**Scientific Abstract**

The concept of ordinary unethicality, introduced in behavioral ethics research, refers to unethical behaviors by self-perceived “good people,” occurring in everyday situations (Gino 2015). Such behaviors might include stealing office supplies from work (Moore et al. 2012; Hollinger and Clark 1983), making exaggerated statements in market transactions (Egan et al. 2018; Bazerman et al. 2002), misreporting tax benefits (Mazar et al. 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 and Anand 2003) and could pave the way for more extreme forms of anti-social behavior (Welsh et al. 2015). Despite all this, the study of the antecedents of ordinary unethicality, as well as the means to curb it, was hitherto largely neglected (Feldman 2018; Feldman and Kaplan 2018). Most importantly, existing studies of these issues are limited to lab settings (e.g. Gill et al. 2013), and are thus exposed to external validity concerns. This makes it difficult to draw conclusion regarding the antecedents and scope of ordinary unethical conduct in the real world (Levitt and List 2007). External validity concerns are especially pronounced in the context of ordinary unethicality, for several reasons. Mainly, 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 behavioral ethics research out of the lab and offer a data-driven study of ordinary unethicality using data science and experimental tools, combined with behavioral ethics insights and compliance and enforcement theory. Bringing these three scholarships together, we will offer a step forward in current understanding of the antecedents of ordinary unethicality.

We will utilize unique access to multiple municipal government databases held by the city of Ramat-Gan to study the patterns of ordinary unethicality, examine the effects of various regulatory interventions over time, and use this knowledge to offer tailored regulatory responses. Municipal government databases are an underused resource in legal scholarship and by the nature 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 unique access to behaviors that are rarely captured by courts or central governments. Such behaviors include neighbor disputes, zoning law and building code violations, violation of business registration and licensing laws, parking violations, local taxes violations, acts of trespass to land or chattels captured via newly-installed street cameras, and even benign activities such as library book misplacements.

**Detailed Description of the Research Program**

This research proposal includes three complimenting phases: (1) an examination of the situational and individual antecedents of ordinary unethicality, (2) evaluation of the efficacy of existing enforcement mechanisms, and (3) suggestions for improved regulatory interventions and the evaluation of their effectiveness. Combined, these phases provide a comprehensive framework for studying and regulating ordinary unethicality, including both an observational study via data science methods and a complementary experimental study to guide tailored regulatory intervention. We undertake a mixed method approach, aimed to exploit the complementing advantages of big data analysis with those of the experimental approach to law which is more common in the law and behavioral economic literature.

**Scientific Background**

Behavioral Ethics

Behavioral ethics, 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 and Greenwald 2013; Cremer et al. 2011; Bazerman and Tenbrunsel 2011). This strand of research offers 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 present the conundrum of “good people”: those who value morality, but nevertheless so often act unethically and harm others (Bersoff 1999; Feldman 2018).

To explain the conundrum, behavioral ethics research suggests that people find ways to excuse, justify, or ignore their own unethical conduct (Kunda 1990; Merritt et al. 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 2018 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 and Levnie 2016). Acts usually described under this category might seem relatively mundane compared to other forms of misconduct. Thus, lying in negotiations, cheating on taxes, or inflating business expense reports – acts often described as forms of ordinary unethicality – might seem almost harmless 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 their 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 the accepted standards of ethical and social norms (Ashforth and Anand 2003; Welsh et al. 2015).

Many behavioral studies suggest that ordinary unethicality is often situation-driven (Dana et al. 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). Thus, experiments have identified situations in which the majority of people were found to lie consistently (Gerlach et al. 2017). This means that personality traits are not the only driving force behind ordinary unethicality; rather, according to this approach, at least when it comes to ordinary unethicality, problematic situations, might be more predictive than “problematic people” (Bazerman & Banaji 2004; Feldman 2018). The very concept of misconduct by the “good people,” suggests that ordinary unethicality does not require an exceptional antisocial sentiment on the part of the perpetrator (Bazerman et al. 2002), and ordinary “good people” regularly participate in it (Bersoff 1999). Thus, ordinary unethicality is practiced almost by all individuals, especially 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), when harms are small (Kunda 1990), when harms 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 a 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 allow for unethical behavior by a large proportion of ordinary people, who otherwise value morality (Feldman & Kaplan). Research in behavioral ethics delves into the different mechanisms that allow and facilitate bad conduct by these self-perceived “good people” (Bersoff 1999, Pillutla 2011).

