The Normative Discussion: Voluntary Compliance vs. Command and Control in Regulatory Policy

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[The chapter likely weighs the potential benefits of voluntary compliance against its risks and limitations, drawing on the insights from previous chapters. It may offer a nuanced perspective on when and how voluntary compliance approaches might be most effective, and where traditional command-and-control methods might still be necessary. The author probably concludes with reflections on the future of regulatory policy and the balance between trust-based and coercive approaches to governance. 6](#_Toc173074069)

[By exploring these multi-faceted implications of moving beyond command and control, the book offers a nuanced analysis of the promises and perils associated with voluntary compliance in contemporary regulatory frameworks. This comparative study is conducted through a series of chapters that examine various compliance motivations, their susceptibility to crowding-out effects, and the interactions between different regulatory tools, motivations, and crowding-out processes. 6](#_Toc173074070)

[The chapter delves into the factors influencing this regulatory dilemma across multiple levels and the normative considerations that must inform decision-making. It also scrutinizes methods for comparing and evaluating the costs associated with errors in relying on voluntary compliance versus command-and-control strategies. The overarching aim is to provide a comprehensive roadmap for assessing the efficacy of voluntary compliance across diverse contexts and cultures. 7](#_Toc173074071)

[While numerous behavioral public policy studies suggest that morality can enhance compliance more effectively than other approaches, this perspective does not fully address the question of whether the public can be trusted to comply voluntarily. For instance, even if 20% of the population responds positively to a moral nudge, uncertainty remains regarding the longevity of their contribution and the reaction of the remaining 80%. Will they experience crowding-out effects or simply disregard the nudge? 7](#_Toc173074072)

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[Throughout the chapters of this book, we have demonstrated a unique approach that differs from the conventional methods of fostering trust among individuals. In chapter seven, we specifically explored the role of technology in ensuring trust while minimizing the potential interference of monitoring on people's behavior. However, our primary focus throughout the book has been on the concept of intrinsic motivation and the possibility of understanding the factors that drive individuals to trust one another. 18](#_Toc173074087)

[Despite the importance of morality in increasing compliance among some individuals, our conclusions in certain sections of the book are somewhat pessimistic. To establish trust, we must first ensure that there is a sufficient number of people who are willing to cooperate. Additionally, we must guarantee that cooperation actually occurs and address the issue of conditional cooperation, where an individual's decision to cooperate is heavily influenced by the actions of others. This dynamic creates an unstable environment where the presence of a significant number of uncooperative individuals can lead to a breakdown in cooperation, causing even those who were initially willing to cooperate to change their behavior. Consequently, even if there are intrinsically motivated individuals, they may remain in the minority, with many of them eventually adopting different types of behavior. 18](#_Toc173074088)

[Thus, it seems that focusing on institutional factors related to trust and legitimacy are more likely to offer states greater likelihood that people will engage in voluntary compliance than if they invest most of their efforts in causing people to believe in the morality of the law. 18](#_Toc173074089)

[As I have developed extensively in the law of good people, morality by its nature is a double edge sword since it could be interpreted by people in line with their self interest and prior beliefs. It might also be subject to changes in the political views of people on what is moral. In contrast, when focusing on legitimacy and trust the procedural and institutional antecedents of intrinsic motivation which is related to legitimacy. 18](#_Toc173074090)

[These findings suggest that while it is possible to trust certain individuals in specific contexts, it is ultimately necessary to combine this approach with other methods. To effectively promote trust, we must strive to understand how various motivations can work in tandem. This involves encouraging individuals, appealing to their rationality, and comprehending the most effective ways to motivate them. Simultaneously, it is crucial to communicate that untrustworthy behavior will not be tolerated and that there are means to convey this message to a large number of people. Given the difficulty in predicting who will internalize this message, even with the advancements in personalization, a combined approach is essential. This, to a certain extent, encapsulates the key takeaway of the book 18](#_Toc173074091)

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[When thinking of examples to internalization process through which population voluntarily engage and follow rules, religion is the most likely example to follow. As clearly the enforcement mechanisms which are in place to ensure rule following by believers are very limited. Furthermore according to all religions, there is greater value to people who follow rules when they are intrinsically driven to do it – the higher level of compliance – true believers – is being taken from religion. 23](#_Toc173074098)

[The study of religion offers valuable insights into how states might foster the internalization of values among citizens, potentially informing approaches to enhance voluntary compliance with regulations. Religious institutions have long shaped intrinsic motivation through various mechanisms, which can provide lessons for state approaches to value internalization. 23](#_Toc173074099)

[Religious teachings often emphasize moral values such as compassion and honesty, which can become deeply ingrained in individuals' motivational structures. Religion also provides a meaning-making framework that gives people a sense of purpose, driving their actions and motivations. These insights suggest that states could potentially enhance value internalization by articulating clear moral frameworks and fostering a shared sense of purpose among citizens. 23](#_Toc173074100)

[However, the effectiveness of religious approaches in promoting voluntary compliance has limitations. Religious institutions often rely on creating a sense of community to reinforce shared values and motivations, which may be challenging for states to replicate on a large scale. Furthermore, research on the concept of punitive gods suggests that fear of punishment, rather than purely intrinsic motivation, may play a significant role in religious compliance. This raises questions about the sustainability and authenticity of value internalization achieved through such means. 23](#_Toc173074101)

[States have their own tools for influencing intrinsic motivation. Education plays a crucial role in shaping values and beliefs, while public discourse has the power to frame issues and influence public opinion. Laws and policies can create incentives that indirectly affect intrinsic motivation. However, the effectiveness of these state-driven approaches in changing deeply held beliefs and values remains uncertain. 23](#_Toc173074102)

[The long-term sustainability of changes in intrinsic motivation, whether brought about by religion or the state, is a key area of uncertainty. While religious practices like repetition and habit formation have been shown to influence behavior over time, it is less clear how effectively states can replicate these processes. Moreover, the extent to which religious teachings and state policies are truly internalized by individuals, rather than superficially adopted, remains a subject of debate. 23](#_Toc173074103)

[As states seek to learn from religious approaches to value internalization, they must grapple with these complexities and limitations, adapting strategies to fit the unique context of civic life and governance. The challenge lies in balancing the potential benefits of fostering intrinsic motivation with the practical limitations and ethical considerations of state intervention in personal values and beliefs. 24](#_Toc173074104)

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## Introduction:

## Summary

In the 10 chapters of the book, the potential for voluntary compliance was examined through a series of approaches.

