

Social Norms from Close-Knit Groups to Loose-Knit Groups

Lior Jacob Strahilevitz†

In 1991, Bob Ellickson's book about ranchers who raise cattle in an isolated California county launched an important new movement in the legal academy.¹ Scholars in this law and social norms movement began asking a series of interesting questions about the role of informal rules governing human relations, largely in an effort to determine whether these norms provide a more efficient structure of governance than formal law.

Law and social norms scholars with empirical inclinations have, for the most part, continued to study the emergence and maintenance of social norms in communities that resemble Shasta County's close-knit group.² A close-knit group is a network in which power is broadly distributed and information pertinent to informal control circulates easily among network members.³ Typically, close-knit groups are made up of repeat players who can identify one another.

More recently, legal scholars interested in social norms have begun to examine how social norms might arise and be enforced in contexts with more anonymous subjects or fewer repeat players.⁴ Among these non-close-knit groups, it is important to distinguish between two types. Loose-knit groups are clusters of individuals among whom in-

† Assistant Professor, The University of Chicago Law School. Thanks to Amitai Aviram, Richard Epstein, Dan Kahan, Saul Levmore, Tracey Meares, Randy Picker, Eric Posner, Cass Sunstein, and Adrian Vermeule for comments on an earlier draft.

¹ Robert C. Ellickson, *Order without Law: How Neighbors Settle Disputes* (Harvard 1991).

² The best exemplar is Lisa Bernstein's scholarship. See, for example, Lisa Bernstein, *Private Commercial Law in the Cotton Industry: Creating Cooperation Through Rules, Norms, and Institutions*, 99 Mich L Rev 1724 (2001); Lisa Bernstein, *Merchant Law in a Merchant Court: Rethinking the Code's Search for Immanent Business Norms*, 144 U Pa L Rev 1765 (1996). See also Eric A. Posner, *Law and Social Norms* 49–67 (Harvard 2000) (discussing gift-giving among members of close-knit groups); Arti K. Rai, *Regulating Scientific Research: Intellectual Property Rights and the Norms of Science*, 94 Nw U L Rev 77 (1999); Richard H. McAdams, *Group Norms, Gossip, and Blackmail*, 144 U Pa L Rev 2237 (1996); Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge 1990).

³ See Ellickson, *Order without Law* at 177–78 (cited in note 1).

⁴ For examples of scholarship that begin to address questions concerning norms among non-close-knit groups, see Ann E. Carlson, *Recycling Norms*, 89 Cal L Rev 1231 (2001); Tamar Frankel, *Trusting and Non-Trusting on the Internet*, 81 BU L Rev 457, 469–74 (2001); Dan M. Kahan, *Trust, Collective Action, and Law*, 81 BU L Rev 333, 340–44 (2001); April Mara Major, *Norm Origin and Development in Cyberspace: Models of Cybernorm Evolution*, 78 Wash U L Q 59 (2000); Mark A. Lemley, *The Law and Economics of Internet Norms*, 73 Chi Kent L Rev 1257 (1998). None of these works refers to loose-knit groups or intermediate-knit groups as such.

formation pertinent to informal control does not circulate easily. These loose-knit groups are typically composed of members who do not expect to be repeat players or who are unable to gather accurate information about another member's reputation even if repeat-player interactions do occur. Intermediate-knit groups are groups where two conditions are satisfied: (1) a member is not alone, but is proximate to or can be observed by companions with whom he anticipates having repeat interactions, and (2) information pertinent to informal social control flows easily between him and his companions but does not flow easily between him and strangers who are members of the intermediate-knit group. Thus an intermediate-knit group member anticipates having repeat-player interactions with his proximate companions, but not with the strangers who are also members of the group.

In this Essay, I will discuss in general terms what legal scholars might expect to find as we begin looking for social norms "off the ranch." I will suggest that cooperation may be no less rare in loose-knit groups than in close-knit groups, but that the mechanisms by which cooperative norms arise and are enforced are different. Next, I will suggest that the social environments ultimately most deserving of attention are these intermediate-knit groups. Finally, I will provide a brief sketch of a few interesting intermediate-knit environments and point out some of the unresolved questions concerning the behavioral regularities that arise therein.

