on regulatory tools aimed at enhancing voluntary compliance in order to create a culture of compliance and trust within states. Indeed, many models have attempted to offer various taxonomies of compliance. For example Valerie Braithwaite’s[[120]](#footnote-122) motivational postures of commitment differentiate between the following modes of compliance: capitulation, resistance, disengagement, and game-playing, which are helpful for thinking about such variation.

## Situational analysis of voluntary compliance

The variation in compliance motivation discussed above with regard to the likelihood of voluntary compliance may not depend on just who the particular individual is, but also on the environment in which that individual is operating.[[121]](#footnote-123) Behavioral ethics research indicates that most people are capable of engaging in ordinary unethicality if they are able to deceive themselves, either deliberately, by finding a justification for non-compliance, or with limited deliberateness, by engaging in motivated reasoning in ambiguous situations. Thus, according to this approach, when policy makers are interested in determining when they can trust people to exhibit a greater likelihood of cooperation, they need to pay special attention to the situational characteristics that might enhance the likelihood that more people will cooperate voluntarily with the government’s approach. These characteristics include lack of ambiguity, clear victims, the logic behind the regulation, and visible compliance behavior.[[122]](#footnote-124)

## The lack of research on contextual factors

While, as suggested, the literature on voluntary compliance is vast and multi-faceted, it nevertheless is unable to generalize beyond the specific context being studied. There are indeed quite a number of predictors indicating that in a given regulatory context, more lenient regulatory measures are likely to be at least as effective as more coercive ones. It is also known that the efficacy of voluntary compliance is based upon numerous indicators, such as cultural and social norms, personality, institutions, characteristics of the regulatory environment, and more. However, there is limited data about how these factors interact, which thus limits the ability of regulators to identify the situations in which less coercive measures are more likely to be effective. For example, it is known that in certain countries, people can be trusted to pay their public transportation fares without coercion.[[123]](#footnote-125) The problem is that these anecdotal findings are not consistent and therefore offer little to no evidence about what mechanisms drive the success of this voluntary compliance. Nor do they offer any guidance as to how similar trust-based systems might work in other countries or contexts.

## Could nudges be considered voluntary compliance?

Another regulatory approach, which will be discussed more extensively in Chapters 2 and 3 is related to role of nudges in shifting peoples’ behavior. Much of the original research regarding nudges was related to demonstrating that they are not paternalistic despite being used in the early days in areas such as nutrition, consumerism, and long-terms savings.[[124]](#footnote-126) While nudges are perceived as a tool that preserves people’s freedom of choice, the fact that they are employed with limited awareness by the public could potentially lead to them being perceived as a more sophisticated form of coercion.[[125]](#footnote-127) This literature is important in the context of compliance research because it unravels many of the dichotomies that frequently appear in the regulation literature. In these cases, government either attempts to focus on external factors, such as prices, or on internal factors, such as morality.[[126]](#footnote-128)

On one hand, the whole of the debate around liberal paternalism[[127]](#footnote-129) is based on the argument that people are free to choose and that nudges do not force them to make any particular choice or to choose at all.[[128]](#footnote-130) On the other hand, much of the research on nudges focuses on the lack of self-reflection and transparency associated with them[[129]](#footnote-131) and on the fact that many nudges, even the basic ones, focus on biases such as the status quo. As a result, it is possible to argue that nudges could basically be viewed as supporting a regime with limited individual deliberation.

Clearly, when people are being “gently pushed” to behave in a certain way by some default-rule choice architecture, it is very hard to define whether their compliance motivation is voluntary. When voluntary is defined as non-coerced, then clearly behaving in a certain way due to the default rule does not involve coercion. However, if people do not know why they behave in a certain way, their self-perception of voluntary choice is inevitably missing.[[130]](#footnote-132)

At the same time, it is impossible to ignore the importance of nudges in the process of sanctions and monitoring-free regulation. Nudges are used in many cases where laws cannot be used, such as to boost vaccination and to encourage organ donations, healthier diets, and long-term savings. These are cases where the preservation of[[131]](#footnote-133) choice is crucial, and thus laws are naturally less likely to be successful. Nonetheless, nudges are increasingly being used in contexts such as employment discrimination[[132]](#footnote-135) and tax compliance,[[133]](#footnote-136) where laws could otherwise be used.