This book introduces the concept of voluntary compliance and its potential benefits for regulatory policy. It outlines the book's structure and main arguments, emphasizing the need to understand when and how governments can trust citizens to comply voluntarily with laws and regulations.

Chapter 1: Provides an overview of voluntary compliance, discussing its definitions of what voluntary compliance mean, potential advantages, and challenges. It explores the relationship between voluntary compliance and concepts such as trust, legitimacy, and social norms.

Chapter 2: Examines the behavioral aspects of voluntary compliance, focusing on intrinsic and extrinsic motivations for compliance. It discusses various compliance motivations, including moral, social, and economic factors.

Chapter 3: Analyzes the concept of "crowding out" intrinsic motivation through external interventions. It explores how different regulatory approaches might affect individuals' intrinsic motivation to comply with laws and regulations.

Chapter 4: Discusses various trust based regulatory approaches beyond command and control and their potential to foster voluntary compliance. It examines strategies such as responsive regulation, nudges, and trust-based regulation, analyzing their effectiveness and limitations.

Chapter 5: Explores the potential risks and limitations of relying on voluntary compliance. It discusses issues such as heterogeneity in compliance motivations across populations and the possibility of exploitation by non-compliant actors as well by state actors who attempt to cause people to change their attitudes.

Chapter 6: Investigates the role of culture in shaping voluntary compliance. It examines how cultural factors such as trust, social cohesion, and attitudes towards authority influence compliance behaviors across different societies.

Chapter 7: Focuses on the role of technology in facilitating or hindering voluntary compliance. It explores how technological advancements might affect monitoring, enforcement, and trust in regulatory systems.

Chapter 8: Applies the concepts of voluntary compliance to public health policies, with a particular focus on lessons learned from the COVID-19 pandemic. More specifically, we examine the difference between the comparison of trust based and command and control approaches with regards to mask wearing and vaccines across different countries.

Chapter 9: Examines voluntary compliance in the context of tax policy, discussing factors such as tax morale, fairness perceptions, and trust in government and how meaningful are those factors relative to what could be gained through audits and deterrence in terms of the prevalence and quality of tax quality.

Chapter 10: Finally the last doctrine which is being compared is environmental regulation, analysing how intrinsic motivation, social norms, and regulatory approaches influence pro-environmental behaviors. Each one of these doctrines offers a different set of parameters which needs to be accounted in terms of the likelihood of voluntary compliance in terms of proportion, ability to sanction, the need of quality of compliance and more.

The focus on voluntary compliance was aimed at enabling scholars and policy makers to determine how a specific regulatory approach might work when taking into account all of the relevant factors. It was deemed necessary to create a framework that would help identify what regulatory tool could work with respect to types of compliance and cooperation. The development of a new version of responsive regulation that was evidence-based and sensitive to behavioral public policy findings, national contexts, and the behaviors that were being targeted for change was considered critical for policymakers.

The interaction between national context and different institutions regarding the likelihood that more trust-based regulation would work in a given country, given the knowledge about the ethical makeup of the country, was also examined. Although there was a significant amount of research on cross-national differences, it was usually conducted on only one dimension, such as honesty or trust, and therefore never managed to interact with the type of behaviors that were of interest in changing, as well as the different regulatory approaches used. The book also aimed to look more deeply at the broad effects of different regulatory instruments, such as incentives, duties, and nudges, in leading to sustainable and prevalent changes in attitudes toward the behavior in question.

The hope is that this discussion will contribute to the discussion on the desired relationship between states and their citizens. Any democratic state should aspire to convince its citizens that the state should be obeyed voluntarily; hence, any legal instrument that aims to maximize voluntary behavior will be preferred. From a normative perspective, we might need to evaluate critically the costs of encouraging the public to cooperate voluntarily. Our empirical findings will help to clarify a number of important issues. The focus on heterogeneity and distributive effects of law demonstrates, for example, that less educated and less privileged groups in the population might be more prone to changing their preferences following an influencing campaign. Finally, another normative effect which is related to distributive effect which we will examine is related to the long-term effects of such interventions on how people might feel about whether they trust their government. We will also discuss what is the optimal level of trust between government and the public in the normative part. For example, regulators who have excessive trust in the industry might jeopardize the safety of the public, hence justifying the need to examine the different regulatory tools that will be tested from Strand 2, including what is their likely effect on increasing compliance, and reducing the likelihood of errors which might be too costly for the public safety.

## This concluding chapter synthesizes the book's findings to address the central question of whether moving beyond command-and-control approaches towards more trust-based, intrinsically motivated regulatory mechanisms is beneficial. It examines this question across three key levels:

## Societal Level:

## Analyzes how a shift towards voluntary compliance might impact overall trust in society

## Explores potential changes in social solidarity and cohesion

## Considers the broader societal implications of reduced reliance on punitive enforcement measures

## Institutional Level:

## Examines how trust-based regulatory approaches might affect the legitimacy of government institutions

## Discusses potential changes in public perception of regulatory bodies

## Considers how the relationship between regulators and the regulated might evolve

## Individual Level:

## Explores how emphasizing intrinsic motivation might influence individual cooperation with laws and regulations

## Examines the potential for fostering "beyond-compliance" behaviors

## Discusses the challenges and opportunities in cultivating intrinsic motivation for compliance

## The chapter likely weighs the potential benefits of voluntary compliance against its risks and limitations, drawing on the insights from previous chapters. It may offer a nuanced perspective on when and how voluntary compliance approaches might be most effective, and where traditional command-and-control methods might still be necessary. The author probably concludes with reflections on the future of regulatory policy and the balance between trust-based and coercive approaches to governance.

## By exploring these multi-faceted implications of moving beyond command and control, the book offers a nuanced analysis of the promises and perils associated with voluntary compliance in contemporary regulatory frameworks. This comparative study is conducted through a series of chapters that examine various compliance motivations, their susceptibility to crowding-out effects, and the interactions between different regulatory tools, motivations, and crowding-out processes.

## The chapter delves into the factors influencing this regulatory dilemma across multiple levels and the normative considerations that must inform decision-making. It also scrutinizes methods for comparing and evaluating the costs associated with errors in relying on voluntary compliance versus command-and-control strategies. The overarching aim is to provide a comprehensive roadmap for assessing the efficacy of voluntary compliance across diverse contexts and cultures.

