



Brief Report

Shaping societal norms: Experimental evidence on the normative impact of free speech law[☆]Daniel L. Chen^{a,*}, Susan Yeh^b^a Toulouse School of Economics, Institute for Advanced Study in Toulouse, University of Toulouse Capitole, Toulouse, France^b Charles River Associates, 1 Esp. de l'Université, 31000 Toulouse cedex 6 France Yeh: 200 Clarendon St, Boston, MA 02116, France

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ABSTRACT

Do laws shape values? We explore this question by testing a model of law and norms within a legal realm – U.S. obscenity laws – where economic incentives are not the primary drivers of social change. Our randomized experiment had data entry workers transcribe news reports of either progressive or conservative legal decisions. This design allowed us to observe the impact of these laws on attitudes and norms. We found that exposure to progressive legal decisions resulted in the liberalization of sexual attitudes and a shift in norm perceptions, though not in self-reported behavior. These findings underscore the expressive power of law, with significant implications for decision-making in social and political settings, as well as for the empirical predictions of theoretical models within these domains.

1. Introduction

Normative commitments—what people consider right or just—often vary across groups, leading to conflicts. Historical movements, such as the abolition of slavery, women's liberation, and environmentalism, suggest that law plays a crucial role in moral revolutions (Tushnet, 2009; Appiah, 2011; Bénabou and Tirole, 2012; Acemoglu and Jackson, 2014). However, causal evidence on how laws shape values remains scarce. Traditional economic models, such as Becker's (1968), focus primarily on deterrence, overlooking the potential impact of law on moral values. In contrast, psychological research emphasizes that laws influence behaviors by signaling what is considered morally right, allowing people to internalize legal norms (Tyler, 2006; McAdams and Nadler, 2008). The interaction between social norms, injunctive pressures, and legal mandates provides a comprehensive framework for understanding behavior regulation. Lu et al. (2024) highlight the role of injunctive norms in fostering long-term pro-social commitments, while Mulder et al. (2024) show how legal mandates enhance the enforcement of social norms, bridging formal and informal regulatory spheres. Furthermore, Hoover (2022) demonstrates how defaults function as implicit norms, guiding behavior through cognitive cues and social expectations. Together, these studies underscore how both explicit and implicit norms drive individual and collective behaviors.

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Understanding whether and how laws shape preferences is essential for conducting accurate cost-benefit analyses of judicial decisions. Judge Richard Posner (1998) lamented that “[judicial] opinions lack the empirical support that is crucial to sound constitutional adjudication,” and Justice Breyer (2006) remarked, “I believe that a[n] interpretive approach that undervalues consequences, by undervaluing related constitutional objectives, exacts a constitutional price that is too high.”

In the U.S., judicial decisions have historically aimed to protect the perceived moral fabric of society. For instance, U.S. obscenity law, governed by the *Miller* and *Roth* tests, has defined obscenity based on community standards for over 50 years. This legal framework raises an important question: Can free speech precedents influence moral norms and lead to abrupt shifts in normative commitments? Such shifts may occur when laws align with or oppose community standards, potentially mobilizing individuals and amplifying their effects through media (Akerlof et al., 1996; Cooter et al., 2008). For a detailed historical and legal context, see Appendix A.

When law shifts moral perceptions in line with its values, this is termed an “expressive effect.” Conversely, when it leads to moral shifts against its values, this is called “backlash.” Some economists have begun to model the influence of moral values on behavior. In light of growing evidence that people are often pro-social, economic models now incorporate fairness, showing that individuals care about both material outcomes and the well-being of others (Rabin, 1993; Fehr and Schmidt, 1999). Moreover, social motivations—how individuals perceive the moral judgments of others—play a key role in shaping behavior (Andreoni and Bernheim, 2009; Bénabou and Tirole, 2006).

Our study is guided by Bénabou and Tirole’s (2012) theoretical model, which posits that human behavior is motivated by intrinsic, extrinsic (such as deterrence), and social motivations. Social motivations stem from the desire to gain honor or avoid stigma, and legal decisions serve as information multipliers that shape perceptions of social norms. For example, prohibitions may lead individuals to believe that a stigmatized activity is more prevalent, influencing their moral judgments.