In such situations, it is important to also discuss the expressive value of the mechanisms that are used. For example, through some choice architecture modifications, it may be possible to encourage people to avoid discriminating and not just to hire minorities.[[134]](#footnote-137) Consequently, in areas where we have no alternative, nudges are clearly preferable to simply asking the public nicely to behave in a certain way. However, it should be acknowledged that from the perspective of the book, which is interested in long-terms effect on compliance, the short-term compliance achieved thorough nudges has its limitations.[[135]](#footnote-138)

Indeed, in recent years, behavioral public policy scholars have discussed personal agency-preserving nudges, such as the nudge plus approach[[136]](#footnote-139) as a way to enhance peoples’ reflection following the nudge. Such nudges might enhance our ability to combine the efficacy of nudges with some advantages, with regard to a process of reflection and internalization.

## Responsive regulationand the challenge of the heterogeneity of intrinsic motivation

An key concept in any behavioral approach recognizes is responsive regulation,[[137]](#footnote-141) which involves predicting behavior and using a broad interpretation of a regulatory approaches that are sensitive to the characteristics of the people and organizations that need regulation. This comprehensive framework recognizes the need for incentives and deterrence. In addition, such an analysis can help advance the understanding of the benefits of non-coercive regulation and highlight the fact that states cannot use identical regulatory measures to deal with different types of people. According to this analysis, states must instead rely on a sequential approach where more lenient means precede increasingly harsher measures against those who refuse to engage in voluntary cooperation. This book will examine some of the aspects of responsive and flexible regulation paradigms. It seeks to identify and classify the factors that need to be addressed when determining how to reach a level of voluntary compliance that will be sensitive to the risks to the public associated with different regulatory settings.

## Healthy compliance and therapeutic jurisprudence

Part of the potential advantage of voluntary compliance involves people’s well-being in addition to their increased personal commitment and perception of better compliance. If people are given the choice to comply, they will enjoy better cognitive and emotional capacities for dealing with uncertainties, adapting, and demonstrating greater resilience.[[138]](#footnote-142) This aspect of the book’s examination of voluntary compliance will draw on the classical literature about therapeutic jurisprudence[[139]](#footnote-143) as well on the data accumulated in research on happiness,[[140]](#footnote-144) in an effort to improve our understanding of the advantages of having people comply voluntarily and not as a response to external pressure. Understanding the causal relationships is highly complicated. The government’s ability to rely upon non-coercive mechanisms is strongly connected to the type of society in which such mechanisms are likely to work. In addition, policy makers rely heavily on expectations that people are more likely to benefit from being able to cooperate voluntarily.

## Can corporations be trusted?

Another important issue of great significance from a regulatory standpoint is whether corporations can be trusted by regulators and policy makers. With much of the debate today on self-regulation involving businesses and corporations, considerable research emphasizes the importance of understanding corporations’ impact on the environment rather than focusing on individual behavior.[[141]](#footnote-145) Corporations and businesses’ ethical behavior has come to be viewed as an aspect of their performance,[[142]](#footnote-146) and, as a result, has been subject to increasing interest. Although some aspects of my research indicate that corporations might be hotbeds for unethicality,[[143]](#footnote-147) there are many reasons to believe that the bureaucratic and transparent nature of corporate operations, as well as their greater sensitivity to reputational mechanisms[[144]](#footnote-148) might make them more likely than individuals to consistently adhere to self-regulation. Another aspect of the focus on the corporate culture involves examining data about corporate behavior with regard to trust in their own employees and customers.[[145]](#footnote-149) Part of what the book aims to examine is whether organizational practices can be applied to the state context. It will analyze case studies that deal with the prevalence of dishonesty in the relationship between corporations and their clients. For example, what can be learned from the success of the Lemonade insurance company’s trust-based approach and possibly applied to the ability of states to trust their publics? While many corporations engage in various strategies to enhance the feeling of trust by their customers and employees,[[146]](#footnote-150) states rarely demonstrate similar motivation, perhaps because of their size and limited ability to know how their citizens will behave.