I. CLOSE-KNIT GROUPS

Today's law and social norms movement has as its foundational text *Order without Law: How Neighbors Settle Disputes*. In that book, Ellickson argued that even where the legal regime had established rules to govern frequently recurring disputes among cattle ranchers, such as animal trespass or the maintenance of common fences, ranchers often remained ignorant of the formal law or consciously disregarded it.⁵ Instead, disputes were resolved based on informal norms that often deviated from the formal legal rules. Perhaps most startling and compelling was Ellickson's hypothesis that the informal norms often provided a more efficient governance regime than the formal legal rules.⁶ He argued that close-knit environments are particularly conducive to the development of efficient social norms since members' dependence on each other makes them value their reputations and the cost of obtaining and exchanging information about members is low.⁷

⁵ See Ellickson, *Order without Law* at 141–47 (cited in note 1).

⁶ See *id.* at 167.

⁷ See *id.* at 180–81.

What, then, of non-close-knit groups? Ellickson noted that his hypothesis of efficient norms in close-knit groups “does not predict that the norm-making process would lead to the evolution of cooperation in a transient social environment such as a singles bar at O’Hare Airport.”⁸ Where group members are either anonymous or unlikely to engage in repeat-player interactions, all bets are off.

In the twelve years since the publication of *Order without Law*, no legal scholar has looked at loose-knit groups systematically. Nor has anyone attempted to answer comprehensively the questions left open by the Shasta County versus O’Hare singles bar contrast. Namely, do social norms arise in loose-knit groups? If so, what is the mechanism by which they arise and are enforced? Finally, to the extent that such norms do arise and persist, will they generally maximize group welfare?

II. LOOSE-KNIT GROUPS

To the best of my knowledge, there are no singles bars at O’Hare Airport. Setting aside the provocative question of what cooperation might look like in a singles bar, Ellickson was on the right track in using such a bar to exemplify a non-close-knit setting. Many of the travelers at our hypothetical airport singles bar would never expect to encounter their fellow patrons again. O’Hare serves a large and heavily populated metropolitan area and, in any event, many people passing the time at O’Hare are merely waiting for a connection to a distant city. Loose-knit groups typically consist of clusters of individuals who, like these travelers, are unlikely to be repeat players or are otherwise unable to identify each other in repeat interactions without great difficulty.⁹ The nature of the location renders this bar an unlikely place for meeting someone whom one will encounter unintentionally in the future.

The Napster network, created in 1999 by a college student named Shawn Fanning, was the internet’s first successful large-scale peer-to-peer network and its most successful loose-knit group.¹⁰ Napster allowed tens of millions of users to swap sound recordings with other anonymous users. The network was astonishingly popular, both in the United States and abroad, until the Recording Industry Association of America obtained injunctive relief that required Napster to cease

⁸ Id at 169.

⁹ Ellickson includes widespread distribution of power among group members as an element of his definition of close-knit groups. That does not mean that a group with a hierarchical distribution of power should be thought of as loose-knit, or that all loose-knit groups necessarily are characterized by power disparities among the membership.

¹⁰ Lior Jacob Strahilevitz, *Charismatic Code, Social Norms, and the Emergence of Cooperation on the File Swapping Networks*, 89 Va L Rev (forthcoming 2003).

permitting its users to swap copyrighted sound recordings.¹¹ At that point, KaZaA, Morpheus, AudioGalaxy Satellite, and various applications using the Gnutella network filled the void left by Napster's demise.¹² The networks were so large, and their structure was so diffuse that it was rather rare for a member to swap files with the same member over the course of multiple sessions. Moreover, because the only identifying information given about each user was a self-chosen pseudonym usually consisting of a word combined with a series of numbers, users might have failed to remember the identifiers of those with whom they had previously engaged in successful cooperative exchanges.

Commuting to work provides another example of loose-knit interactions. In the United States, people generally do not commute to work with friends or loved ones. Rather, they either drive alone or use mass transportation.¹³ In large metropolitan areas, drivers are unlikely to know or recognize the solo drivers of other vehicles, and there is no expectation that a motorist tailgating another driver's vehicle will interact with the same driver in the future. The same sort of interactions among anonymous strangers occur on metropolitan subways.¹⁴ When we see solo commuters interacting on an urban freeway or in a subway car, we therefore have a chance to observe them unconstrained by concerns about negative gossip directed at peers who can sanction them at a later date.¹⁵

Loose-knit environments give us an opportunity to study norms in contexts where a rational choice account of how norms arise and are enforced is implausible.¹⁶ Cooperation on a peer-to-peer network, subway, or freeway cannot result from signaling¹⁷ or esteem-seeking,¹⁸ the two most persuasive explanations for how social norms arise in close-knit groups.¹⁹

¹¹ See *A & M Records, Inc v Napster, Inc*, 239 F3d 1004 (9th Cir 2001).

