Law and Psychology Workshop

Sponsored by
Tel Aviv University, The Buchmann Faculty of Law, and
Harvard Law School Program on Behavioral Economics and Public Policy

Organized by: Oren Bar-Gill, Nira Liberman and Ariel Porat
Hosted by: The Cegla Center for Interdisciplinary Research of the Law

Location: Tel Aviv University, The Buchmann Faculty of Law,
The Sonia and Edward Kossoy Conference Room (307)

Time: December 15-19, 2019

Objective

This intensive workshop will bring together leading academics from the fields of law and psychology to explore underappreciated, interdisciplinary connections between the two fields.

Format

The 5-day workshop will be divided into 5 sessions, each dedicated to a different topic (see Agenda below). Sessions will combine presentations of psychology theories and discussions of legal applications, or presentations of legal policy problems and discussions of relevant psychological perspectives.

Agenda

Sunday, December 15, 2019

9:00   Gathering and coffee

Session 1: Intertemporal Decision Making and Psychological Distance
Intertemporal decision making is relevant to many legal fields. Many regulatory decisions create costs and benefits that are spread over time. And temporally inconsistent decision making results in outcomes and behaviors that are of great interest to legal policymakers, such as addiction, debt and insufficient saving. Lawmakers have used discounting – both exponential and hyperbolic – to incorporate inter-temporal effects into policy decisions. Yet, there is much more in the psychology of inter-temporal choice, especially the psychological distance theory, that remains largely unfamiliar to lawyers and policymakers.

9:30 - 11:00   *Panel 1: Psychological Distance Theory*
    Presenter: Yaacov Trope, "Expansive and Contractive Decision-Making"
    Discussant: Tami Kricheli-Katz

11:00 - 11:30   Coffee break

11:30 - 13:00 *Panel 2: Intertemporal Challenges and Cost-Benefit Analysis*
    Presenter: Yoram Margalioth, "Intertemporal Challenges and Cost-Benefit Analysis"
    Discussant: Nira Liberman

13:00 - 14:00 Lunch

14:00 - 15:30 *Panel 3: Intertemporal Problems in Private Law*
    Presenter: Oren Bar-Gill, "Intertemporal Problems in Private Law"
    Discussant: Nira Liberman

Monday, December 16, 2019

9:00   Gathering and coffee

Session 2: Dishonesty and Corruption
One of the main objectives of the law is to combat dishonesty and corruption. Therefore, it is of paramount importance for lawyers and policymakers to understand the psychological forces that trigger dishonesty and corruption, as well as the factors that shape perception of behavior as corrupt and dishonest.

9:30 - 11:00   *Panel 1:* Understanding and Regulating Dishonesty
    Presenter: Shahar Ayal, "Regulating Justified Dishonesty"
    Presenter: Eyal Zamir, "Self-Serving Bias and Law & Economics (with implications for
           dishonesty and corruption)"

11:00 - 11:30 Coffee break

11:30 - 13:00 *Panel 2: Legal Tools for Fighting Corruption*
    Presenter: Matthew Stephenson, "Legal Tools for Fighting Corruption"
    Discussant: Avi Tabbach

13:00 - 14:00 Lunch

14:00 - 15:30 *Panel 3: Corruption and Dishonesty of "Good People"*
    Presenters: Yuval Feldman, "Corruption and Dishonesty of 'Good People' (with reference
           to (dis)obedience to the law as related to dishonesty and corruption)"
    Presenter: Netta Barak-Corren, "Individual Dishonesty, Pluralistic Ignorance"

Tuesnday, December 17, 2019

9:00   Gathering and coffee

Session 3: Preference Shaping
While neoclassical economics and the legal policies that derive from it assume fixed (or, at least, exogenous) preferences, it is clear that preference are malleable. Market actors and political actors invest large amounts of money to shape consumer and voter preferences. Should the law police such attempts to change people's preferences? Should policymakers try to shape preferences themselves? Law has much to learn from psychology about the meaning of preferences and the processes by which they are shaped and reshaped.