Compliance and Enforcement Research

The findings of behavioral ethics research have a direct bearing on the literature on compliance and law enforcement. These findings present a tension between two competing law-enforcement paradigms, one focusing on “bad apples,” the other on “bad barrels” (Trevino and Youngblood 1990). The “bad apples” approach is the more traditional approach to law enforcement and focuses on identifying and punishing malevolent wrongdoers. Regulatory response in such cases should consist mainly of threats, designed to punish those individuals that find it easy to transgress against others (Thielmann and Hilbig 2018). Such traditional intervention methods discussed in the literature mainly include 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, under which unethicality tends to proliferate (Bazerman & Tenbrunsel 2011). If, and when, unethicality is situation-driven, meaning that some situations breed unethical conduct by virtually all individuals, this calls for a different focus of enforcement policy (Feldman 2018). In such cases, the research should help identify the situations that seem to produce and cause unethicality. Under this type of regulatory framework, regulators should aim to identify situations in which it is easy for *a larger proportion of the population* to behave unethically, and then work to alter these situations. The implication of such research to legal policy making would be to reduce ambiguity, both situational and legal, as well as other factors which have been shown to make it easier for ordinary people to excuse their own unethicality (Feldman & Teichman 2009; Feldman & Kaplan 2018). When the antecedents of wrongdoing are more situational than personal, behavioral ethics research point to the advantages of ex-ante “softer” enforcement mechanisms, designed to improve deliberation and diffuse ethical blind spots (Feldman 2018; Feldman, Schurr & Teichman 2013), since wrongdoing does not originate with a fully deliberate personal divergence from accepted moral norms (Gneezy et al. 2011). Softer regulatory measures focus on improving ethical deliberation and increasing awareness through the use of reminders, nudges, situational design and choice architecture (Gino 2015, Feldman 2018, chapter 4).

This literature therefore dictates that, in order to best tailor the right 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 specific domain (Feldman, 2018, chapter 8). The propose research will improve our understanding of the appropriate regulatory interventions for some of the most common types of transgression.

Data Science and the Law

We intend to utilize big data analysis as our main empirical effort to gain insight into the choice between traditional and softer regulatory approaches and be able to ascertain their relative effectiveness in different situations.

The synergy between data scientists and legal experts has gained a recent momentum in both industry and academia (Sarah 2017). Data science (DS) is leading a new behavioral optimization and personalized law trend, in which legal decisions are tailored to individual consumers based on analysis of their past behaviors and optimized to receive best personalized outcomes (Porat and Strachilevith 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 gradually gains an important role in the processing of great deal of documents and governmental repositories. Such use of DS opens the door for people analytics toward the objective of studying empirically the field of behavioral ethics. Given the fact that almost all studies done in behavioral ethics are experimental and are done in a lab context, the need for studies that will examine unethical behaviors across many real-life domains and during a long period of time, where different types of legal interventions are present, could not be overemphasized. Unlike this traditional behavioral ethics approach, data science revolves around letting the data reveal their story (Riche et al. 2018). It involves the integrated study of multiple data streams, longitudinal datasets, and big textual resources, which were previously examined separately via theory-driven lens (e.g., Niemeijer 2002, Hou & Hu, 2009, Mandinach 2012). Essentially, DS shifts the analytical effort from the traditional theory-centered approach offered by experiments, to a complete 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 that end and to the best of our knowledge, our study is the first to access massive amount of data, across different types of regulations, violation and enforcement interventions that satisfies the observational need to carry out a data-driven analysis in the area of the regulation of ordinary unethicality.

**Research Objectives & Expected Significance**

Objectives

The goal of the proposed research is to bring together three lines of research: data-driven legal analysis, behavioral ethics research, and the research on compliance and enforcement. This will allow us to examine empirically the most suitable combinations of soft and hard mechanisms for the regulation of common occurrences of ordinary unethicality. This entails three related phases of our research: (1) understating the antecedents of unethical behavior in our datasets, (2) examining the effectiveness of existing regulatory tools and (3) recommending improved regulatory interventions, by understanding the causal link between regulatory interventions and observed reduction in unethicality.