¹² Strahilevitz, 89 Va L Rev (cited in note 10).

¹³ See <http://www.census.gov/Press-Release/www/2002/cb02ff13.html> (visited Dec 2, 2002) (noting that according to the 2000 census, 76 percent of commuters drove alone to work, 12 percent carpooled, and 5 percent used public transportation).

¹⁴ See Clifton Hood, *Changing Perceptions of Public Space on the New York Rapid Transit System*, 22 J Urban Hist 308, 310-11 (1996).

¹⁵ Loose-knit groups typically, but not always, involve large numbers of actors. A household of twenty individuals suffering from advanced Alzheimer's disease or some other form of serious memory loss could constitute a loose-knit group. The actors' inability to recall past interactions and disseminate information about other actors' reputations and norm violations would resemble the consequences of anonymity in a large-numbers situation.

¹⁶ See Dan M. Kahan, *Signaling or Reciprocating? A Response to Eric Posner's Law and Social Norms*, 36 U Richmond L Rev 367, 376 (2002).

¹⁷ See generally Posner, *Law and Social Norms* (cited in note 2).

¹⁸ See generally Richard H. McAdams, *The Origin, Development, and Regulation of Norms*, 96 Mich L Rev 338 (1997).

¹⁹ Sophisticated rational choice models that account for herd behavior or the stability of

Yet cooperation does arise in loose-knit environments, and sometimes it can be robust. My study of file-sharing on a peer-to-peer network in 2001 revealed that although free-riding on other users' files was costless and essentially undetectable, a majority of network users still shared some portions of their files with other users.²⁰ Moreover, most of these sharing users appeared to be doing so consciously, despite the costs and illegality associated with such behavior.²¹ Along the same lines, anecdotal evidence concerning roadway behavior sometimes suggests surprisingly high levels of cooperation among anonymous solo motorists.²² The same is evidently true of anonymous subway riders.²³ As we study these environments further, we might observe the emergence of predictable wealth-maximizing norms without opportunities for peer pressure or other forms of informal sanctions.²⁴

alternative focal points might provide a somewhat more satisfying explanation for why cooperation emerges in loose-knit groups. See generally H. Peyton Young, *The Economics of Cooperation*, 10 J Econ Persp 105 (1996). For example, in the absence of other information, people might mimic the behavior of a crowd on the (often incorrect) assumption that members of the crowd possess valuable private information. See Peter H. Huang, *Herd Behavior in Designer Genes*, 34 Wake Forest L Rev 639, 646–47 (1999); Abhijit V. Banerjee, *A Simple Model of Herd Behavior*, 107 Q J Econ 797, 798–99 (1992). While herd behavior provides a plausible explanation for why individuals on the peer-to-peer networks do not fear legal sanctions as a result of their file-swapping behavior, conventional accounts of herd behavior generally have been limited to instances where an individual is trying to improve his own welfare. To take Banerjee's example, an individual deciding between two restaurants may opt for the more crowded one because he believes he is more likely to get a better meal. But herd behavior explanations rarely have been used to explain cooperation that is costly for an individual. To use a recent illustration, in the wake of the September 11, 2001, terrorist attacks on the World Trade Center and Pentagon, nearly a million Americans lined up to donate blood. See Sacha Pfeiffer, *With Blood Supply Up, Red Cross Drive Rapped*, Boston Globe A1 (Sept 28, 2001). But few would argue that the long queues outside blood donation centers convinced Americans that it was in their personal interest to donate blood, and that those standing in line had valuable inside information about the relative costs and benefits of donating. A social-psychology-based theory of reciprocity provides a more satisfying explanation for the widespread cooperation observed during the aftermath of those attacks.

²⁰ See Strahilevitz, 89 Va L Rev (cited in note 10).

²¹ See *id.* Much of the sharing that occurred was inconsistent with the default options built into the software, suggesting users' conscious choices about whether and how much to share.

²² See Lior Jacob Strahilevitz, *How Changes in Property Regimes Influence Social Norms: Commodifying California's Carpool Lanes*, 75 Ind L J 1231, 1274 (2000) (discussing motorists who move aside in favor of faster vehicles); Toshio Yamagishi and Karen S. Cook, *Generalized Exchange and Social Dilemmas*, 56 Soc Psychol Q 235, 238 (1993) (discussing drivers' assistance to fellow motorists stranded in the snow). But see Robert F. Blomquist, *American 'Road Rage': A Scary and Tangled Cultural-Legal Pastiche*, 80 Neb L Rev 17, 23–34 (2001) (providing examples of 'road rage,' in which motorists behave uncooperatively).