9:30 - 11:00   *Panel 1: Relevance to Law*
    Presenter: Daphna Lewinsohn-Zamir, "Preference Shaping: Relevance to Law"
    Discussant: Moshe Halbertal

11:00 - 11:30 Coffee break

11:30 - 13:00 *Panel 2: The Evolution of Preferences*
    Presenter: Gael Le Mens, "How Do Experience Sampling and Feedback by the Social Environment Shape Attitudes?"
    Presenter: Lior Strahilevitz, "Shining a Light on Dark Patterns"

13:00 - 14:00 Lunch

14:00 - 15:30 *Panel 3: Shaping Preferences*
    Presenter: Dan Simon, "The Elasticity of Preferences"
    Discussant: Ayala Arad

Wednesday, December 18, 2019

9:00   Gathering and coffee

Session 4: Aggregations

Questions of aggregation appear in many legal applications. One set of issues involves the aggregation of probabilities. To take a criminal law example: Consider a person who is charged with two separate crimes. For each of these crimes, a reasonable doubt exists about the person's guilt, yet it is clear beyond a reasonable doubt that the person committed at least one of the two crimes. Should the person be convicted and punished?

Beyond the aggregation of probabilities, questions of aggregation arise in (i) legislation - should different issues be aggregated into a single piece of legislation and voted on en bloc? (ii) bargaining – is it better to negotiate one issues at a time or to negotiate multiple issues simultaneously? (iii) consumer products – how should we regulate multi-attribute products? (iv) disclosure regulation – how do we effectively disclose complex information? What are the benefits and costs of aggregate disclosures? (v) prediction – how do we take advantage of recurrent events to better predict future outcomes, and what are the psychological barriers for doing that?

9:30 - 11:00   *Panel 1: The Legal Challenge*
    Presenter: Ariel Porat, "Aggregations: The Legal Challenge"
    Discussant: Ido Erev

11:00 - 11:30 Coffee break

11:30 - 13:00 *Panel 2: Prediction*
    Presenter: Barbara Mellers, "Predicting Criminal Behavior: Lessons from Geopolitical Forecasts"
    Discussant: Ilana Ritov

13:00 - 14:00 Lunch

14:00 - 15:30 *Panel 3:* Aggregating Evidence
    Presenter: Bobbie Spellman, "Aggregating Evidence: What the Law Wants vs What People Want to (or can) Do"
    Discussant: Tali Fisher

9:00   Gathering and coffee

Session 5: Algorithmic Decision Making

Algorithms are playing an increasingly large role in legal decision making and in private decision making that is subject to legal regulation. Algorithms advise judges in bail and sentencing decisions. They determine credit scores that have profound effects on people's lives. They are used to personalize product offerings and prices. And much more. The increasing delegation of decision making to algorithms, especially to "black box" machine learning algorithms, raises important questions of morality, fairness, transparency and legitimacy, as well as concerns about algorithmic bias and discrimination. How can the psychology of morality and fairness contribute to the debate over the future role of algorithms in legal decision making or over the optimal regulation of algorithmic decision making in the market?

9:30 - 11:00   *Panel 1: Algorithmic Decision-Making and the Law – An Introduction*
    Presenter: Katrina Ligett, "An Introduction to Algorithmic Decision Making and Machine Learning"
    Presenter: Michal Gal, "Algorithmic Decision Making in the Law (- a survey of the places where legal decisionmakers use algorithms, e.g., bail, sentencing, or regulate the use of algorithms by private parties, e.g., by credit rating agencies, by companies that use algorithms to price discriminate)

11:00 - 11:30 Coffee break

11:30 - 13:00 *Panel 2: Fairness in Algorithmic Decisionmaking – Part I*
    Presenter: Katrina Ligett, "Computer Science Approaches to Algorithmic Fairness"
    Presenter: Avital Mentovich, "Decision Biases in Technological Decision Making"

13:00 - 14:00 Lunch

14:00 - 15:30 *Panel 3: Fairness in Algorithmic Decisionmaking – Part II*
    Presenter: Michael Gilead, "The Limits of Human and Artificial Intelligence: What We Find and What We Lose When Psychological Science Meets Data Science"
    Presenter: Joab Rosenberg, "Between Justice and Truth: What can AI do for us?"