**Scientific Abstract**

The concept of ordinary unethicality, introduced in behavioral ethics (BE) research, refers to unethical behaviors engaged in by self-perceived “good people” in everyday situations (Gino 2015). Such behaviors might include stealing office supplies from work (Moore et al. 2012; Hollinger & Clark 1983), making exaggerated statements in market transactions (Egan, Matvos, & Seru, forthcoming; Bazerman, Loewenstein, & Moore 2002), misreporting tax benefits (Mazar, Amir, & Ariely, 2008), or even double-parking in a way that blocks other cars. Recent studies demonstrate that ordinary unethicality is pervasive; in some contexts, systematic violations of the law have become the norm rather than the exception (Ariely & Jones 2012). Because it is so common, ordinary unethicality is highly harmful in the aggregate, its accumulative harms often overshadowing those of the more traditionally conceived “serious” forms of crime (Mazar et al. 2008). Furthermore, it also has devastating effects on interpersonal trust (Ashforth & Anand 2003) and could pave the way for more extreme forms of antisocial behavior (Welsh et al. 2015). Despite its huge societal impact, the study of the antecedents of ordinary unethicality and the means to curb it has been largely neglected (Feldman 2018; Feldman & Kaplan 2018). Most importantly, existing studies of this type of behavior are limited to lab settings (e.g., Gill, Prowse, & Vlassopoulos 2013) and are thus subject to external validity concerns. This makes it difficult to draw conclusions regarding the antecedents and scope of ordinary unethical conduct in the real world (Levitt & List 2007). External validity concerns are especially pronounced in the context of ordinary unethicality: it is difficult to simulate in a lab setting people’s awareness and understanding of the law in the real world, as well as their tendency to be distracted from ethical deliberation by the constant pressures of everyday life. The proposed research is the first major effort to take BE research out of the lab and to offer a data-driven study of ordinary unethicality using data science and experimental tools, guided by BE insights and compliance and enforcement theory. Bringing three strands of research together – data-driven legal analysis, BE research, and the research on compliance and enforcement – our work will advance our current understanding of the antecedents of ordinary unethicality.

We will use our unique access to multiple municipal government databases of the city of Ramat Gan to study patterns of ordinary unethicality, examine the effects of various regulatory interventions over time, and, based on this data, develop and assess the effectiveness of tailored regulatory responses. Municipal government databases are an underused resource in legal scholarship, yet because of the type of behaviors documented in them, they provide a rich account of ordinary unethicality of city residents across multiple domains. These databases offer access to behaviors that are rarely captured by courts or central governments. Such behaviors include disputes between neighbors, zoning law and building code violations, violations of business registration and licensing laws, parking violations, local tax violations, acts of trespass to land or chattels captured via newly installed street cameras, and even more benign activities such as overdue or lost library books.

**Detailed Description of the Research Program**

This research proposal includes three complementary phases: (1) analysis of the situational and individual antecedents of ordinary unethicality, (2) evaluation of the efficacy of existing enforcement mechanisms, and (3) development of improved regulatory interventions and an assessment of their effectiveness. This comprehensive framework for studying and regulating ordinary unethicality includes both an observational study using data science methods and an experimental study to guide the development of tailored regulatory intervention. This mixed-method approach combines advantages of big data analysis with those of the experimental approach to law, which is more commonly found in the law and behavioral economic literature.

**Scientific Background**

Behavioral Ethics

Behavioral ethics (BE), a growing field that emerged from the combination of social/moral psychology and behavioral economics, examines the behavior and decisions of individuals facing ethical dilemmas (Mazar et al. 2008; Bersoff 1999; Kidder 2011; Pillutla 2011; Hollis 2008; Banaji & Greenwald 2013; De Cremer et al. 2011; Bazerman & Tenbrunsel 2011). It has generated two seemingly contradicting empirical findings. First, a great majority of people say that they value honesty and believe strongly that they are moral individuals. Second, if presented with the right kind of opportunity, almost all people will choose to lie and cheat (Gino 2015, at 107-8). These findings result in the conundrum of “good people”: those who value morality, but nevertheless often act unethically and harm others (Bersoff 1999; Feldman 2018).