²³ See Matthew L. Fried and Victor J. DeFazio, *Territoriality and Boundary Conflicts in the Subway*, 37 Psych 47, 55 (1974) (noting that many subway riders stand in a more crowded section of a subway car in order to avoid intruding on the personal space of a male-female couple standing in a less crowded section). See also Hood, 22 J Urban Hist at 325–26 (cited in note 14) (discussing subway riders' widespread efforts to assist panhandling subway riders and homeless subway dwellers during the Great Depression).

²⁴ In loose-knit settings, where reputational concerns are minimized, some scholars have questioned whether the tag "social norms" is apropos. See, for example, Jon Elster, *Rationality*,

To explain loose-knit cooperation, some scholars have turned from rational-choice-based accounts of why individuals cooperate toward social-psychology-based conceptions of human behavior. For example, Dan Kahan argues that individuals in a group setting

reciprocate the behavior of others: if they perceive that other group members are restraining themselves in the face of temptations to behave contrary to a group's collective interests, most individuals display similar self-restraint; if, in contrast, they become convinced that those around are putting their own interests ahead of the group's, most individuals again respond in kind, availing themselves of any available opportunities to advance their own interests at the expense of collective ones.²⁵

Because of these reciprocal motivations, cooperation-promoting norms can arise.

There are numerous examples of conditional cooperation that arise in non-close-knit settings, and it is difficult to reconcile such cooperation with some of the rational choice models legal scholars have applied in close-knit settings. Among the examples Kahan uses are contributions to National Public Radio (people are inclined to give when they see others giving),²⁶ and paying income taxes (people are more inclined to pay their own taxes when they perceive others in their jurisdiction to be paying their taxes).²⁷

Conditional cooperation hypotheses are satisfying in the sense that the dynamics described are supported by empirical and experimental data.²⁸ They are unsatisfying in that they provide too little ex-

Morality, and Collective Action, 96 *Ethics* 136, 153 (1985). I use the term "social norms" to include behavioral regularities that arise when humans are interacting with each other, regardless of whether that interaction is face-to-face. This definition, unlike some others, does not presuppose a particular mechanism by which these norms arise, but does require that the regularity be connected to the group setting. Thus, it is improper to speak of a social norm of "breathing" among restaurant customers, but there may be a norm of tipping.

²⁵ Dan M. Kahan, *The Logic of Reciprocity: A Theory of Collective Action and Law* ch 2, p 2 (unpublished manuscript, on file with author). See also *id.* at ch 2, p 11–12 (discussing the salient differences between the rational choice account of collective action and the theory of reciprocity).

²⁶ *Id.* at ch 2, p 17–18.

²⁷ *Id.* at ch 3, p 11–18.

²⁸ See, for example, Ernst Fehr and Simon Gächter, *Reciprocity and Economics: The Economic Implications of Homo Reciprocans*, 42 *European Econ Rev* 845 (1998) (presenting evidence of conditional cooperation from ultimatum bargaining games and many real-world environments); Sally Ann Shumaker and James S. Jackson, *The Aversive Effects of Nonreciprocated Benefits*, 42 *Soc Psychol Q* 148 (1979) (presenting data showing that people who are helped by strangers often feel the need to reciprocate, either by returning the favor directly to the helper, or by helping other strangers instead). Experimental research also shows that many people will abandon their strongly-held beliefs about whether particular ideas are true or false in the face of a contrary group consensus. See, for example, Solomon E. Asch, *Opinions and Social Pressure*, in Elliot Aronson, ed., *Readings about the Social Animal* 13, 13–22 (W.H. Freedman 1995).

planation for mechanisms causing people to condition their cooperation on others' cooperation. The beginnings of a satisfying explanation might be found in a recent study concluding that women who cooperated with other anonymous women in a prisoner's dilemma experiment experienced stimulation in areas of the brain associated with pleasure, but that women who were told they were playing the game with a computer—rather than a person—did not experience such stimulation, even when they cooperated to the same extent.²⁹ If further research confirms this fascinating finding, loose-knit noncooperation may become the puzzle crying out for an explanation.

III. INTERMEDIATE-KNIT GROUPS

An intermediate-knit group's dynamics reflect both a loose-knit and a close-knit phenomenon.³⁰ In an intermediate-knit group, strangers will be interacting with other strangers, but they will do so while surrounded by non-strangers.³¹

²⁹ See James K. Rilling, et al, *A Neural Basis for Social Cooperation*, 35 *Neuron* 395, 401 (2002).

