February 2019

Dear Editor,

The enclosed article, *Big Data and Bounded Ethicality* (24,729 words including footnotes, 17,131 words excluding footnotes) offers a comprehensive legal framework for regulating *bounded unethicality*, or individuals’ biased ethical thinking.

The importance of bounded ethicality to legal policy-making was highlighted in a recent book by one of the authors, Yuval Feldman.[[1]](#footnote-1) This book project was praised by leading academics as inaugurating a new paradigm of legal scholarship. **Cass Sunstein** (Harvard) wrote that the book “opens up new vistas in behavioral science, and also in public policy.” According to **Jeffery Rachlinski** (Cornell), “the implication of this work will influence our understanding of how to regulate good and evil for many years to come.” **Henry Smith** (Harvard) noted that the book “provides the full and important first installment on evaluating law and related interventions in the light of this promising new paradigm.” **Robert Cooter** (Berkeley Law) wrote that it “will make readers rethink the incentives effect of law and current theories of law and economics.”[[2]](#footnote-2)

Professor Feldman is the leading figure in the area of law & behavioral ethics and has published more than fifty scholarly papers on the behavioral analysis of law, ethical decision making, regulatory impact and compliance, empirical legal studies, and enforcement and social norms. His work on these subjects has been published in *N.Y.U Law Review*, *Northwestern Law Review*, *Georgetown Law Journal*, *Texas Law Review*, *Cardozo Law Review*, *Journal of Empirical Legal Studies*, *Regulation and Governances*, and *Law and Society Review*, among many other journals.

In this article, Professor Feldman, joined by Yotam Kaplan, offers innovative solutions, using big data analysis, to the pressing problems described in the recently published book. Professor Kaplan is an expert in the fields of private law theory, contract law, tort law, and property law. His most recent works are published in the *Southern California Law Review*, *Lewis and Clark Law Review*, *American Law and Economics Review*, *Alabama Law Review*, and *George Mason Law Review*.

Additional summary information appears in the abstract and introduction to the article. We hope it is of interest to your journal and look forward to hearing from you.

Sincerely,

Yuval Feldman Yotam Kaplan

PhD UC Berkeley SJD Harvard Law School

Yuval.Feldman@biu.ac.il ykaplan@sjd.law.harvard.edu

1. Yuval Feldman, The law of Good People: Challenging States’ Ability to Regulate Human Behavior (2018). [↑](#footnote-ref-1)
2. Orly Lobel, *Book Recommendation: The Law of Good People*, PrawfsBlawg (June 4, 2018), <http://prawfsblawg.blogs.com/prawfsblawg/2018/06/book-recommendation-the-law-of-good-people.html>; Larry Solum, *Legal Theory Bookworm: "The Law of Good People" by Feldman*, The Legal Theory Blog (June 16, 2018), <http://lsolum.typepad.com/legaltheory/2018/06/legal-theory-bookworm-the-law-of-good-people-by-feldman.html>; For the full reviews, see The law of Good People: Challenging States’ Ability to Regulate Human Behavior (2018), <https://www.cambridge.org/core/books/law-of-good-people/DEB07C540F75D5D3B0A53B2499722F70#fndtn-information>. [↑](#footnote-ref-2)