## While numerous behavioral public policy studies suggest that morality can enhance compliance more effectively than other approaches, this perspective does not fully address the question of whether the public can be trusted to comply voluntarily. For instance, even if 20% of the population responds positively to a moral nudge, uncertainty remains regarding the longevity of their contribution and the reaction of the remaining 80%. Will they experience crowding-out effects or simply disregard the nudge?

## In analysing voluntary compliance, I propose conceptualizing voluntariness as a multidimensional construct existing on a continuum rather than as a binary state. This nuanced perspective facilitates a more sophisticated understanding of compliance behaviors. I argue that the degree of voluntariness is influenced by several key factors:

## 1. The level of perceived coercion, ranging from explicit mandates to subtle nudges

## 2. The strength of intrinsic motivation, which can vary based on personal values and social norms

## 3. The clarity and accessibility of behavioral instructions

## 4. The individual's cognitive understanding of when and how to comply

## 5. The salience of the desired behavior in the decision-making context

## This multidimensional approach allows for a more granular analysis of compliance behaviors, enabling policymakers and researchers to develop more effective and tailored regulatory strategies that balance the benefits of voluntary compliance with the need for more directive approaches when necessary.

Furthermore, I argue that the field suffers from definitional inconsistencies across disciplines, hampering interdisciplinary research efforts. The operationalization of voluntariness often varies significantly between psychological, economic, and legal frameworks, creating challenges in synthesizing findings.

I also highlight the considerable gaps in our empirical knowledge base. Many existing studies on voluntary compliance are limited in scope and external validity, often relying on convenience samples or specific contextual settings. This paucity of generalizable evidence makes it difficult to draw robust conclusions about the mechanisms and efficacy of voluntary compliance across diverse populations and regulatory domains.

I contend that these factors interact in complex ways to determine the overall voluntariness of compliance. For instance, high intrinsic motivation may offset mild coercion, while clear instructions might enhance voluntary compliance even in the absence of strong internal drives.

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In my analysis, I will identify several critical knowledge gaps that warrant further investigation before moving forward with voluntary compliance.

1. Scalability: A primary concern is the issue of scalability: can interventions promoting voluntary compliance, often tested in controlled settings, be effectively implemented on a larger scale? This question echoes broader discussions in behavioral economics about the challenges of scaling up interventions from laboratory or small-scale field experiments to large-scale policy implementations.

2. External validity: Do the effects observed in laboratory settings persist in real-world contexts with genuine stakes and complex motivational structures?

3. Cross-cultural generalizability: How do voluntary compliance strategies translate across diverse cultural, economic, and regulatory contexts?

4. Long-term effects: We lack robust longitudinal data to confirm whether the positive outcomes of voluntary compliance initiatives endure over extended periods.

5. Policy implications: Under what conditions is voluntary compliance more effective, cost-efficient, and expedient compared to traditional regulatory approaches? How can we assess and mitigate the risks associated with relying on voluntary compliance?

These unanswered questions highlight the need for comprehensive, multidisciplinary research to inform evidence-based policymaking in the realm of regulatory compliance.

To advance our understanding, the book calls for more rigorous, cross-contextual research that employs standardized measures of voluntariness and accounts for the multifaceted nature of compliance behaviors. Such research would not only enhance our theoretical understanding but also inform more effective policy interventions to promote voluntary compliance.

This approach necessitates collaboration across disciplines, including psychology, economics, law, and public policy, to develop a more holistic framework for understanding and fostering voluntary compliance. By addressing these knowledge gaps and methodological challenges, we can better navigate the complex landscape of regulatory policy and harness the potential benefits of voluntary compliance while mitigating its risks.

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To advance our understanding, The book calls for more rigorous, cross-contextual research that employs standardized measures of voluntariness and accounts for the multifaceted nature of compliance behaviours. Such research would not only enhance our theoretical understanding but also inform more effective policy interventions to promote voluntary compliance.

In my analysis of voluntary compliance policies, I argue that policymakers face significant knowledge gaps when considering the implementation of such strategies. The efficacy, efficiency, and political implications of voluntary compliance remain largely uncertain. Policymakers lack robust empirical evidence to determine under which specific conditions voluntary compliance is more effective than traditional regulatory approaches. The cost-effectiveness of voluntary compliance initiatives, both in terms of implementation and long-term maintenance, is not well established across various regulatory domains. Furthermore, the speed at which voluntary compliance can achieve desired outcomes compared to mandatory measures is poorly understood. A critical concern is the reliability and risk profile of voluntary compliance strategies; policymakers have insufficient data to assess whether these approaches consistently yield the intended results without unforeseen negative consequences. Perhaps most importantly from a political perspective, the impact of voluntary compliance policies on regime stability and public support is not well documented. This uncertainty may lead to hesitation in adopting such strategies, as policymakers cannot accurately predict how these policies will affect their political standing. These knowledge gaps underscore the need for more comprehensive, context-specific research to inform evidence-based policymaking in the realm of regulatory compliance, enabling policymakers to make more informed decisions about when and how to implement voluntary compliance strategies.

In conclusion, while the internalization of motivations for legal compliance could potentially enhance the legitimacy and efficiency of regulatory systems, it also presents complex challenges. The process of fostering such internalization must be carefully balanced against practical considerations and the protection of individual rights. This is particularly crucial in diverse societies where values and norms may vary significantly. Policymakers and regulators face the difficult task of designing compliance strategies that encourage voluntary adherence to rules while respecting personal autonomy and accommodating societal pluralism. Furthermore, the long-term effects of attempts to internalize compliance motivations remain uncertain, necessitating ongoing research and evaluation. As societies continue to evolve, the challenge lies in developing nuanced approaches that can effectively promote compliance without resorting to excessive coercion or undermining the diverse value systems present in modern democracies.