Building on this framework, our study investigates the effects of free speech law in the context of U.S. obscenity regulations. We conducted two experiments, with a third replication by Chen and Yeh (2014a), involving a total of 1,345 participants. The first experiment, which recruited 197 workers from around the world, found that those exposed to progressive legal decisions were more likely to view homosexual sex as moral, though no changes in self-reported behavior were observed. The second experiment, involving 548 U.S. participants, further explored attitudes and beliefs about sexual norms, revealing that exposure to progressive laws led to a perceived lower prevalence of extramarital sex, supporting the information multiplier effect.

The third experiment, reported by Chen and Yeh (2014a), focused on belief incentivization and included 600 U.S. participants. It found that liberal obscenity decisions liberalized individual and community standards, while increasing utility from the work experience. However, religious workers became more conservative, identified more as Republican, perceived community standards as more liberal, and reported lower utility. This experiment, differing from the first two, incorporated monetary incentives to measure belief-updating, separating individual from community standards, and assessed subjective utility.

Our findings also suggest broader implications. Social norms interact with legal decisions, producing either expressive or backlash effects. For example, when stigmatized activities are relatively rare, conservative legal decisions can normalize such behaviors by prompting individuals to update their beliefs about prevalence, potentially leading to destigmatization. Moreover, Chen and Yeh’s (2014b) analysis suggests that we are currently in a “late” time period, where legal decisions are more likely to have expressive rather than backlash effects. In other words, when legal precedents align with existing societal trends, law reinforces and expresses evolving norms rather than provoking resistance. This is reflected in our findings, particularly the liberalizing influence of progressive legal decisions on workers’ moral attitudes.

Our study addresses whether laws influence conceptions of rights, drawing on insights from free speech scholars, such as Redish (1982), who argue that legal protections foster individual self-realization. If progressive free speech precedents lead to liberalized sexual attitudes and behaviors, and increased well-being in certain communities, these effects align with broader goals of liberty and autonomy.

While several studies have linked major court rulings with shifts in public attitudes (Hoekstra, 2000), our randomized experiment offers causal evidence of how media reports on legal decisions influence public norms. By manipulating the information participants received about legal rulings, we demonstrate that laws can shape values through information alone, independent of material penalties.

The literature on the expressive function of law is extensive. Cooter (1998) posited that legal rules can shift social norms without altering individual values. Anderson and Pildes (2000) extended this theory, suggesting that law primarily expresses collective attitudes toward values like equality. Adler (1999), however, expressed skepticism about the symbolic power of law to shape moral legitimacy. Empirical studies, such as those by Funk (2007) and Geisinger (2002), demonstrated that even symbolic fines and belief changes can influence behavior. Depoorter and Tontrup (2012) examined how specific legal remedies, such as specific performance in contract law, influence moral intuitions and perceptions of fairness. McAdams ((2000a; 2000b; 2015)) explored the attitudinal and focal point theories of expressive law, showing that laws create focal points around which people coordinate their behavior, even without direct sanctions. McAdams and Nadler (2005) further tested these theories empirically in a Hawk/Dove game, providing evidence that law facilitates coordination by acting as a common knowledge generator. Sunstein (1996) expanded this discussion, examining the broader societal implications of law’s symbolic power to generate social meanings and expectations.

Our research complements earlier experimental work in economics, particularly studies that use exogenous legal variation to mimic real-world conditions (Dal Bó et al., 2010; Galbiati and Vertova, 2008; Bowles and Polania-Reyes, 2012; Croson, 2009). By conducting a randomized experiment that directly measures shifts in attitudes and beliefs in response to legal information, we contribute to the understanding of how laws influence social norms and behaviors.

The remainder of the paper is organized as follows. Section 2 presents the data entry experiment. Section 3 concludes.

2. Theory

2.1. Conceptual framework

The law and norms model (Bénabou and Tirole, 2012) assumes three motivations for human behavior: (1) intrinsic motivations, where people perform an action simply because they believe it is the right thing to do; (2) extrinsic motivations, where material incentives and deterrence influence actions; and (3) social motivations, where values, norms, and social sanctions affect actions. People accrue honor or stigma for actions outside the norm. Two different views of free speech emerge: (1) law shifts social motivations towards what the law values, i.e., it reinforces the potential deterrent effects provided by the legal sanction; or (2) law shifts social motivations away from what the law values and it undermines the law's intention. As shorthand, we label the former as an expressive effect and the latter as backlash.