³⁰ Note that my typology of close-knit, intermediate-knit, and loose-knit environments is not an exhaustive list. Hybrid environments also exist. Internet dating networks are a recent example of a hybrid environment. On these networks, members typically will have an expectation of engaging in repeat-player interactions with certain other members. More precisely, they will want to date some of the other members of the network. At the same time, the networks are structured so that information pertinent to informal social control does not circulate easily among members. Indeed, the networks have, for understandable reasons, eschewed the kind of reputation-tracking devices that eBay has used so successfully, and the proprietors of the networks have apparently decided that there is little they can or should do to curtail the endemic deception and puffery that exists among network members. See generally Sarah Anchors, *Personal-Ad Precautions Reduce Risk of Unknown*, *Ariz Republic* 2E (Aug 23, 2002); Lessley Anderson, *OyBay*, *Industry Standard* 124 (Sept 11, 2000).

³¹ Ann Carlson uses recycling as a case study to examine norm formation in "large-number, small-payoff" settings. See Carlson, 89 *Cal L Rev* at 1299 (cited in note 4). She views these situations as the opposite of close-knit group interactions, and asserts that "social norms are less likely to develop within large groups." *Id.* at 1235. In my view, the salient theoretical issue is not the size of the relevant community per se. Rather, it is the community members' ability to monitor instances of noncooperation and communicate with fellow members about each member's reputation; these factors, rather than group size, frame the likely mechanisms by which cooperation might arise. Thus, the eBay auctioning network exhibits extremely impressive levels of user cooperation, despite its millions of members, thanks to an ingenious mechanism for tracking each user's reputation. See Frankel, 81 *BU L Rev* at 471 (cited in note 4). Through its reputation scoring, eBay is transformed from a loose-knit group into an intermediate- or even close-knit group. Similarly, a very small community that lacked the ability to track each member's reputation for cooperation, such as the Alzheimer's patients referenced in note 15, has more in common with the Napster community than it does with other small-number groups.

I would argue that recycling is properly understood as a classic intermediate-knit case. Residential curbside recycling in a neighborhood of single-family residences superficially presents a close-knit case study, yet recycling behavior may be motivated more by mass media messages, perceptions of society-wide behavior, or other factors having little to do with individual reputation or community members' fear of negative gossip.

The story of modernization in America and around the world is one of movement from close-knit groups to intermediate-knit groups. Intermediate-knit interactions have become ubiquitous. Think of an evening at a cinema or sporting event, a charity fundraiser, a family vacation at Disneyland, an urban riot following a controversial jury verdict, a student study session at Starbucks, or a group of youths causing trouble at an urban parade. An individual is likely to participate in all of these social settings accompanied by people he knows, yet the vast majority of the people near him will be strangers. An individual's behavior in all of these contexts will be constrained by norms.

Not surprisingly, cooperation can be observed in intermediate-knit environments as well. Matthew Rabin provides a particularly interesting illustration concerning voluntary water conservation efforts:

Consider the question of why people conserve water during a drought. Clearly they perceive that conservation contributes to the general good, which at a small cost is something they eagerly do. . . . [B]ecause the marginal social value of water is greater the less water there is, there are diminishing social benefits of conservation: If other people conserve, it is less urgent for you to do so; if other people don't conserve, it is more urgent for you to do so. If you were a simple altruist, therefore, learning that others were not conserving would cause you to intensify your conservation efforts. This prediction is inconsistent with intuition and empirical evidence: People are more inclined to conserve water if they think other people are conserving, *not* if they think others are splurging. People reciprocate the lack of public spiritedness in others—they don't counteract it.³²

Publicly watering one's lawn during a drought is therefore particularly harmful, not so much because of the water that is used, but because those who see the watering will be less likely to conserve.

Staying with the image of the suburban homeowner watering his lawn, we are confronted with two plausible accounts of why the conditional cooperation that Rabin describes emerges. Perhaps a homeowner knows a number of his neighbors and does not want to lose their respect by appearing to be a wastrel. Or perhaps he is the type of person who will sacrifice for the common good so long as doing so does not make him feel like a "sucker." If he believes that people on the other side of town are seeing their lawns turn brown as a result of voluntary conservation, he will curtail his own lawn watering, regard-

³² Matthew Rabin, *Psychology and Economics*, 36 *J Econ Lit* 11, 21 (1998). The suburban neighborhood is intermediate-knit because a homeowner is likely to know his immediate neighbors, and perhaps a few others who live nearby, but unlikely to know or come into contact with the vast majority of the people who drive by his residence on a given day.

less of whether he knows the cross-town non-irrigators, and regardless of whether he cares about what his immediate neighbors think of him. The former explanation for his conservation is a close-knit account, and the latter is a loose-knit account.