## Voluntary compliance and Heterogeneity

In my analysis of voluntary compliance, I emphasize the critical challenge posed by heterogeneity in individual responses and the prevalence of conditional cooperators. The effectiveness of policies relying on voluntary compliance is highly contingent on the proportion of individuals willing to cooperate without coercion. However, this proportion is not static and can be influenced by the perceived behavior of others, creating a complex dynamic system. Conditional cooperators, who adjust their compliance based on their observations or expectations of others' behavior, introduce an additional layer of complexity. Policymakers face significant uncertainty in predicting the outcomes of voluntary compliance initiatives due to this heterogeneity and conditionality. Without accurate knowledge of the distribution of cooperators, non-cooperators, and conditional cooperators in a given population, it becomes exceedingly difficult to design effective policies. The potential for cascading effects, where a critical mass of non-compliance can trigger widespread defection among conditional cooperators, poses a substantial risk. Furthermore, the composition of these groups may vary across different regulatory domains and cultural contexts, making generalization problematic. This uncertainty underscores the need for sophisticated modeling and empirical research to better understand the dynamics of voluntary compliance in heterogeneous populations, enabling policymakers to craft more robust and adaptable regulatory strategies. Without an ability to differentiate between people in the move to voluntary compliance, the ability of courts to move forward with “trusting the public” approach is quite limited.

## Is the rise of polarization threat to voluntary compliance?

In a joint work with Tom Tyler and Libby Maman, we have examined the impact of polarization and ideological extremity on trust, cooperation, and the effectiveness of self-regulatory tools in governance. Using data from the World Value Survey and the European Social Survey, which included 54,683 respondents from 27 European countries, we have analyzed the relationship between ideological extremity, trust, and cooperative behavior.

Contrary to initial expectations, ideological extremity did not necessarily lower trust. Right-wing extremity was associated with increased trust in institutions (r = 0.11, p < .001), while left-wing extremity showed no significant impact on trust (r = 0.01, n.s.).

The study revealed that ideological extremity significantly altered the dynamics of authority, where Left-wing extremity Increased the weight given to trust in legal authorities when deciding to comply (correlation increased from 0.24 to 0.34 for high left extremity).it has also Amplified the importance of trust in people when making compliance decisions (correlation increased from 0.16 to 0.24 for high left extremity). In contrast, Right-wing extremity Decreased the weight given to trust in legal authorities (correlation decreased from 0.33 to 0.24 for high right extremity) and it had also reduced the importance of trust in people for compliance decisions (correlation decreased from 0.23 to 0.15 for high right extremity).

At the aggregate level, countries with higher left-wing extremity showed a stronger connection between trust in legal authorities and cooperation (r = 0.65 for high left extremity vs. r = 0.03 for low left extremity). Conversely, countries with higher right-wing extremity demonstrated a weaker connection (r = 0.40 for high right extremity vs. r = 0.92 for low right extremity).

The study also found that extreme individuals were more sensitive to whether their party was in power. This effect was stronger for right-wing extremists (β = 0.08, p < .001) compared to left-wing extremists (β = 0.02, p < .001) when considering trust in legal authorities.

In terms of cooperative behavior, left-wing extremity was associated with increased cooperation (r = 0.15, p < .001 for self-reported extremity), while right-wing extremity showed a similar trend (r = 0.12, p < .001 for self-reported extremity).

These findings suggested that while polarization and extremism did not directly undermine trust, they made self-regulation and voluntary compliance more sensitive to fluctuations in trust. This increased sensitivity could potentially threaten the effectiveness of self-regulatory approaches in highly polarized societies, especially if trust in government were to decline.

Our study concluded that extremity matters not because it undermines trust, but because it changes the dynamics of authority. Extremity heightened the relationship between individual trust and cooperation, making cooperation more contingent on perceptions of government. The threat of extremity to self-regulation, as suggested by the ESS data, was that if trust in government were to decline in the future, it would have a greater impact on extreme people, as they base their behavior more heavily on trust.

Our findings also suggested two potentially conflicting individual-level trends. First, extremity raised the average level of trust, at least among right-wing individuals. Second, both left- and right-wing extremes focused more on their trust in government when deciding how to behave. If trust were to decline for any reason, the impact on cooperation would be accelerated among the extreme, which was true for both left and right extremity.

Our study implied that polarization, explored through the lens of ideological extremity, matters for the effectiveness of self-regulation by making cooperation more sensitive to trust than ever before, and in comparison to command-and-control regulation. Our analysis also revealed sharp aggregate differences between left- and right-wing ideology, with left extreme societies relying heavily on trust, while right extreme societies relied less on trust.

Lastly, we tested whether having one's party in power mattered in this relationship and found that extreme people put significantly more weight on this factor when making decisions about trust and compliance. As expected, extremity lowered the willingness to trust and defer to "others".

The study concluded that policymakers considering self-regulatory tools in polarized societies should be aware of these dynamics, particularly the differing impacts of left- and right-wing extremity on the role of trust in compliance and cooperation decisions.

What seems to be interesting given the work of luman and others about how in small villages there was confidence among people since they knew how to trust each other as we have moved to Urban places where people don't know each other and reputation is more minimal we have to move to regime of trust and and trust we need to be able to decide how much actually we earn from trusting people relative to situation where we are more kind of uh watchful uh and in that regard we don't have really good answers to what should be done in such context

## Jurisprudential relevancy of voluntary compliance and internalization

The jurisprudential implications of voluntary compliance and internalized motivations for legal adherence have been subjects of extensive debate in legal philosophy. This discourse reflects a fundamental tension between promoting virtue through law and protecting individual rights and freedoms.[[1]](#footnote-1)

First and foremost it is important to note that going back to even Aristo the importance of people who adopt virtue through some of the processes of internalization we have discussed in book. According to studies by schoalrs who studied aristo such as Sherman[[2]](#footnote-2) and Anals[[3]](#footnote-3),

 Habit and Practice: Aristotle believed that virtues are primarily acquired through habit and practice, not through theoretical knowledge alone. He famously stated that "we become just by performing just actions, temperate by performing temperate actions, brave by performing brave actions."

 Repetition: He emphasized the importance of repetition in developing virtuous habits. According to Aristotle, virtues are formed by repeatedly performing virtuous actions until they become second nature.

 Education and Guidance: While Aristotle stressed the importance of practice, he also believed that proper education and guidance, especially in youth, were crucial for developing virtue.