To explain this conundrum, BE research suggests that people find ways to excuse, justify, or ignore their own unethical conduct (Kunda 1990; Merritt, Ephron, & Monin 2010). Thus, “good people” will engage in unethical behavior as long as they can do so while still maintaining a positive self-image as moral individuals (Mazar et al. 2008). The concept of ordinary unethicality is of special importance in this context (Feldman 2018a at 152): individuals routinely excuse their own unethicality in their everyday lives, regularly engaging in supposedly minor ethical and legal violations (Gino 2015 at 107, but see Serota & Levine 2015). Acts usually described under this category might seem relatively mundane compared to other forms of misconduct; for example, lying in negotiations, cheating on taxes, or inflating business expense reports compared to more serious crimes such as burglary or arson. Yet, it is precisely their mundane nature that makes these “ordinary” unethical acts so dangerous. Because such acts are less obviously harmful, it is much easier for ordinary normative people to justify engaging in them. And since these acts are easy to excuse, they can become extremely common and therefore far more harmful, in the aggregate, than serious forms of crime (Mazar et al. 2008). Ordinary unethicality can thus easily become an epidemic, changing accepted ethical and social norms (Ashforth & Anand 2003; Welsh et al. 2015).

Many behavioral studies suggest that ordinary unethicality is often situational (Dana, Weber, & Xi Kuang 2007; Feldman & Kaplan, 2018); that is, ordinary unethicality is highly predictable based on situational factors (Dana et al. 2007), and in some situations an overwhelming percentage of individuals will behave unethically (Ariely & Jones 2012; Gerlach, Teodorescu, & Hertwig 2017). This means that personality traits are not the only driving force behind ordinary unethicality; indeed, according to BE research, problematic situations might be more predictive of ordinary unethicality than “problematic people” (Bazerman & Banaji 2004; Feldman 2018). The very concept of misconduct by “good people” suggests that ordinary unethicality does not require a strong antisocial sentiment on the part of the perpetrator (Bazerman et al. 2002) and that ordinary “good people” regularly participate in it (Bersoff 1999; Pillulta 2011). Ordinary unethicality is especially likely in situations in which people find it easy to justify, excuse, or ignore their own misbehavior (Mazar et al. 2008). This is the case, for instance, when legal standards are ambiguous (Feldman & Teichman 2009), harms are small (Kunda 1990) or are caused to unidentified victims (Bandura 1999; Amir et al. 2016), or when the wrong is committed in the name of an organization or a legitimate cause (Moore 2008). These notions relate to the broader concept of ethical blind spots, a term generally associated with the work of Bazerman and Tenbrunsel (2011). In our terminology, societal ethical blind spots represent situations that facilitate unethical behavior by a large proportion of ordinary people who otherwise value morality (Feldman & Kaplan).

Compliance and Enforcement Research

BE research findings have a direct bearing on the literature on compliance and law enforcement, highlighting the tension between two competing law-enforcement paradigms: one focusing on “bad apples” and the other on “bad barrels” (Trevino & Youngblood 1990). The “bad apples” paradigm is the more traditional approach to law enforcement and focuses on identifying and punishing malevolent wrongdoers. Regulatory responses in this approach consist mainly of threats, designed to punish those individuals who find it easy to transgress against others (Thielmann & Hilbig 2018); traditional intervention methods discussed in the literature are penalties, fines, and rewards (Becker 1968; Feldman & Lobel 2009; Feldman & Perez 2012), as well as control mechanisms based on social norms or reputational concerns (McAdams 2000; Feldman & Nadler 2006).

Conversely, the “bad barrels” approach emphasizes situational factors, rather than interpersonal variation, as causes of unethicality (Feldman 2018). Bad barrels are problematic scenarios and situations in which unethicality tends to proliferate (Bazerman & Tenbrunsel 2011). Situation-driven unethicality calls for a different focus of enforcement policy (Feldman 2018). Regulators aim to identify situations in which it is easy for *a large proportion of the population* to behave unethically and then work to alter these situations. They focus on environmental factors that have been shown to make it easier for ordinary people to excuse their own unethicality; one key area is reducing ambiguity, both situational and legal (Feldman & Teichman 2009; Feldman & Kaplan 2018). When the antecedents of wrongdoing are more situational than personal, and wrongdoing does not originate from a fully deliberate personal divergence from accepted moral norms (Gneezy, Meier & Rey-Biel 2011), ex-ante “softer” enforcement mechanisms, designed to improve deliberation and diffuse ethical blind spots, are suggested (Feldman 2018; Feldman, Schurr, & Teichman 2013). Softer regulatory measures improve ethical deliberation and increase awareness through the use of reminders, nudges, situational design, and choice architecture (Gino 2015; Feldman 2018a, chapter 4).