The intuition is that material penalties indicate that the judge sees a problem. The judge has information about some underlying activity and issues a penalty when he or she believes it should be deterred. Upon observing the precedent, community leaders and individuals update their beliefs about the underlying distribution. If the activity was very scarce, then backlash occurs. Previously stigmatized activities become normalized. If the activity is common, expressive effects occur. In Chen and Yeh (2014b), we provide the formal model and link it to the empirical specification. The model is operationalized in the General Social Survey (GSS), where people respond to questions about the morality of particular actions. By reporting their perceived morality of an action, respondents report the difference in the social perception of someone who chooses an action vs. the social perception of someone who does not choose an action.

2.2. Outcomes data

The GSS measures attitudes (e.g., towards homosexual sex, extramarital sex, and premarital sex) and behavior (e.g., number of partners last year, extramarital sex, or paid sex). The GSS is an individual-level survey that was conducted annually from 1973 to 1994 (except for 1979, 1981, and 1992), and biannually from 1994 to 2004. For each year, the GSS randomly selects a cross-sectional sample of residents of the United States who are at least 18 years old.

For attitudes, we constructed a binary indicator for the response “not wrong at all”. The other three response choices are “always wrong”, “almost always wrong”, “wrong only sometimes”. This binary indicator corresponds to $\Delta(v)$ in the law and norms theory. Since the Supreme Court has instructed the courts to define obscenity according to community standards, we also constructed a measure for community standards using the survey response to whether sexual materials lead to breakdown of morals, the closest proxy to the community standards in the model.

We employ data entry workers to transcribe newspaper summaries of free speech decisions, randomized to be progressive or conservative. Through three experiments we explore the effects of free speech precedent on 1,345 subjects. First, we should expect an effect on self-reported behaviors of data entry workers if the GSS results merely reflect openness in discussing topics (e.g., paid sex) previously considered to be private. Second, we measure attitudes. The role of material penalties is unlikely to be significant in the short time frame of our experiments. If we see an effect on attitudes of data entry workers, it would be consistent with informational effects of law. Third, we measure beliefs about the prevalence of underlying activity, which is the key mechanism of the law and norms model.

3. Newsreports and experiment

We implement a mechanism experiment (Ludwig et al., 2011). Djourellova (2023) documents that media can have immediate and persistent effects, even on policy support. We randomly expose data entry workers to transcribe newsreports of obscenity decisions and assess their attitudes and behaviors using the same questions as in the General Social Survey. We hired 1,345 workers across three replications. We see significant effects on acceptability of homosexual sex as worded in the General Social Survey and echoing the population-based analysis.

The experiments also show that self-reported behaviors did not shift in response to progressive free speech precedents. The short timeframe of the study precludes actual behaviors from changing. Notably, exposure to conservative obscenity precedents increased perceived prevalence of extramarital sex by 2.5 percentage points. This result verifies the information channel in the law and norms theory: when legal authorities increase sanctions against a particular activity, people infer that more people are engaged in this activity.

We recruited workers through Amazon Mechanical Turk. We posted a single placeholder task containing a description of the work and a link for workers to follow if they want to participate. The subjects were then randomized, via stratification in the order in which they arrived at the job, to one of several treatment conditions. Treatment was not revealed at this early stage. All workers saw identical instructions.

We asked workers to transcribe paragraphs from a Tagalog translation of Adam Smith's *The Wealth of Nations*, as well as English paragraphs of dictionary definitions. This task is sufficiently tedious that no one is likely to do it “for fun,” and sufficiently simple that all market participants can perform it. The source text was machine-translated to prevent subjects from finding the text elsewhere on the Internet. We minimize attrition through a commitment mechanism. In all treatment conditions, workers faced an identical “lock-in” task in order to minimize differential attrition before the treatment was revealed. The lock-in successfully reduces attrition. After the lock-in task of three paragraphs, treatment was revealed.

The payment for each paragraph was 10 cents with workers able to receive much more in bonuses, including a 50-cent bonus for completing the survey from the GSS at the end. A paragraph takes about 100 s to enter, so the offered payment of 10 cents per paragraph is equivalent to \$86.40 per day. The federal minimum wage in the United States was \$58/day. In India, payment rate depends on the type of work done, although the “floor” for data entry positions appears to be about \$6.38/day. An example paragraph was displayed on the first page of the external hosting site so workers were aware of the high payment prior to entering the study.