The question of which explanation predominates is hardly academic. If policymakers believe that water conservation is mostly accounted for by a loose-knit motivation, they should focus their attention on trying to convince those homeowners whose property abuts the suburb's major thoroughfares to forego watering their lawns. By the same token, they should devote very little attention to encouraging those who live on cul de sacs to conserve. Deviations between actual levels of cooperation and perceived levels of cooperation can be important. Regimes that can magnify the cooperative efforts of some members while masking the noncooperative actions of others may therefore trigger cooperative cascades.³³

Although both accounts of water conservation are plausible, and the two accounts are by no means mutually exclusive, empirical data could shed light on what theory works best. The relevant data would compare private water conservation (for example, taking shorter showers) to public water conservation (for example, reducing lawn watering). If visible reductions in lawn watering also encourage private conservation, then a loose-knit account would seem to be the more powerful explanation. But if such public reductions do not engender private conservation, then a close-knit account seems more plausible.³⁴

IV. INTERMEDIATE-KNIT ISSUES

Understanding how cooperative social norms emerge in intermediate-knit settings has ramifications well beyond water conservation policy. In this Part, I will discuss norms that exist in a number of other intermediate-knit environments and suggest how understanding close-knit and loose-knit dynamics can assist the policymakers who must confront a series of management challenges.

A. Riots

What factors caused riots to spread through Los Angeles following the jury verdict acquitting the police officers who beat up Rodney King?³⁵ To what extent did television coverage of early violence fol-

³³ See Strahilevitz, 89 Va L Rev (cited in note 10).

³⁴ In the minds of some, this data would not resolve the question on the grounds that people might learn water conservation in public settings and then unthinkingly take those behaviors with them into private settings—via a process of norm internalization.

³⁵ See generally Bert Useem, *The State and Collective Disorders: The Los Angeles*

lowing the verdict help spread more violence throughout the city?"³⁶ By knowing whether an individual's decision to participate in a riot or looting is primarily influenced by the actions of his acquaintances or by the strangers whose actions he is witnessing, we can understand, for example, the extent to which dispersing a crowd and forcing group members to flee in opposite directions will be anything more than a temporary stop-gap measure. We might also better understand what strategies governments or community organizations might adopt to diminish the likelihood that a riot will break out in the first place. Finally, by learning about the extent to which media coverage of mob action spurs others to imitate members of the anonymous mob, we can guide journalists who wish to provide responsible coverage of public disturbances without inflaming a dangerous situation.

B. Mardi Gras

During the late 1990s, New Orleans city officials attempted to crack down on the relatively new but robust Mardi Gras practice of disrobing in exchange for plastic beads.³⁷ Police officers began jailing some disrobers and enforcing steep fines.³⁸ Yet by that time a cascade had already occurred: Disrobement was evidently so widespread that police had a difficult time sanctioning enough people to undermine the disrobement norm.³⁹ By 2001, the police had admitted an inability to prevent the exchanges, and the Police Superintendent announced coyly that officers would "make arrests only when bare breasts posed a threat to public safety."⁴⁰ If New Orleans officials are sincerely committed to lessening disrobement, they might consider a norms-based approach. Because Mardi Gras in the French Quarter is an intermediate-knit environment, however, it is unclear what strategy they should pursue. Those who disrobe usually attend Mardi Gras in the company of friends,⁴¹ and participating in the festivities by disrobing may be a

Riot/Protest of April, 1992, 76 Soc Forces 357, 363-65 (1997).

³⁶ See id at 364.

³⁷ See Stewart Yerton, *Is This a Good Image for Carnival Tourism?*, New Orleans Times-Picayune F1 (Feb 27, 2000). On the disrobement practice generally, see Laurie A. Wilkie, *Beads and Breasts: The Negotiation of Gender Roles and Power at New Orleans Mardi Gras*, in Lidia D. Sciana and Joanne B. Eicher, eds, *Beads and Bead Makers: Gender, Material Culture and Meaning* 193 (Berg 1998); Wesley Shrum and John Kilburn, *Ritual Disrobement at Mardi Gras: Ceremonial Exchange and Moral Order*, 75 Soc Forces 423, 429, 446 (1996).