This literature therefore argues that, to achieve the most effective combination of traditional and soft regulations in specific cases, it is crucial to evaluate the relative dominance of different antecedents – personal or situational – in each domain (Feldman 2018a, chapter 8). The proposed research will improve our understanding of the appropriate regulatory interventions for some of the most common types of transgressions.

Data Science and the Law

We will big data analysis as our main empirical tool to gain insight into when to use traditional versus softer regulatory approaches and to ascertain their relative effectiveness in different situations.

Recently the synergy between data scientists and legal experts has gained momentum in both industry and academia (Brayne 2017). Data science (DS) is making possible the behavioral optimization and personalized law trend, in which legal decisions are tailored to individual consumers based on analysis of their past behaviors and are optimized to achieve the best personalized outcomes (Porat & Strachilevitz 2013; Felin et al. 2017). While DS-driven law is sometimes criticized for being under-objective when used for decision-making (as best articulated by O’Neil 2016), it has gradually gained an important role in the processing of large volumes of data from documents and governmental repositories. Unlike most BE research to date, which has been carried out in the lab, DS lets the data reveal their story (Riche et al. 2018). It involves the integrated study of multiple data streams, longitudinal datasets, and extensive textual resources that were previously examined separately via theory-driven lenses (e.g., Niemeijer 2002; Hou & Xu, 2009; Mandinach 2012). Essentially, DS shifts the analytical effort from the traditional theory-centered approach offered by lab experiments to a comprehensive data-driven analysis.

Previous studies on policy development highlight the roles of the two analytical modes (Niemeijer 2002; Mandinach 2012). Whereas data-driven studies are used to learn benchmark behaviors, theory-driven analysis powers the studies of best practices. This distinction stems from absence of data to inform the latter task. To the best of our knowledge, our study is the first to access and analyze massive amounts of data relating to different types of regulations, violations, and enforcement interventions in the study of the regulation of ordinary unethicality.

**Research Objectives and Expected Significance**

Objectives

The proposed research will bring together three lines of research – data-driven legal analysis, BE research, and the research on compliance and enforcement – to examine empirically the most effective combinations of soft and hard mechanisms for the regulation of common occurrences of ordinary unethicality. It has three objectives: (1) understating the antecedents of unethical behavior in our datasets, (2) examining the effectiveness of existing regulatory tools, and (3) recommending improved regulatory interventions based on a more nuanced understanding of the causal link between regulatory interventions and observed reduction in unethicality.

In the first phase of the research, we will access municipal databases to study the antecedents of ordinary unethicality. As mentioned, there are two competing paradigms of the primary causes of ordinary unethicality. Some works emphasize the role of interpersonal variation in an individual’s propensity to unethical behavior (Kish-Gephart et al. 2010; Kohlberg 1971; Bandura 1999; Jones 1991), whereas other studies highlight the importance of situational factors (Gächter and Schulz 2016; Pascual-Ezama et al. 2015). This important scholarly debate has important implications for policy making. When unethicality is seen to be based on interpersonal variation, regulators focus their efforts on identifying those individuals prone to misbehave and then work to alter their behavior. Conversely, when unethicality is seen as more situational and less sensitive to interpersonal variation, regulation focuses on the contexts that breed unethicality and on ways to diffuse such “ethical traps.” The longitudinal nature of the municipal datasets and the fact that individuals have the same unique identifiers across all datasets allow us to carry out both within- and across-database analysis of unethical behaviors and determine the relative dominance of situational and personal factors as antecedents of unethical conduct.

The second phase also involves the analysis of existing databases, but this time for the purpose of evaluating current enforcement policies by the municipal government. We will study a series of regulatory changes to evaluate the efficacy of different enforcement tools. In particular, we will examine the effects of the installation of street cameras, an increased use of administrative fines, the increase in the use of warnings and pre-suit notices, and the relaxation of regulatory burdens in the areas of business licensing and building codes. In some instances, such regulatory changes were phased in gradually in different parts of the city; when this is the case, regulatory changes present a particularly useful natural experiment, which we can exploit to infer causal links using a difference-in-differences methodology (see, e.g., Conley & Taber 2011; Donald & Lang 2007).