The empirical specification examines the effect of exposure to progressive free speech precedents:

$$Outcome_{it} = \alpha + \beta_1 Treatment_{it} + \beta_2 X_{it} + \varepsilon_{it}$$

$Treatment_{it}$ is defined as 1 (for progressive), 0 (for control), or -1 (for conservative) for individual i in treatment t . X_{it} are demographic controls. We control for whether the data worker is male and, in experiment 1 with 197 workers mostly from India and the U.S., a dummy indicator for being from India. The first experiment was conducted from November 9 to November 15, 2010. The second experiment is essentially identical (with an additional question on beliefs) but was restricted to the U.S. and had 548 workers. It was conducted from November 21 to December 9 of 2011. The transcript of the instructions in the MTurk experiment and screenshots of the entire survey experience are presented in the [Online Appendix](#).

In both [Tables 1 and 2](#), we do not find significant effects on acceptability of homosexual sex as worded in the General Social Survey when analyzed in separate samples. When pooled together, exposure to progressive obscenity precedent increased the acceptability of homosexual sex (p-value of 0.022) by 4.2 percentage points (standard error 1.8 percentage points). The experiments also show that self-reported behaviors did not shift in response to progressive free speech precedents. The short timeframe of the study precludes actual behaviors from changing. The null result suggests that self-reporting norms are unlikely to explain the results in the population-based analyses reported in [Chen and Yeh \(2014b\)](#).

In addition, the short timeframe precludes exposure to materials censored or approved by the law, so the changes in stated values suggest that laws can have independent effects on attitudes and values outside of the deterrence channel. The second experiment uses only American workers. The effects in the U.S. population-level estimates are notably smaller, where the impact on the acceptability of homosexual sex ranged from 0.3 to 1.7 percentage points ([Chen and Yeh, 2014b](#)), but population estimates are the weighted average of the direct effects of exposure and the indirect effects of exposure. The unknown parameter is the probability of direct exposure.

To provide a clearer visual comparison, we now include a coefficient plot of the main results in [Fig. 1](#), showing the estimates with and without controls. This figure helps illustrate the consistency of the findings across both specifications. It is important to note that the second experiment included additional variables, such as party affiliation and frequency of religious attendance, which were not part of the first experiment. To ensure that all observations are retained in the combined sample, we follow the standard approach of using dummy variables for missing values. This method allows us to include the full set of controls in the pooled analysis without losing data from the first experiment.

[Table 2](#) also shows that exposure to conservative obscenity precedents increased perceived prevalence of extramarital sex by 2.5 percentage points. This result verifies the information channel in the law and norms theory: when legal authorities increase sanctions against a particular activity, people infer that more people are engaged in this activity.

This plot shows the estimated coefficients from the combined sample, comparing results with and without controls. The controls are fixed effects for gender, country, party affiliation, and religious attendance. The whiskers represent the 95% confidence interval.

Table 1
The Effect of Progressive Free Speech Precedents on Attitudes and Behavior.

Panel A: Attitudes	Premarital Sex is OK (1)	Extramarital Sex is OK (2)	Teen Sex is OK (3)	Homosexual Sex is OK (4)	Favor Sex Ed in Public School (5)
Progressive Free Speech	0.00568	−0.0403	−0.0292	0.0637	−0.0537
Decision	(0.0363)	(0.0280)	(0.0304)	(0.0373)	(0.0392)
India	−0.386***	0.0528	−0.307***	−0.363***	−0.181*
	(0.0680)	(0.0524)	(0.0569)	(0.0697)	(0.0734)
Male	0.246***	0.0698	0.135*	0.138	0.0631
	(0.0693)	(0.0534)	(0.0580)	(0.0711)	(0.0748)
Mean Dep. Var.	0.569	0.153	0.222	0.483	0.488
Observations	197	197	197	197	197
R-squared	0.163	0.030	0.142	0.133	0.042
Panel B: Behaviors	Nonmarital Sex in Last Year (6)	Casual Date Sex in Last Year (7)	Paid Sex in Last Year (8)	Saw X-rated Movie (9)	Sex Frequency Monthly or More (10)
Progressive Free Speech	−0.0131	−0.00403	0.0187	0.0419	0.0335
Decision	(0.0387)	(0.0286)	(0.0235)	(0.0380)	(0.0388)
India	0.124	0.00969	−0.00506	−0.110	−0.213**
	(0.0724)	(0.0535)	(0.0440)	(0.0712)	(0.0726)
Male	0.0478	0.146**	0.149***	0.328***	−0.0173
	(0.0738)	(0.0546)	(0.0449)	(0.0725)	(0.0740)
Mean Dep. Var.	0.399	0.158	0.099	0.517	0.438
Observations	197	197	197	197	197
R-squared	0.021	0.040	0.057	0.098	0.050