³⁸ Anne Rochell Konigsmark, *Mardi Gras: Showdown: 'Baring' Means Beads, and Possibly Arrest*, Atlanta J & Const 3A (Mar 4, 2000).

³⁹ See C.J. Forsyth, *Parade Strippers: A Note on Being Naked in Public*, 13 Deviant Beh 391, 395 (1992) ("It is a sheer numbers game for the police; they do not have the resources to enforce [disrobement laws during Mardi Gras]."). See also Brett Martel, *N.O. Mardi Gras Better Behaved than Other Cities*, Baton Rouge Adv 4B (Mar 1, 2001).

⁴⁰ *Blind Eye to Bare Breasts*, The Advertiser 28 (Feb 23, 2001).

⁴¹ See William Jankowiak and C. Todd White, *Carnival on the Clipboard: An Ethnological*

way of signaling particular traits that are valued by members of the close-knit peer group. On the other hand, maybe festival-goers' observations of disrobers on balconies and their fleeting interactions with strangers holding beads somehow cause them to get "swept up" in a loose-knit moment of mass revelry and debauchery.

A close-knit strategy might use privacy laws as a means of influencing social norms. Currently, a large number of amateur and professional film makers bring video cameras to Mardi Gras.⁴² In two well-publicized lawsuits, women who have exposed themselves at Mardi Gras and subsequently saw those images on soft-core pornographic videotapes sued the videotape producers for tortious invasion of privacy.⁴³ Distributing images of a topless woman without her consent ordinarily constitutes an invasion of privacy.⁴⁴ These cases have therefore hinged on whether the women implicitly consented to having their images distributed widely when they publicly disrobed at Mardi Gras.⁴⁵ Holding that the dissemination of these video images amounts to an invasion of privacy essentially limits the audience for a disrobement to the approving peers and anonymous audience members. But holding that the women, by disrobing in a public place at Mardi Gras, have relinquished any expectations of privacy expands the potential audience to include the friends, acquaintances, business associates, and relatives that the disrober may have elsewhere. People are members of multiple close-knit communities, and the types of behaviors that win esteem among the close-knit group that has gone to Mardi Gras may curry disfavor among members of a close-knit group back home.

Now suppose the loose-knit account of Mardi Gras dominates. Policymakers should probably crack down on the most visible forms of disrobement—those occurring on the balconies that line the French Quarter's streets. There is some evidence suggesting that balcony disrobement might set the tone for the widespread disrobement occurring on the French Quarter's streets during Mardi Gras.⁴⁶ By removing

Study of New Orleans Mardi Gras, 4 *Ethnology* 335, 338–39, 344 (1999).

⁴² See Shrum and Kilburn, 75 *Soc Forces* at 432 (cited in note 37).

⁴³ See Chris Rose, *Carnival Knowledge: The Case of the Coed Who Bared for Beads and Wound up Starring in a Voyeuristic Video*, *New Orleans Times-Picayune (Living)* 1 (Jan 10, 2002) (discussing the filing of a suit in Florida by a student at Florida State University and New Orleans Mardi Gras disrober). See also *Privacy Frontier*, *Natl L J A22* (July 15, 2002) (discussing a Louisiana court's dismissal of such a suit, brought by three Jane Doe coeds).

⁴⁴ See, for example, *Dunn v Moto Photo, Inc.*, 828 SW2d 747, 748–49, 754–55 (Tenn Ct App 1992).

⁴⁵ See 'Girls Gone Wild' Producer Wins Lawsuit, PR Newswire (Financial News) (June 4, 2002).

⁴⁶ See Shrum and Kilburn, 75 *Soc Forces* at 453 n 23 (cited in note 37) ("The police terminate celebrations at the stroke of Midnight on Tuesday by the simple method of removing people from the balconies and restricting pedestrians to the sidewalks on Bourbon Street. In short, they encourage participants to leave by eliminating the kind of hierarchical interactions discussed

the most visible disrobbers from their exposed perches, police would be eliminating an important stimulus for the disrobement below.

C. Voting

What factors help bring voters to the polls in democratic elections? Why is turnout so high in some countries and so low in others? Is it possible that voters reciprocate the voting behavior of their fellow citizens? If so, which citizens' behavior matters? On a close-knit account, a voter might be more likely to vote if she is informed that all her neighbors or coworkers have voted. In that case, a secretary of state who is interested in boosting turnout might devote her resources toward selecting block captains who will go door-to-door in the evening, encouraging those on their blocks to vote. On a loose-knit account, a citizen may be less likely to make it to the polls if she is informed that turnout in her jurisdiction is expected to be less than 50 percent. By the same token, a loose-knit account might render a secretary of state's widely publicized, pre-election predictions that turnout is expected to be low a self-fulfilling prophecy.