Regarding voluntary compliance, legal moralists argue that the law should actively shape citizens' character and promote moral values, a perspective rooted in the philosophies of thinkers like Plato and Aquinas.[[4]](#footnote-4) However, this approach faces significant challenges in modern, pluralistic societies, where critics argue that enforcing morality through law can lead to the oppression of minority views and infringe upon individual liberties.[[5]](#footnote-5) The distinction between public and private morality further complicates this issue. H.L.A. Hart argued that the law should only concern itself with actions that directly harm others, not with private morality.[[6]](#footnote-6) In contrast, Patrick Devlin contended that the law should enforce public morality to preserve social cohesion.[[7]](#footnote-7)

Contemporary legal thinkers have sought to navigate these tensions by proposing more nuanced approaches. John Rawls argued for a political conception of justice that could be accepted by people with diverse moral views, attempting to balance the promotion of shared values with respect for moral pluralism.[[8]](#footnote-8) Similarly, Lon L. Fuller emphasized the importance of creating a stable and predictable legal framework, rather than enforcing a particular moral code.[[9]](#footnote-9)

Turning to intrinsic motivation and compliance, the potential benefits of internalized compliance motivations are numerous. It could reduce law enforcement and litigation costs, enhance the legitimacy of the legal system, and lead to a more engaged citizenry.[[10]](#footnote-10) [[11]](#footnote-11) [[12]](#footnote-12) However, Oliver Wendell Holmes Jr.'s "bad man" theory of law presents a contrasting viewpoint, suggesting that the law should be understood primarily in terms of its consequences for those seeking to avoid punishment, implying that internalized motivations are less relevant than practical outcomes.[[13]](#footnote-13)

The question of whether a state gains jurisprudential advantages when its citizens internalize their motivations for legal compliance has been a subject of significant debate among legal theorists.[[14]](#footnote-14) Many scholars argue that a system where citizens comply out of internalized motivations rather than fear of punishment could lead to more stable and efficient legal institutions.[[15]](#footnote-15)

However, critics argue that focusing on internalized motivations may be idealistic and impractical, especially in pluralistic societies where achieving widespread internalization of legal motivations may be challenging due to diverse moral and cultural perspectives.[[16]](#footnote-16) The debate also raises questions about the proper role of the state in shaping citizens' motivations, with some arguing that actively promoting the internalization of legal norms could infringe on individual autonomy and lead to state paternalism.[[17]](#footnote-17)

In conclusion, while the internalization of motivations for legal compliance could potentially enhance the legitimacy and efficiency of regulatory systems, it also presents complex challenges. The process of fostering such internalization must be carefully balanced against practical considerations and the protection of individual rights. This is particularly crucial in diverse societies where values and norms may vary significantly. Policymakers and regulators face the difficult task of designing compliance strategies that encourage voluntary adherence to rules while respecting personal autonomy and accommodating societal pluralism. As societies continue to evolve, the challenge lies in developing nuanced approaches that can effectively promote compliance without resorting to excessive coercion or undermining the diverse value systems present in modern democracies.

1. Voluntary Compliance and Trust

- The challenges of morality in enhancing compliance

## Can we trust peoples’ intrinsic motivation, given what we know about behavioral ethics

The reliance on intrinsic motivation as a basis for voluntary compliance presents a significant challenge due to the complex psychological mechanisms that influence human behavior. While intrinsic motivation is often considered a crucial factor in predicting cooperative behavior, recent research suggests that individuals may not always have accurate insight into their own motivations. This lack of self-awareness can be attributed to various cognitive biases, particularly self-deception and motivated reasoning, which can significantly impact the reliability of self-regulation.[[18]](#footnote-18)

Self-deception, a process by which individuals convince themselves of a preferred reality despite evidence to the contrary, can lead people to believe they are acting in accordance with their intrinsic values when, in fact, they are not. This phenomenon is particularly problematic in the context of voluntary compliance, as individuals may rationalize non-compliant behavior while maintaining the belief that they are adhering to their internal moral standards. Motivated reasoning, a related cognitive bias, further complicates this issue by causing individuals to selectively process information in a way that supports their desired conclusions.[[19]](#footnote-19) In the context of regulatory compliance, this bias may lead people to interpret ambiguous situations in a manner that justifies non-compliance while preserving their self-image as law-abiding citizens.

The implications of these psychological processes for regulatory policy are profound. Even when individuals possess strong intrinsic motivation to comply with regulations, the influence of self-interest, high personal costs, or other external factors may lead to non-compliant behavior without the individual fully recognizing or acknowledging this shift. This disconnect between perceived and actual motivations raises serious questions about the reliability of self-regulation and the extent to which policymakers can trust the public to consistently engage in voluntary compliance over time.[[20]](#footnote-20) Given the lack of robust empirical evidence on the long-term sustainability of intrinsically motivated compliance in the face of conflicting interests, there is a risk that policies overly reliant on voluntary compliance may ultimately prove ineffective or even counterproductive.

## .A Taxonomy of whether voluntary compliance might work

In examining the efficacy of voluntary compliance across various legal doctrines, it is crucial to recognize that not all regulatory contexts necessitate the same level of public cooperation or intrinsic motivation. A taxonomy of legal doctrines can be constructed based on the ease of enforcement, the importance of compliance quality, and the visibility of the regulated behavior. This framework allows for a more nuanced approach to regulatory strategies, acknowledging that in some cases, traditional command-and-control measures may be more appropriate and efficient than relying on voluntary compliance.[[21]](#footnote-21)

For instance, in areas where enforcement is straightforward and cost-effective, such as traffic violations captured by automated cameras, the need for voluntary compliance diminishes. Similarly, in regulatory contexts where the quality of compliance is less critical, and mere adherence to the letter of the law suffices, intrinsic motivation may play a less significant role. Examples might include certain reporting requirements or standardized procedures in business operations.[[22]](#footnote-22)

Moreover, when regulated behaviors are highly visible or easily monitored, the reliance on voluntary compliance may be less necessary. In such cases, the threat of detection and subsequent punishment can serve as a sufficient deterrent, reducing the need to cultivate intrinsic motivation among the public. This approach might be particularly effective in areas such as public littering or adherence to building codes, where violations are readily apparent.[[23]](#footnote-23)

The popularity of a behavior and the likelihood of widespread cooperation is another crucial factor to consider. When a regulation aligns with existing social norms or widely accepted values, the need for extensive enforcement mechanisms may be reduced. For example, recycling programs in environmentally conscious communities often enjoy high levels of voluntary compliance without the need for strict monitoring.[[24]](#footnote-24)