## The normative dilemma with regard to voluntary compliance

As this book unfolds, we will develop in the book a new conceptual paradigm that will explore the benefits of voluntary compliance for democratic states across few regulatory domains. Our analysis includes an examination of the factors that can undermine the attempt of states to achieve voluntary compliance. We will also discuss what needs to be done to better understand the interaction between individual, situational, regulatory, and cultural dimensions in order to maintain voluntary compliance. In addition, the book will suggest methods for considering how to balance the risk to the public of reduced monitoring with the advantages to the public of regulatees who feel they are trusted by the state. The nature of this analysis inevitably changes when discussing more extensive types of regulations where the target population includes broad layers of the public. Some of the questions that need to be asked include: What contextual factors should regulators and experts consider when deciding which approach to take? What factors can they take into account when assessing what proportion of the public can be trusted? In particular, what individual and group related factors can be considered when trying to assess the likelihood individuals or segments of the population can be trusted to cooperate with more trusting regulatory approaches?[[147]](#footnote-151) How do these factors influence the responsive regulation approach? In addition, how might the current empirical data and theories on how voluntary compliance enhance people’s mental well-being intersect with the therapeutic jurisprudence literature?

## Is it really clear what regulatory mechanisms are more likely to lead to voluntary compliance?

Throughout the chapters exploring the association between regulation and trust, we will address the question of which regulatory interventions are more likely to lead to voluntary compliance. As explained in the beginning of the chapter, it is not completely clear whether indeed focusing on intrinsic motivation is more likely to lead to voluntary compliance. First, the distinction between the different instruments is not distinct enough. Furthermore, in many cases, nudges are designed in such a way that an approach we perceive as having one effect is actually working through a different mechanism. Is it always the case that market mechanisms are not likely to lead to voluntary compliance in the long run? For example, consider Milkman’s work on habit formation.[[148]](#footnote-152) She found that people tend to adopt behaviors in a consistent way, almost mechanistic way, without relying on trust or reflecting on knowledge or other types of moral reasoning. Chapter 3 argues that it is not clear at all which legal instrument leads to more coercion and that the boundaries between the different instruments is not clear. Additionally, Chapter 5 will address the limitations of voluntary compliance. It is possible that voluntary compliance could lead states to engage in manipulative practices to influence attitudes, which may ultimately limit people's voluntary choices.

Furthermore, it is possible that by imposing guilt on people through the use of moral reasoning mechanisms, we might ensure voluntary compliance, but we might also cause damage by imposing mental costs on them. This is because situations where non-compliance might cause them to feel worse about themselves can be mentally and emotionally taxing.[[149]](#footnote-153) Guilt-based motivation has many advantages from the state’s perspective, as it affects people’s behavior in much the same way that religion does.[[150]](#footnote-154) However, as we know from studies in education, for example, it is not entirely clear that such an approach should be adopted by a liberal state in the context of the overall welfare of the people. This even if doing can reduce monitoring costs and enhance trustworthiness and social capital in society.

## What are we interested in changing? Compliance behavior or compliance motivation?

Another important topic examined in Chapter 3 relates to the question of what are we actually trying to change. Are we trying to change people’s motivation, which basically means also their preferences, attitudes, and habits? As suggested above, while intrinsic motivation and voluntary compliance might be viewed as related, they are in fact quite distinct concepts. Hence, we do not necessarily need to change peoples’ intrinsic motivation in order to achieve voluntary compliance. The different views suggested above about the elements of voluntary compliance suggest that the relationships between them do not need to be viewed as mutually exclusive. Furthermore, when discussing intrinsically motivated voluntary compliance, we are not necessarily talking about changing people’s intrinsic motivation. Nonetheless, it may certainly be possibleto prime or stimulate people’s pre-existing intrinsic motivation by telling them, for example, that the doing the moral thing, in a given context, means complying with the law.[[151]](#footnote-155) Such an approach is common in many field studies conducted in a tax context.[[152]](#footnote-156) Here, we do not suggest changing people’s morality, but rather to build on an existing moral sentiment to improve compliance. However, even with this distinction, many problems remain with such an approach, as will be discussed in Chapter 5.

## Is culture malleable?

A similar question arises with regard to culture. If we want to examine the ability of governments to trust the public, do we need to change the culture, or is it enough to simply understand the culture? This will enable us to determine whether voluntary compliance is a viable option. A third option might be to make small modifications to a culture to allow for certain voluntary practices to work. For example, changing something with regard to voluntary tax compliance does not necessarily require making broader changes with regard to all the factors that we know about. Chapter 6 is dedicated to a discussion about the interaction between culture and voluntary compliance. It also reviews the debate among scholars[[153]](#footnote-157) about whether policy makers can lead cultural change. This can be done either directly, by focusing on policies related to solidarity (as was done in the Nordic counties), or indirectly, by addressing immigration (as related to the research by Putnam on diversity and social capital).