D. Bone Marrow Donations

In 1987 the National Marrow Donor Program (NMDP) was created to assist leukemia patients who need bone marrow transplants in finding suitable donors.⁴⁷ Since the program's creation, more than 11,000 individuals have donated bone marrow to unrelated patients.⁴⁸ A bone marrow donor is hospitalized as part of the procedure, can expect substantial discomfort, misses work, and runs a small, but not negligible, risk of life-threatening complications.⁴⁹ By participating in the program a donor thus incurs substantial costs in order to benefit a network of strangers whom the donor has never met. Patients typically receive a transplant from the most suitable willing donor, from among several possible matches. A bone marrow donor therefore helps not only the recipient of his bone marrow, but also another anonymous leukemia patient as well, by freeing up another registry member to donate to him.

A comprehensive study of early bone marrow donors revealed that many donors told their relatives and acquaintances about their decisions to become donors, although some chose to keep their dona-

below.”).

⁴⁷ Roberta G. Simmons, et al, *The Self-Image of Unrelated Bone Marrow Donors*, 34 *J Health & Soc Beh* 285, 286 (1993).

⁴⁸ National Marrow Donor Program, Marrow Donation FAQs, online at http://www.marrow.org/FAQS/marrow_faqs.html (visited Dec 2, 2002).

⁴⁹ Simmons, et al, 34 *J Health & Soc Beh* at 287 (cited in note 47).

tions a secret.⁵⁰ Moreover, many donors valued participation in the program as a way of setting themselves apart as more altruistic than ordinary members of society.⁵¹ Evidently, the anonymous donors among them were drawn to bone marrow donation at least in part because they knew that this costly donation was such a rare act. Becoming part of an elite, altruistic vanguard improved many donors' self-esteem.⁵² In that sense, these early donors can be seen as the opposite of the conditional cooperators (for example, peer-to-peer file sharers or suburban water conservationists) discussed above. A smaller group of donors saw donation as an opportunity to become role models in their respective close-knit communities.⁵³ The evidence therefore suggests that both close-knit and loose-knit factors help explain bone marrow donation to strangers.

Knowing to what extent a loose-knit or close-knit account explains this behavior could help the NMDP develop better strategies to attract new donors. Close-knit strategies would facilitate donors' ability to spread the word of their acts to their friends, families, coworkers, and acquaintances. Loose-knit strategies would emphasize the dramatic shortage of bone marrow donors and the large numbers of leukemia sufferers awaiting transplants. This is tricky terrain, of course, as too much publicity for close-knit donors might well discourage the would-be loose-knit donors who are part of another donor's close-knit group. The complex bone marrow donation evidence suggests that loose-knit strategies to alter social norms must be tailored to the peculiar circumstances of a particular environment. Strategies that worked for Napster might prove counterproductive if tried by the NMDP.

CONCLUSION

Modern social-norms scholarship began in rural Shasta County, but a few scholars have begun taking tentative steps toward the big city in search of norms. Over the next decade, we can expect to see an acceleration of this urbanization movement, as scholars begin conducting their own studies and drawing on the work of internet and urban sociologists to examine whether efficient social norms can arise in environments characterized by anonymity and a lack of repeat players.⁵⁴ As social-norms scholars urbanize, some structure will be helpful. In particular, studies that recognize the differences between loose-knit

⁵⁰ See *id* at 291–92.

⁵¹ See *id* at 289–91, 293–94, 296–97.

⁵² See *id* at 294–95.

⁵³ See *id* at 292.

⁵⁴ See generally Lyn H. Lofland, *A World of Strangers: Order and Action in Urban Public Space* ix–x (Basic 1973) (“To experience the city is, among many other things, to experience anonymity. To cope with the city is, among many other things, to cope with strangers.”).

groups and intermediate-knit groups will teach us a great deal about the mechanisms by which these norms arise, are enforced, and contribute to cooperation. We might well conclude that certain mechanisms explain the emergence of cooperation-enhancing social norms in close-knit settings, whereas quite different mechanisms explain the emergence of cooperation-enhancing norms in loose-knit settings. If so, it will be particularly important to study as many intermediate-knit groups as we can find, so that our strategies for influencing social norms can better reflect the boundaries between the realms of rational choice and reciprocity.