In the first phase of the research, we will utilize access to municipal databases in order to study the antecedents of ordinary unethicality. Behavioral ethics research suggests several competing paradigms in terms of the primary causes of ordinary unethicality. Thus, some works emphasize interpersonal variation in propensity to unethical behavior (Kish-Gephart et al. 2010; Kohlberg 1971; Bandura 1999; Jones 1991) while other studies highlight the importance of situational factors (Gächter and Schulz 2016; Pascual-Ezama et al. 2015). This important scholarly debate carries importance also for policy-making. That is, when unethicality is better explained based on interpersonal variation, there is room for traditional types of regulations. In such cases, regulators should focus their efforts on identifying those individuals prone to misbehave, and then work to alter their behavior. Conversely, when unethicality appears to be more situation-driven, and is less sensitive to interpersonal variation, regulation should focus on the contexts that breed unethicality, and operate to diffuse such “ethical traps”. The longitudinal fashion 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 personals factors as antecedents of unethical conduct documented in our databases.

The second phase involves the analysis of existing databases to evaluate current enforcement policies by municipal governments. We intend to take advantage of a series of regulatory changes in order to evaluate the efficacy of different enforcement tools. In particular, we intend to examine the effects of the installation of street cameras, the move towards 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 introduced gradually to 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 following a difference in differences methodology (see e.g. Conley and Taber 2011; Donald and Lang 2007).

The third phase involves the design, implementation and evaluation of new and improved regulatory tools based on experimental methods. Following the findings that will emerge from the second phase, we will attempt to understand better the causal mechanism through which different regulatory methods will affect the likelihood of unethical behavior. We will conduct a series of vignette studies in order 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 then elicit responses from participants regarding possible regulatory interventions. For example, people could be exposed to dilemmas regarding the usage of an apartment for commercial needs, misreporting of the number of occupants living in a single household, minor house modification that violate local building by-laws, or 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 formulate highly tailored hypotheses regarding possible effectiveness of different enforcement tools, and possible 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 behavioral ethics research.

Significance

Taken together, the three phases offer a step forward in our ability to understand and regulate ordinary unethicality. The proposed research offers a reevaluation of existing law enforcement scholarship and policy, which traditionally focus on severe crimes as the primary target of legal efforts. Conversely, our proposal emphasizes the importance of recognizing the great harmfulness of supposedly routine, day-to-day violations. By highlighting the importance of regulating “minor” violations instead of “major” ones, this scheme reflects a paradigm shift away from the current understanding of law enforcement: it calls for a reorientation of enforcement policies and for the adoption of new softer regulatory means (Feldman and 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. So far, perception of ordinary unethicality in the real world has been studied mainly in dishonesty experiments conducted by behavioral ethics scientists (Halevy et al. 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 contribution for understanding the effects of real-world sanctions and enforcement mechanisms (Feldman and Lobel 2009, 2015). The move from the lab to the field is even more important when it comes to identifying the types of regulatory interventions that are likely to be affective in curbing such transgressions, as those were rarely studied even in the lab (Feldman, 2018, chapter 1; Tobias et al. 2018). This novel shift from theory-driven environment to big, longitudinal data-driven focus will also allow us to gain insight into topics not hitherto studied in lab settings, such as possible spillover effects of regulatory interventions between domains, inadvertent effects of regulatory changes, interactions with socio-economic status, trust in different regulatory institutions, and herd effects as causes of unethical conduct.

**Research Design & Methods**

The proposed research aims to offer means of improving the regulation of ordinary unethicality. This effort entails 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 empowered by data science techniques (phase 1, and partially phase 2), to a practical effort that learns and guides regulatory interventions (partially phase 2, and phase 3).

Data.

The data for this research is provided to us by the city of Ramat Gan in Israel. The datasets are compiled from a variety of municipal departments, including parking reports, public library borrows and returns, street security cameras, citizen complaints, and more. 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 Unethically

The first phase employs data science methodologies in order to improve our understanding of the situational and personal antecedents of ordinary unethical behavior. For this purpose, we will use big data exploration technique, and in particular multivariate time series analytics, with a focus on cross-database anomaly detection in order to describe the antecedents of ordinary unethical behavior found in the databases we have access to. Our main goal is to distinguish to what extent the causes of unethicality in our databases are situational or personal. Cross analyzing the longitudinal datasets recording different types of ordinary unethicality can serve this purpose. Thus, if personal characteristics and past behavior (across multiple datasets) provides a strong indicator for future misconduct, this would indicate interpersonal variation in 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 towards situational rather than personal causes.