The third phase involves the design, implementation, and evaluation of new and improved regulatory tools based on experimental methods. Based on the findings that will emerge from Phase 2, we will conduct a series of vignette studies to identify particular enforcement mechanisms that seem effective in curbing ordinary unethicality. Such vignettes will be designed to simulate typical situations that were shown to breed unethicality and to elicit responses from participants regarding possible regulatory interventions. For example, people could be exposed to dilemmas regarding using an apartment for commercial needs, misreporting the number of occupants living in a single household, doing minor house modifications that violate local building laws, or committing parking violations in ambiguous contexts. We will compare the perceived effectiveness of “hard” regulatory means such as different types of monetary sanctions to “softer” tools, such as ethical reminders and moral warnings. These experiments will help us formulate highly tailored hypotheses regarding the effectiveness of different enforcement tools and improvements to existing regulatory schemes. Based on the findings of the vignette studies, we will propose improved regulatory interventions to be deployed by the municipal government. In future research, this will serve as the basis for a controlled field experiment to test novel enforcement mechanisms, informed by BE research.

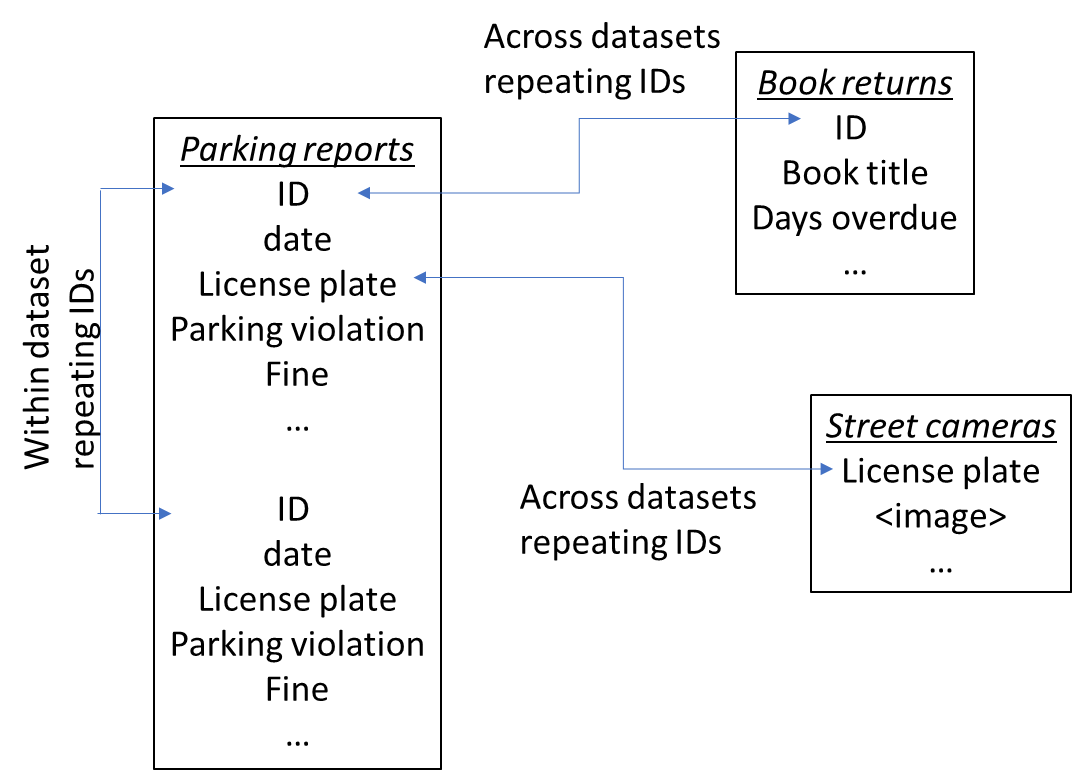
Significance

Taken together, the three phases will advance our ability to understand and regulate ordinary unethicality. The proposed research challenges existing law enforcement scholarship and policy, which traditionally see severe crimes as the primary target of legal efforts. Instead, it emphasizes the importance of recognizing the great harmfulness of supposedly routine, everyday ethical violations. By highlighting the importance of regulating “minor” violations instead of “major” ones, this scheme reflects a paradigm shift from the current understanding of law enforcement, calling for a reorientation of enforcement policies and the adoption of softer regulatory means (Feldman & Lobel 2015). The proposed research is the first to take these issues out of the lab and study them in a real-world setting, following a data-driven method. To date, the perception of ordinary unethicality in the real world has been studied mainly in dishonesty experiments conducted by BE researchers (Halevy, Shalvi, & Verschuere 2014). These studies, despite their undisputed contribution, are limited in their ability to evaluate the long-term effects of different possible regulatory interventions and in their contributions toward understanding the effects of real-world sanctions and enforcement mechanisms (Feldman & Lobel 2009, 2015). The move from the lab to the field is even more crucial in identifying the types of regulatory interventions that are likely to be effective in curbing such transgressions, because those interventions have been rarely studied, even in the lab (Feldman, 2018a, chapter 1; Tobias et al. 2018). This novel shift from a theory-driven environment to a big, longitudinal data-driven focus will also allow us to gain insight into topics not yet studied in lab settings, such as possible spillover effects of regulatory interventions between domains, inadvertent effects of regulatory changes, interactions with socioeconomic status, trust in different regulatory institutions, and herd effects as causes of unethical conduct.

**Research Design and Methods**

The proposed research aims to develop means of improving the regulation of ordinary unethicality through three interrelated phases: (1) understanding the antecedents of unethicality, (2) evaluating existing regulatory tools, and (3) developing and testing improved legal interventions. The study as a whole will shift from an analytic effort powered by DS techniques (Phase 1 and part of Phase 2) to a practical effort that develops and guides regulatory interventions (part of Phase 2 and Phase 3).