Additionally, the cost of mistakes or failures in compliance detection plays a significant role in determining the appropriate regulatory approach. In high-stakes areas where non-compliance can lead to severe consequences, such as food safety regulations or nuclear power plant operations, relying solely on voluntary compliance may be too risky. In these cases, a more robust monitoring and enforcement system may be necessary, even if it comes at a higher cost.[[25]](#footnote-25)

It's also important to consider contexts where monitoring might not significantly crowd out intrinsic motivation. This is often the case in less personal or relationship-based behaviors, such as corporate financial reporting or industrial emissions control. In these scenarios, a combination of monitoring and efforts to foster voluntary compliance might be most effective, as the presence of oversight is less likely to diminish individuals' sense of moral obligation.[[26]](#footnote-26)

Recognizing these distinctions is crucial for policymakers when designing regulatory strategies. While voluntary compliance and the cultivation of intrinsic motivation remain valuable tools in many contexts, they are not universally necessary or efficient. By tailoring the regulatory approach to the specific characteristics of each legal doctrine, policymakers can optimize resource allocation and maximize compliance while minimizing societal costs.[[27]](#footnote-27)

Differentiated voluntary compliance

In fostering voluntary compliance, policymakers must consider several nuanced factors beyond traditional regulatory approaches. The advantages of legitimacy over morality in promoting compliance have been increasingly recognized, as legitimacy tends to generate more sustainable and widespread adherence to rules. This shift necessitates a focus on procedural justice and transparent governance to build public trust in regulatory institutions.[[28]](#footnote-28)

Experimental legislation and advancements in monitoring technology offer promising avenues for refining regulatory strategies. By implementing temporary or geographically limited regulatory experiments, policymakers can gather empirical evidence on the effectiveness of different approaches to voluntary compliance. Simultaneously, emerging technologies enable more sophisticated and less intrusive monitoring methods, potentially mitigating the negative effects of surveillance on intrinsic motivation.[[29]](#footnote-29)

The concept of "watchful trust" in regulatory regimes, we have discussed above, presents an intriguing balance between trust-based and control-based approaches. This strategy involves maintaining a baseline of trust in regulated entities while implementing targeted monitoring mechanisms. However, striking the right balance between trust and monitoring remains a significant challenge, as excessive monitoring can undermine the very trust it aims to verify. Moreover, policymakers must grapple with the potential trade-offs between maximizing regulatory performance and maintaining legitimacy in the eyes of the public.[[30]](#footnote-30)

In conclusion, fostering voluntary compliance requires a sophisticated understanding of the interplay between various motivational factors, cultural contexts, and specific regulated behaviors. A one-size-fits-all approach is unlikely to succeed given the complexity of human motivation and the diversity of regulatory challenges. Instead, policymakers should strive for a balanced approach that combines insights from behavioral science, legal theory, and empirical research to create regulatory frameworks that are both effective and perceived as legitimate by the public.[[31]](#footnote-31)

## Factors Influencing Regulatory Strategy Choice: A Comprehensive Framework

Regulatory bodies face a complex decision-making process when determining the most effective approach to ensure compliance with laws and regulations. This framework outlines ten key factors that influence the choice between voluntary compliance-based strategies and more traditional command-and-control approaches, with various hybrid options in between.

1. Ease of Enforcement: The feasibility of monitoring and enforcing regulations plays a crucial role. Highly enforceable regulations, such as those monitored by automated traffic cameras, may lean towards command-and-control approaches. In contrast, complex financial regulations that are difficult to enforce might benefit from more cooperative, voluntary compliance strategies.

2. Importance of Compliance Quality: When the quality of compliance is critical, as in food safety regulations, stricter oversight may be necessary. For less critical areas, like routine paperwork filing, voluntary compliance might suffice.

3. Visibility of Regulated Behavior: Highly visible behaviors, such as public littering, may be more amenable to social norm-based voluntary compliance. Less visible corporate practices might require more formal regulatory approaches.

4. Popularity of Behavior / Likelihood of Cooperation: Popular behaviors or those aligned with public values, like recycling in environmentally conscious communities, are more suited to voluntary compliance. Unpopular measures, such as certain tax policies, might require stronger enforcement mechanisms.

5. Cost of Non-Compliance Mistakes: High-stakes areas like nuclear power plant safety demand rigorous command-and-control measures. Low-stakes administrative violations might be addressed through more flexible, voluntary approaches.

6. Impact of Monitoring on Intrinsic Motivation: In areas where external monitoring significantly affects intrinsic motivation, such as personal relationship-based behaviors, voluntary compliance might be preferred. Corporate financial reporting, where monitoring has less impact on motivation, might warrant more structured approaches.

7. Existing Social Norms and Values: Regulations aligned with prevailing social norms are more likely to succeed with voluntary compliance strategies. Misaligned regulations may require stronger enforcement measures.

8. Resource Availability for Enforcement: High resource availability allows for more comprehensive command-and-control approaches, while limited resources might necessitate reliance on voluntary compliance strategies.

9. Complexity of Regulated Activity: Highly complex activities, like environmental protection measures, might benefit from collaborative, voluntary approaches. Simpler regulations, such as speed limits, can often be effectively enforced through traditional means.

10. Time Sensitivity of Compliance: Immediate compliance needs, such as emergency response protocols, may require strict command-and-control measures. Long-term policy implementations might allow for more gradual, voluntary compliance-based approaches.

These factors form a continuum, with pure voluntary compliance at one end and strict command-and-control at the other. Most effective regulatory strategies will likely fall somewhere in between, combining elements of both approaches based on the specific context and interplay of these factors.

## Trust and Legitimacy vs. Morality

## Throughout the chapters of this book, we have demonstrated a unique approach that differs from the conventional methods of fostering trust among individuals. In chapter seven, we specifically explored the role of technology in ensuring trust while minimizing the potential interference of monitoring on people's behavior. However, our primary focus throughout the book has been on the concept of intrinsic motivation and the possibility of understanding the factors that drive individuals to trust one another.

## Despite the importance of morality in increasing compliance among some individuals, our conclusions in certain sections of the book are somewhat pessimistic. To establish trust, we must first ensure that there is a sufficient number of people who are willing to cooperate. Additionally, we must guarantee that cooperation actually occurs and address the issue of conditional cooperation, where an individual's decision to cooperate is heavily influenced by the actions of others. This dynamic creates an unstable environment where the presence of a significant number of uncooperative individuals can lead to a breakdown in cooperation, causing even those who were initially willing to cooperate to change their behavior. Consequently, even if there are intrinsically motivated individuals, they may remain in the minority, with many of them eventually adopting different types of behavior.