## Technology and voluntary compliance

Chapter 6 also examines the contribution of technology to the emergence of voluntary compliance in light of technology’s capacity to improve monitoring and to make the monitoring mechanism less noticeable. The goal of technology in our context is to make it easier for people to trust each other. This is not because they actually do trust each other, but because an algorithm suggests that they can be more relaxed about the risks they take when trusting people. Technology may also possibly allow for surveillance which might be less threatening behaviorally. We need to learn how to reduce the negative effects of technological surveillance. Can we raise the bar so that smaller misdemeanors will be tolerated? The cashless revolution is an example of a more technologically advanced world that could change the need for trust in taxation. Has it worked so far? Do we prefer nudges to a technological revolution? However, what we have learned from COVID is that there was a massive public resistance to using tracing apps; people certainly did not view them as “working in the background.” Chapter 6 will also look at what types of apps and technological monitoring people are more likely to resist.

## Don’t edit byond this point

## Trustworthiness

First, a crucial step is to assess whether expectations about the counterpart are favourable. This assessment of trustworthiness of the counterpart focuses on particular dimensions, of which several have been proposed. Mayer et al’s (1995) ABI-model is possibly the most often cited, referring to ability (expectations  
that the other party has the competence to successfully complete its tasks), Benevolence (the expectation that the other party cares about the trustor’s interests and needs) and Integrity (the expectation that the other party will act in a just and fair way). However, in another prominent classification, benevolence and integrity are taken together, referring to intentions, as empirically there is often not a clear distinction between these two dimensions, especially in organizational or system trust (Dekker, 2004; Sako, 1998; Searle et al., 2011). Besides benevolence and integrity, competence as a manifestation of ability takes a central place in most conceptualizations of trustworthiness (see Dietz and Den Hartog, 2006 who additionally it is interesting to think about the trustworthiness of the public ability, integrity, benovolence mention predictability as element of trustworthiness).

## What is intrinsic motivation?

Chapter 2 discuss the related concept of intrinsic motivation which seems in many way the classical understanding of voluntary compliance.

We discuss in that chapter few different forms of voluntary compliance. Such as morality, fairness legitimacy trust and reason. Each of these concept could carry more than one meaning for example, trust in science is basically intrinsic motivation based compliance which is related to the envirometn or to covid, where we are concinced to believe that recycling or using electrical cars are a good way to stop climate change.   
state should aspire voluntary compliance, although this is unlikely to succeed. it is obliged to do so as part of the democratic situation and as a way to signal to the good people that it trusts them.

## Crowding out of what type intrinsic motivation?

Another problem, which is discussed in chapter 3 is related to the with the arguments on crowding out effect intrinsic motivation, due to regulatory intervention. This approach is far from being clear and there are various accounts that attempt to explain what is intrinsic motivation, clearly for example that intrinsic motivation such as pro social motivation is more likely to suffer from external interventions, however if one things that a certain institution is legitimate and she likely to comply with it, is it really the case that because of some legal reliance on external measures, it will be crowded out and he will no longer believe that the legal institution is legitimate? Hence there is a need to focus extensively on understanding what intrinsic motivations we are talking about.