The data for this research are being provided by the municipal government of the city of Ramat Gan in Israel. The datasets will be compiled from a variety of municipal departments and will include parking reports, public library borrowing and returns, street security cameras, and citizen complaints. All datasets are multivariate and longitudinal and contain various types of variables, such as numeric, textual, and visual (images and videos). Individuals are uniquely identified across all datasets. An illustration of the data structure is given in Figure 1.



**Figure 1**: Illustration of data structure

Phase 1: Sources of Unethicality

The first phase employs DS methodologies to improve our understanding of the situational and personal antecedents of ordinary unethical behavior. We will use big data exploration techniques, in particular multivariate time series analytics, with a focus on cross-database anomalies to describe the antecedents of ordinary unethical behavior. Thus, if personal characteristics and past behavior (across multiple datasets) provide a strong indicator for future misconduct, this would indicate interpersonal variation in an individual’s propensity to ordinary unethicality. Conversely, if unethicality seems prevalent in one area, with little predictive power as to the level of misconduct in other areas, this can point toward situational rather than personal causes.

Using similar tools, we can learn whether ethical breaches are a social phenomenon (Gino, Ayal, & Ariely 2009). People tend to observe others’ behavior and mimic it, often subconsciously, and without much understanding of the situation and its ethical consequences. This phenomenon is called "herd behavior," an umbrella term for various social behaviors in which individuals adjust their thoughts or behaviors to those of the group, whether knowingly or subconsciously, without centralized coordination (Raafat, Chater, & Frith 2009). To examine this hypothesis, we will analyze the time-dependent diffusion of unethicality (following Rogers 2010) and the development of behavior over time across different datasets.

Phase 2: Evaluating Existing Regulatory Tools

In the second phase of the proposed research we will evaluate existing regulatory interventions employed by municipal governments by studying changes in behavior that follow changes in legal policy. In particular, we will focus on three recent changes for which we have data: (1) the installation of street cameras, (2) the shift from criminal sanctions to administrative fines, and (3) the relaxation of regulatory burdens in the area of zoning law. We will study these legal changes to quantify the efficiency of different regulatory means currently or historically employed by municipal authorities.

The datasets we have access to, along with these regulatory changes and their gradual implementation in different parts of the city of Ramat Gan, provide us with a unique natural experiment to examine the impact of different regulations on individuals’ behavior. Naturally, this research approach is not without its limitations. For example, regulatory changes might be accompanied by an increase in the frequency of enforcement actions because municipal authorities may have an interest in portraying their own initiatives as effective. Thus a great challenge in this phase will be to uncover these statistical biases and control for them. To combat these limitations, we will supplement the data analysis with vignette studies simulating the effect of different regulatory tools on public perceptions.