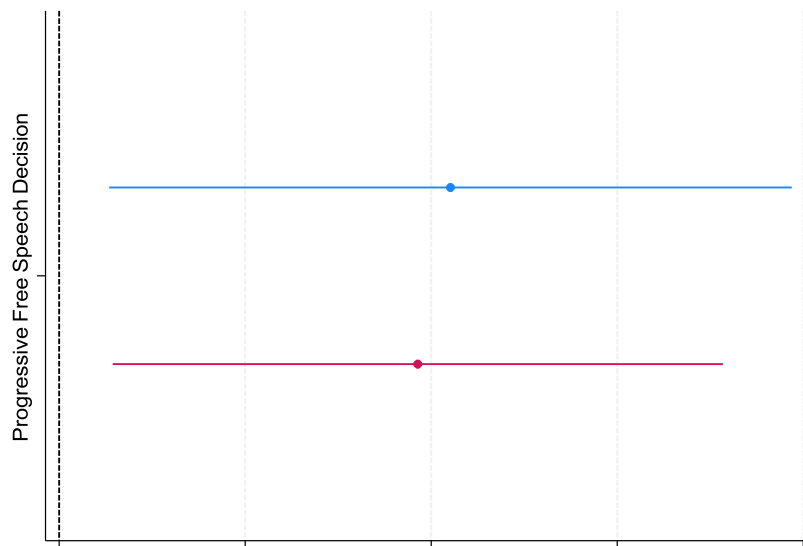
Notes: Standard errors in parentheses. *p < 0.05, **p < 0.01, ***p < 0.001.

Table 2

The Effect of Progressive Free Speech Precedents on Values and Beliefs.

Attitudes	Premarital Sex is OK (1)	Extramarital Sex is OK (2)	Teen Sex is OK (3)	Homosexual Sex is OK (4)	Favor Sex Ed in Public School (5)	Percentage of People who have Extramarital Sex (6)
Progressive Free Speech	0.00942	0.0145	−0.0192	0.0351	0.0425	−2.511*
Decision	(0.0190)	(0.0156)	(0.0231)	(0.0209)	(0.0227)	(0.979)
Male	0.0576	0.0839**	0.150***	0.0213	−0.000567	−6.741***
	(0.0360)	(0.0297)	(0.0439)	(0.0398)	(0.0430)	(1.861)
Mean Dep. Var.	0.803	0.124	0.392	0.739	0.655	44.532
Observations	548	548	548	548	548	548
R-squared	0.005	0.016	0.022	0.006	0.006	0.035

Notes: Standard errors in parentheses. *p < 0.05, **p < 0.01, ***p < 0.001.

**Fig. 1.** The Effect of Progressive Free Speech Precedents on Homosexual Sex is OK.

4. Conclusion

Social scientists and philosophers have long debated whether law shapes values. Judges recognize the possibility that laws can have effects through the moral messages that they convey. We bring causal analysis of the impact of law on norms. Our theoretical framework allows for both backlash and expressive effects to occur, depending on the underlying distribution of law's sanctioned activity.

Through the randomization of rulings from data entry experiment, we find that prioritizing individual self-expression increased the value and exercise of free speech rights. Relative to conservative free speech precedent, progressive precedent was associated with more progressive attitudes and behaviors on non-marital sexual activity. Conservative court precedents increased the perceived prevalence of extramarital sex, a key mechanism for the model of law and norms (Bénabou and Tirole, 2012).

The research can be extended in a number of directions. Methodologically, the experimental framework helps distinguish deterrence from information channels for the causal effects of law. We hope it proves fruitful for policy-makers and judges interested in assessing the impact of court-made law, as well as for scholars and theorists interested in evaluating theories of behavioral responses to the law.

Appendix A. Supplementary material

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.joep.2025.102799>.

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