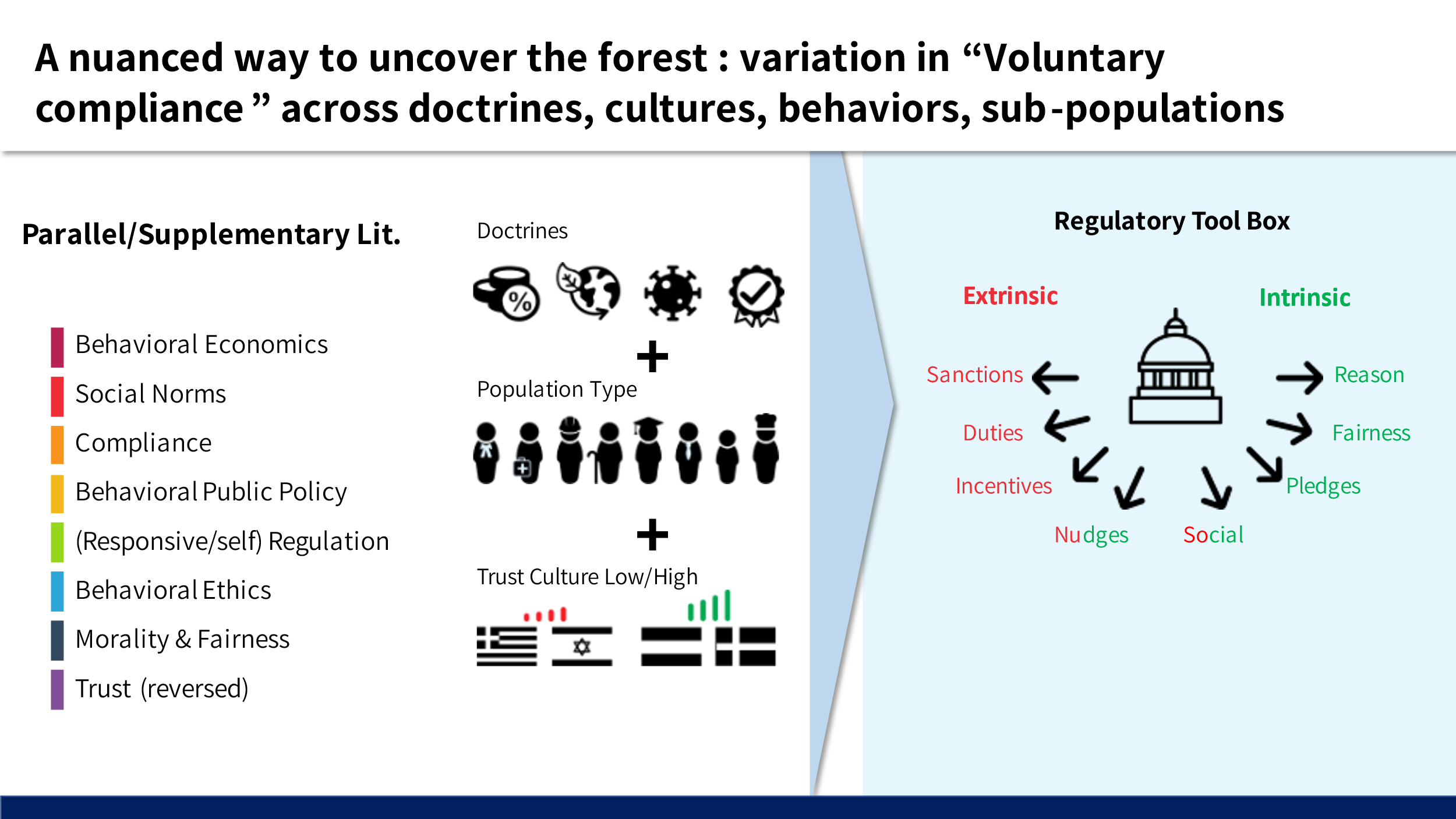
The information we have about people is huge but not satisfying