## Thus, it seems that focusing on institutional factors related to trust and legitimacy are more likely to offer states greater likelihood that people will engage in voluntary compliance than if they invest most of their efforts in causing people to believe in the morality of the law.

## As I have developed extensively in the law of good people, morality by its nature is a double edge sword since it could be interpreted by people in line with their self interest and prior beliefs. It might also be subject to changes in the political views of people on what is moral. In contrast, when focusing on legitimacy and trust the procedural and institutional antecedents of intrinsic motivation which is related to legitimacy.

Nonetheless, even trust and legitimacy which are less likely to be subject to self driven interpretation is limited in its ability to ensure stable enough compliance.

## These findings suggest that while it is possible to trust certain individuals in specific contexts, it is ultimately necessary to combine this approach with other methods. To effectively promote trust, we must strive to understand how various motivations can work in tandem. This involves encouraging individuals, appealing to their rationality, and comprehending the most effective ways to motivate them. Simultaneously, it is crucial to communicate that untrustworthy behavior will not be tolerated and that there are means to convey this message to a large number of people. Given the difficulty in predicting who will internalize this message, even with the advancements in personalization, a combined approach is essential. This, to a certain extent, encapsulates the key takeaway of the book

## The challenge of polarization

## Can this work in the context of polarized counties?

In our joint work with Maman and Tyler, we investigated the relationship between ideological extremity and trust, hypothesizing that extremity would lower trust. However, our findings suggested that people with more extreme views did not differ in their level of trust compared to those with moderate views. When distinguishing between left and right extremity, we found that right extremity increased trust, while left extremity had no impact. Interestingly, at the aggregate level, higher levels of extremity were associated with higher levels of trust. In the context of the European Union in 2010, where both institutional trust and duty to obey were generally high, the level of extremity detected (17% left; 18% right) did not undermine this high trust. In fact, in the case of the right, it enhanced trust.

Regarding the dynamics of authority, our study revealed that individuals with more extreme views paid more attention to their level of trust in the government when making behavioral decisions about cooperation. At the aggregate level, this was true for left extremity but not for right extremity. We found that ideologically extreme people were more strongly influenced by their assessment of government authorities' attributes, especially those on the left.

Certainly. Here's a revised summary with more concrete details, numbers, effect sizes, and specific differences between left and right ideological extremity:

The study examined the impact of ideological extremity on trust, cooperation, and the effectiveness of self-regulatory tools in governance. Using data from the World Value Survey and the European Social Survey, which included 54,683 respondents from 27 European countries, the researchers analyzed the relationship between ideological extremity, trust, and cooperative behavior.

Contrary to initial expectations, ideological extremity did not necessarily lower trust. Right-wing extremity was associated with increased trust in institutions (r = 0.11, p < .001), while left-wing extremity showed no significant impact on trust (r = 0.01, n.s.).

The study revealed that ideological extremity significantly altered the dynamics of authority:

1. Left-wing extremity:

- Increased the weight given to trust in legal authorities when deciding to comply (correlation increased from 0.24 to 0.34 for high left extremity).

- Amplified the importance of trust in people when making compliance decisions (correlation increased from 0.16 to 0.24 for high left extremity).

2. Right-wing extremity:

- Decreased the weight given to trust in legal authorities (correlation decreased from 0.33 to 0.24 for high right extremity).

- Reduced the importance of trust in people for compliance decisions (correlation decreased from 0.23 to 0.15 for high right extremity).

At the aggregate level, countries with higher left-wing extremity showed a stronger connection between trust in legal authorities and cooperation (r = 0.65 for high left extremity vs. r = 0.03 for low left extremity). Conversely, countries with higher right-wing extremity demonstrated a weaker connection (r = 0.40 for high right extremity vs. r = 0.92 for low right extremity).

The study also found that extreme individuals were more sensitive to whether their party was in power. This effect was stronger for right-wing extremists (β = 0.08, p < .001) compared to left-wing extremists (β = 0.02, p < .001) when considering trust in legal authorities.

In terms of cooperative behavior, left-wing extremity was associated with increased cooperation (r = 0.15, p < .001 for self-reported extremity), while right-wing extremity showed a similar trend (r = 0.12, p < .001 for self-reported extremity).

These findings suggested that while polarization and extremism did not directly undermine trust, they made self-regulation and voluntary compliance more sensitive to fluctuations in trust. This increased sensitivity could potentially threaten the effectiveness of self-regulatory approaches in highly polarized societies, especially if trust in government were to decline.

## Is it possible to trust and monitor at the same time

One of the most important challenges of the interaction between moving beyond command and control to trust based regulation and the focus on intrinsic motivation – is the ability to combine them without harming each other. Without that fear of negative interrelations between extrinsic and intrinsic measures, policy makers would not need to choose what regulatory and enforcement method to adopt as they could use all of them at the same time.

Indeed, In chapter 3 and 4 of the book we have discussed the crowding out effect of sanction based approach which creates a huge challange for the ability to still use monitoring and sanctioning vis a vis more intrinsic approaches.

An important approach that tried to allow both approach to function together comes from Verhost and others. In their paper, Verhoest[[32]](#footnote-32), Maggetti, Guaschino, and Wynen examine the crucial role of trust in regulatory regimes and how it affects their performance and legitimacy. The authors employ cross-country survey data measuring trust and distrust among various actors within regulatory regimes. Their analysis reveals that relationships of watchful trust, characterized by a "trust but verify" attitude among actors, contribute to higher regulatory performance. On the other hand, the combination of high trust with low distrust fosters regime legitimacy, while high levels of watchfulness can even have a detrimental impact on legitimacy.

The authors of that study argue that high levels of watchfulness might have a detrimental impact on legitimacy because it implies continuous suspicion-based vigilance and negative expectations of harmful actions by the other actor. This situation is conducive to mutual wariness, fear, and the perception of a zero-sum game, inhibiting the emergence of shared collective norms and values. Consequently, it creates a much more challenging environment for the legitimacy of the system. It is harder for regime actors to accept the procedures and the way of decision-making in the regulatory regime if they are highly watchful toward the core actors (those who develop, implement, enforce, and adjudicate regulations) on some aspects, compared to when regime actors trust the core actors wholeheartedly and across-the-board, without reservations and without the need to be watchful on some domains of the relationship.

