

The Expressive Power of Law in Road Safety Policies

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The expressive power of law

- Law has effects on behavior beyond deterrence
- Through the process of information aggregation inherent in legislative decision-making, the law can provide information about intrinsic characteristics of the world
- This information causes citizens to update their prior beliefs and thereby changes individual behavior independently of the law's deterrent effect
- For example: a ban of public smoking

The expressive power of law

- Darmaphala D. and McAdams, R. (2003): The Condorcet Jury Theorem and the Expressive Function of Law
- Law can have expressive power even when:
 - Politicians do not have greater expertise on the subject than citizens
 - Politicians can not communicate with citizens
- These effects depend on the assumption that vote is sincere

The Design

- We randomly select two groups of 25 subjects all of whom have a driving licence, and give each individual in the group the same information, a short paragraph of reading from a study about the risk associated with speed in driving
- We tell both groups (truthfully) that other researchers have conducted a larger study, but we will not make it available until after the experiment

The Design

- With the first group (“condition 1”) we merely survey their beliefs about the risk of driving faster than legal limits
- With the second group (“condition 2”) we add a collective decision process: 5 of the 25 subjects are randomly selected and told to vote on whether they would, based on what they currently know, enact a more severe law to reduce motorists’ speed

The Design

- To motivate these “legislators”, we let them know we will pay them according to how well their actions predict the results of the study they have not seen yet –that is,
 - if the study confirms the risk, they will receive a bonus only if they voted for enacting the law;
 - if the study does not confirm it, they will receive a bonus only if they voted against enacting the law.
- All 25 subjects observe the outcome of this vote before they are given the final survey about their beliefs.

The predictions

- When the mock legislature votes for enacting the law, the prediction is that the subjects in condition 2 will believe that the risks are higher than the subjects in condition 1, who observed no such decision
- When the mock legislature votes against the law, the subjects in condition 2 will believe the risks are lower than the subjects in condition 1