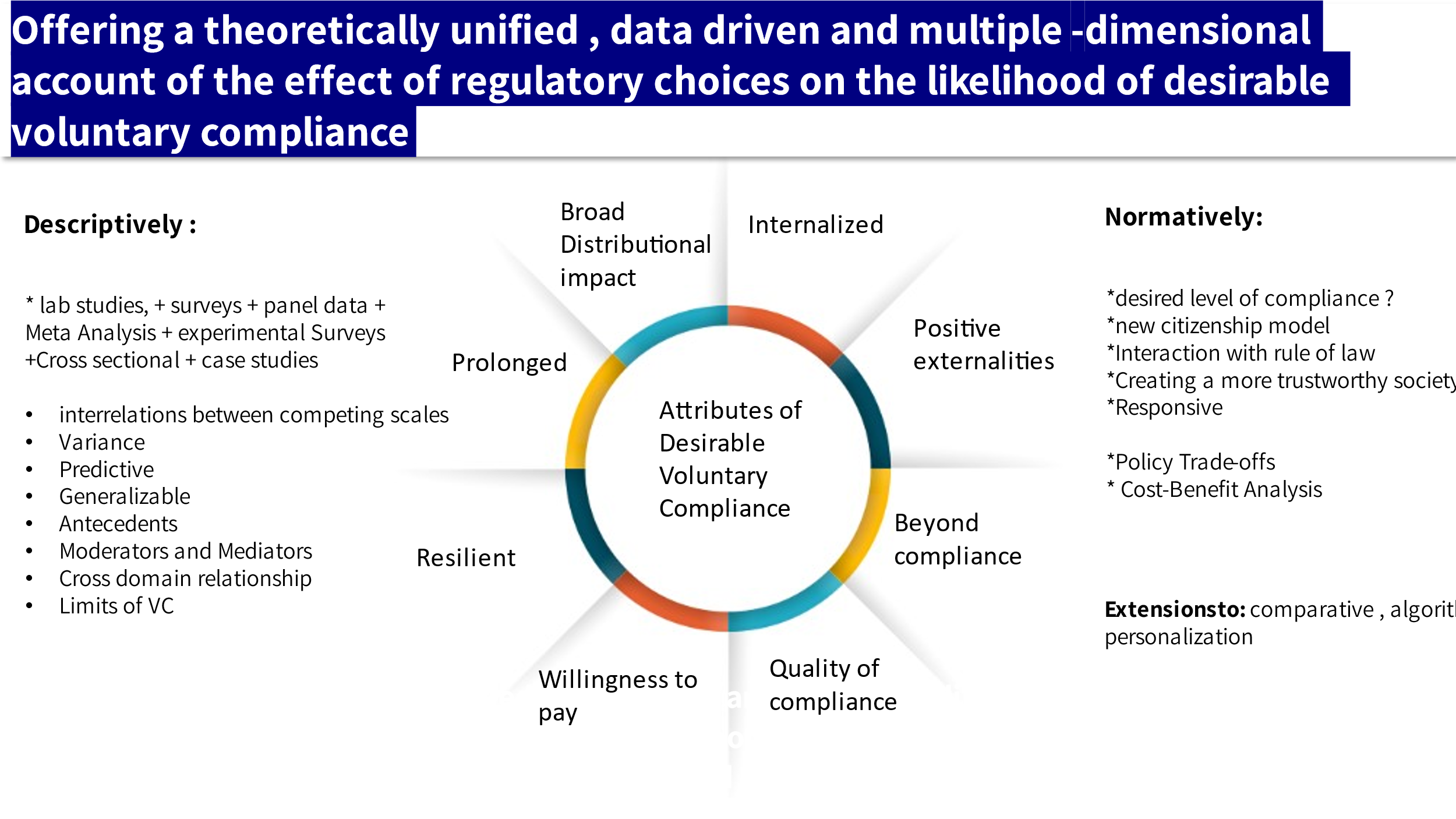
So most people are honest but not if they have excuses than many cheat

when we talk about cooperation, we have this assumption that we don't want the bare minimum but is the case across all  
so in taxes maybe its fine for people to pay the bare minimum but in the enviorometn maybe it is not the same? maybe we need to create a different threshold for every doctrine there are many aspects of motivation we have intrinsic and we have extrinsic but intrinsic could mean a lot of things so for example trust in a sense is related to the source and not to the content that is I am complying not because I believe in the content but because I believe in the source and that regard legitimacy could also be seen as not related to the actual content reciprocity is also source related not content related when we talk about extrinsic we also need to differentiate between probabilistic and actual so in probabilistic doing it might lead to a benefit or cost relative to a situation where I actually have to do it so I don't know to get into a parking you need to swipe your card this is not giving you an option whether to cooperate or you have to do it in many text situation we don't give you that option so it's actual versus probabilistic or

## A threshold approach?

is it enough to give people choices without risking the botom line for the state- in a similar way to how poeple with eating disorders are being treated, they can choose what to eat but need to get to s certain level  
do we want to say sometihng similar with regard to income - that people will need to pass some threshold and when poeple pass it they will not be criminally sanctioned? why do we do it only in speed enforcement. maybe it is best if we anounce it?   
. An equally widely replicated finding, however, is that the fair process effect does not emerge when people have a moral stake in outcomes (see Skitka et al., 2008 for a review). For example, people see vigilantism to be equally fair as due process of law in leading to the death of a defendant in a murder case if they have strong moral clarity about the defendant’s guilt (Skitka & Houston, 2001).





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