Using similar tools, we can learn whether ethical breaches are a social phenomenon (Gino et al. 2009). People tend to observe others’ behavior and mimic it, often subconsciously, and without great understanding of the situation and its ethical consequences. This phenomenon is termed "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 et al. 2009). To examine this hypothesis, we will learn 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

The second phase of the proposed research would be to evaluate existing regulatory interventions employed by municipal governments. For this purpose, we will utilize changes in legal policy in order to evaluate the effect of different regulatory interventions. In particular, we will focus our attention on three recent changes on 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 can utilize these legal changes to study and quantify the efficiency of different regulatory means currently or historically employed by municipal authorities.

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

Additionally, we will test 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 to change his or her behavior in other contexts, such as neighbor disputes or zoning law violations.

Phase 3: Improving Regulatory Interventions

Based on these stages of the research, we will move on to offer improved regulatory interventions for specific types of misconduct. To do this, we will take our findings from phases 1 and 2 back into the lab, in order to establish a more accurate understanding of the causal mechanisms behind different regulatory tools. Our goals in this stage is to offer tailored regulatory solutions, and identify the most efficient way of introducing “soft” regulatory tools into the enforcement toolkit.

 First, we will focus our attention on types of misconduct that were shown, in phase 1 of the research, to be situation-driven. Presumably, it is in these situations that “soft” regulatory tools should be most effective. Second, we will similarly focus on “soft” regulatory mechanisms that were shown to be effective in phase 2 of the research. We will then evaluate experimentally the effectiveness of these interventions, in order to offer 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 observational analysis as described in phases 1 and 2, and without an experimental element.

In testing existing regulatory tools, we will use vignette studies in order to suggest the best mechanisms to improve compliance in each specific domain. Such vignettes studies will compare “soft” and “hard” regulatory tools, based on insights from behavioral ethics research and on previous studies by the authors. we will present participants with a situation that raise a legal compliance dilemma similar to those that are found to be common in our databases. Following descriptions of the ethical or legal dilemma, participants will be randomly assigned to read about a certain type of intervention (following a similar design to that used in Fritzsche and 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 also how existing scales measuring trust in the integrity of the system and the relative legitimacy of 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 intervention, utilizing behavioral insights to curb 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 providing of information), create a detailed taxonomy of them, and compare them on several possible dimensions: soft vs. hard, explicit vs. implicit, monetary vs. non-monetary (Feldman and Halali 2018; Feldman 2018 chapter 3-4; Feldman 2018B). The sample for this experiment will be a random, probability-based sample among the residents of Ramat-Gan (500 participants). The questionnaire will include Likert Scales, free text entry and word-completion tasks (Feldman and Lobel 2009). To avoid the renown barriers of self-perception (Podsakoff and Organ 1986) participants will be asked to hypothesize on the actions of a “friend”, rather than report on their own reaction (Moore and Keis 1999). Following the vignette studies, we will supplement this stage of the research by measuring characteristic of participants on some of the relevant personality scales (Feldman, 2018, chapter 6).

In future research, we intend to use the results of this study in order to conduct a controlled field experiment in cooperation with the City of Ramat Gan. In this future work, we will compare the effectiveness of different regulatory interventions – hard and soft – on one of the most common types of ordinary unethicality: not returning books to the different libraries of the city. 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 implementations still requires several preliminary stages, as detailed above.

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

The third phase described above 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 its limitations (Feldman and Halali 2017; Feldman Gino and Koachaki; Feldman and Nadler; Feldman and Lobel 2008, 2009; Feldman and Pe’er 2019). The purpose of the proposed study is to tailor these existing findings to the particular context of the present research project, and to the types of unethical behavior documented in the city databases. The theme of utilizing data analysis in order to regulate situational wrongdoing is offered in a theoretical paper by Feldman and Kaplan (draft 2018). The possibility of overcoming statistical biases similar to those we might face in the second part of the research was previously studied by Yahav et al. 2016, Shmueli and Yahav 2018, and Yahav et al. 2018.

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