Additionally, we will test for the possibility of “enforcement spillovers,” or the effect of an enforcement effort in one area on behavior in another. For instance, if a specific individual is sanctioned for failing to return a library book, we will examine the effect of this sanction on the likelihood of that same individual changing his or her behavior in other contexts, such as neighbor disputes or zoning law violations.

Phase 3: Improving Regulatory Interventions

Our goals in this phase are to develop improved regulatory interventions for specific types of misconduct and to identify the most efficient way of introducing “soft” regulatory tools into the enforcement toolkit. To achieve these goals, we will take our findings from Phases 1 and 2 back into the lab to fine-tune our understanding of the causal mechanisms underlying different regulatory tools.

First, we will focus our attention on types of misconduct that were shown in Phase 1 to be situation-driven. Presumably, it is in these situations that “soft” regulatory tools should be most effective. Second, we will focus on those “soft” regulatory mechanisms that were shown to be effective in Phase 2. We will then evaluate experimentally the effectiveness of these interventions to gain a more accurate understanding of the cognitive mechanisms that facilitate their effectiveness. This is a crucial step, as causal links might be difficult to infer from the observational analysis of Phases 1 and 2 and without an experimental element.

In testing existing regulatory tools, we will use vignette studies that compare “soft” and “hard” regulatory tools, based on insights from BE research and previous studies by the authors. Those studies will present participants with a situation that raises a legal compliance dilemma similar to those found to be common in our databases. The participants will then be randomly assigned to read about a certain type of intervention (following a similar design to that used in Fritzsche & Becker [1984]; Feldman [2009]). Then, we will test the effect of different types of soft and hard regulatory interventions on participants’ responses. We will examine what type of intervention leads to a greater perception of behavioral change and will use existing scales to measure trust in the integrity of the system and the relative legitimacy of various intervention methods. In addition to testing the interventions that will emerge from Phase 2, we will also examine the efficacy of improved and modified versions of various interventions in curbing common occurrences of ordinary unethicality. We propose using a long list of potential intervention methods – administrative and criminal fines, Pigouvian taxes, injunctions, ethical nudges warnings, and the provision of information – and then creating a detailed taxonomy of them, making possible a comparison on several dimensions: soft vs. hard, explicit vs. implicit, monetary vs. non-monetary (Feldman & Halali 2018; Feldman 2018a, chapters 3-4; Feldman 2018b).

The sample for this experiment will be a random, probability-based sample of the residents of Ramat Gan (500 participants). The questionnaire will include Likert scales, free text entry, and word-completion tasks (Feldman & Lobel 2009). To avoid the well-known barriers of self-perception (Podsakoff & Organ 1986) participants will be asked to answer on the basis on the actions of a “friend,” rather than on their own reactions (Moore & Keis 1999). Following the vignette studies, we will measure characteristics of the participants on relevant personality scales (Feldman 2018a, chapter 6).

In future research, we intend to use the results of this study to conduct a controlled field experiment in cooperation with the city of Ramat Gan. We will compare the effectiveness of different regulatory interventions – hard and soft – on one of the most common types of ordinary unethicality: not returning library books. This type of misconduct is of special interest since it is extremely common and very easily measurable. In this context, we can easily initiate a field experiment comparing the efficacy of fines with that of reminders and other behavioral informed interventions related to priming of social norms and reputation. We do not include this phase in the current research proposal as its implementation still requires several preliminary stages, as detailed earlier.

**Suitability of the Researchers to Conduct the Study**

Phase 3 includes series of vignette studies designed to compare “soft” and “hard” regulatory interventions. Similar works by Feldman have demonstrated the efficacy of soft regulatory tools in a variety of legal contexts, as well as their limitations (Feldman & Halali 2017; Feldman, Gino, and Koachaki; Feldman & Nadler 2006; Feldman & Lobel 2008, 2009; Feldman & Pe’er 2019). The purpose of the proposed study is to tailor these existing findings to the types of unethical behavior documented in the city databases. The use of data analysis to regulate situational wrongdoing is examined in a theoretical paper by Feldman and Kaplan (draft 2018). Overcoming statistical biases similar to those we might face in Phase 2 was studied by Yahav et al. 2016; Shmueli and Yahav 2018; and Yahav et al. 2018.

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