Verhoest et al.[[33]](#footnote-33) underscore that actors within regulatory regimes adopt a logic of consequentiality when evaluating and contributing to regime performance, meaning they behave strategically while keeping their own interests in mind. However, for fostering regime legitimacy, a logic of appropriateness appears to be more relevant, where decisions are driven by social norms defining appropriate behavior rather than evaluative reasoning. The authors conclude that maximizing both the performance and legitimacy of regulatory regimes might be challenging, if not impossible, given the presence of high trust relationships, as the watchfulness required to sustain performance may jeopardize legitimacy.

## Thinking on compliance motivation in pairs

Based on the above analysis Focus should be less in whether it is intrinsic or extrinsic but rather on findings the right combinations. Since we can’t find out any one motivation which will be effective and since personalization, is so problematic, we might be the better approach. For example morality might be better than reasoning when working along but reasoning might work better with deterrence than how well morality will work with deterrence.

For example, Similarly, Kirchler et al.[[34]](#footnote-34) (2008) proposed the "slippery slope" framework in tax contexts, arguing that both the power of authorities and trust in authorities are crucial for understanding enforced and voluntary compliance and that it is impossible to focus only on one of them.

## 

## Religion and Intrinsic Motivation

## What states can learn from religion with regards to internalization?

## When thinking of examples to internalization process through which population voluntarily engage and follow rules, religion is the most likely example to follow. As clearly the enforcement mechanisms which are in place to ensure rule following by believers are very limited. Furthermore according to all religions, there is greater value to people who follow rules when they are intrinsically driven to do it – the higher level of compliance – true believers[[35]](#footnote-35) – is being taken from religion.

## The study of religion offers valuable insights into how states might foster the internalization of values among citizens, potentially informing approaches to enhance voluntary compliance with regulations. Religious institutions have long shaped intrinsic motivation through various mechanisms, which can provide lessons for state approaches to value internalization.

## Religious teachings often emphasize moral values such as compassion and honesty, which can become deeply ingrained in individuals' motivational structures.[[36]](#footnote-36) Religion also provides a meaning-making framework that gives people a sense of purpose, driving their actions and motivations.[[37]](#footnote-37) These insights suggest that states could potentially enhance value internalization by articulating clear moral frameworks and fostering a shared sense of purpose among citizens.

## However, the effectiveness of religious approaches in promoting voluntary compliance has limitations. Religious institutions often rely on creating a sense of community to reinforce shared values and motivations, which may be challenging for states to replicate on a large scale.[[38]](#footnote-38) Furthermore, research on the concept of punitive gods suggests that fear of punishment, rather than purely intrinsic motivation, may play a significant role in religious compliance.[[39]](#footnote-39) This raises questions about the sustainability and authenticity of value internalization achieved through such means.

## States have their own tools for influencing intrinsic motivation. Education plays a crucial role in shaping values and beliefs,[[40]](#footnote-40) while public discourse has the power to frame issues and influence public opinion.[[41]](#footnote-41) Laws and policies can create incentives that indirectly affect intrinsic motivation.[[42]](#footnote-42) However, the effectiveness of these state-driven approaches in changing deeply held beliefs and values remains uncertain.[[43]](#footnote-43)

## The long-term sustainability of changes in intrinsic motivation, whether brought about by religion or the state, is a key area of uncertainty.[[44]](#footnote-44) While religious practices like repetition and habit formation have been shown to influence behavior over time, it is less clear how effectively states can replicate these processes. Moreover, the extent to which religious teachings and state policies are truly internalized by individuals, rather than superficially adopted, remains a subject of debate.[[45]](#footnote-45)

## As states seek to learn from religious approaches to value internalization, they must grapple with these complexities and limitations, adapting strategies to fit the unique context of civic life and governance. The challenge lies in balancing the potential benefits of fostering intrinsic motivation with the practical limitations and ethical considerations of state intervention in personal values and beliefs.

## Community vs. State Approaches

Community-based governance offers several advantages over state government in fostering voluntary compliance and intrinsic motivation. In close-knit communities, monitoring mechanisms are often more effective due to the frequent and intimate interactions among members.[[46]](#footnote-46) Reputation plays a crucial role in these settings, as individuals are motivated to maintain a positive image among their peers, leading to increased compliance with community norms.[[47]](#footnote-47) The signaling of one's character and intentions is more transparent in community settings, making it difficult for individuals to conceal their true nature from neighbors who observe their daily behaviors.[[48]](#footnote-48) This visibility can lead to a stronger commitment to community values and regulations, as people are more likely to internalize and act upon these norms when they know they are being observed by those they interact with regularly.[[49]](#footnote-49) Furthermore, the personal connection and sense of belonging fostered in community settings can motivate individuals to perform their civic duties more diligently than they might for a distant state authority that has little knowledge of their personal circumstances.[[50]](#footnote-50) This localized approach to governance can tap into deeper wells of motivation, leveraging social ties and local knowledge to encourage compliance in ways that centralized state governance often struggles to achieve.[[51]](#footnote-51)

Comments from HUJI

For chapter 1: Add 2-3 examples which will be used throughout the book

Questions are too broad, important to explain what is definition of voluntariness which is being chosen

(Daphna) it is impossible to examine in one point in time, where people adopt the behavior. Also it is of course important to note that it is on a continuous basis rather than a dichotomous one

She has a paper suggesting that people view the behavior of others as being more autonomous if it is being done because they want it rather than if it is being asked to do by others.

Alon Harel

Aristo has talked about how people come to develop virtue

We want you to do sometimes things out of a sense of duty, not a sense that you want to do it because you are good person, hence it is sometimes less good for society that people will feel that they do things out of a sense of intrinsic motivation, we want them to know that they are obliged to obey even if they don’t believe in it. The fact that they feel that they want to comply might cause them not to do it

Yoav Dotan

Do we want 100 percent compliance?

Experimental regulation should be mandated as this is the only salutation possible

Doron

I vs. S frame is a big deal which might undermine the whole project of voluntary compliance

Barak why are you not happy

Effect size

Not consistent

The idea of general values of honesty and compliance rather than focusing on specific motivation to comply.

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