Computational Social Science and Legal Studies

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Type of questions asked by legal scholars

What **is** the content of law?

Searching for the Common Law:
The Quantitative Approach of the
Restatement of Consumer Contracts

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In 2012, the American Law Institute asked us to serve as reporters for a new Restatement of Consumer Contracts. Recognizing that many innovations in American contract law in the past generation occurred in the area of consumer transactions, the project seemed timely and challenging. We discovered that many of these innovations are controversial and seemingly subject to conflicting approaches in the case law and heated debates among commentators. We also discovered that prior attempts to devise a unified set of rules have largely failed. We therefore decided to take a new approach to our search for, and restatement of, the emerging rules. In addition to identifying the majority rules, we used an empirical approach that involved collecting, coding, and systematically analyzing the entire body of court decisions on relevant questions. We identified the degree of support that different rules garnered in courts and the rate at which they were adopted or rejected over time. We thus discovered which rulings and rationales serve as guiding precedent. We based the black-letter rules in the final draft of the Restatement of Consumer Contracts on these findings (complementing them with qualitative support). In this Essay, we present our empirical approach to searching for the law and legal precedent, discuss its conceptual and normative foundations, and describe some of the doctrinal debates it helped resolve.

What **should** be the content of law?

HARVARD LAW REVIEW

ARTICLES

ARE WE RUNNING OUT OF TRADEMARKS?
AN EMPIRICAL STUDY OF TRADEMARK DEPLETION
AND CONGESTION

Barton Beebe & Jeanne C. Fromer

CONTENTS

What is the impact of law on human behavior/society?

Endorsements on Social Media: An Empirical Study of Affiliate Marketing Disclosures on YouTube and Pinterest

ARUNESH MATHUR, Princeton University, USA
ARVIND NARAYANAN, Princeton University, USA
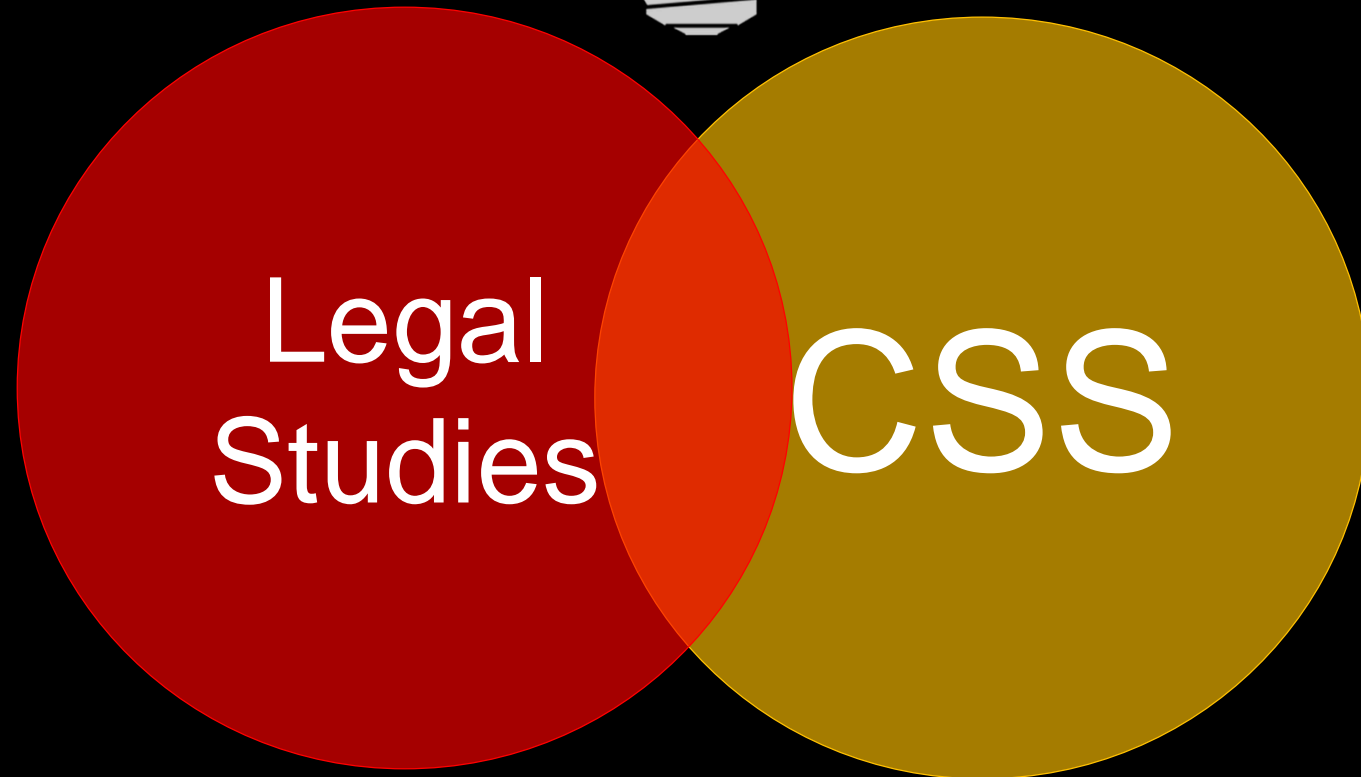MARSHINI CHETTY, Princeton University, USA

Online advertisements that masquerade as non-advertising content pose numerous risks to users. Such hidden advertisements appear on social media platforms when content creators or "influencers" endorse products and brands in their content. While the Federal Trade Commission (FTC) requires content creators to disclose their endorsements in order to prevent deception and harm to users, we do not know whether and how content creators comply with the FTC's guidelines. In this paper, we studied disclosures within affiliate marketing, an endorsement-based advertising strategy used by social media content creators. We examined whether content creators follow the FTC's disclosure guidelines, how they word the disclosures, and whether these disclosures help users identify affiliate marketing content as advertisements. To do so, we first measured the prevalence of and identified the types of disclosures in over 500,000 YouTube videos and 2.1 million Pinterest pins. We then conducted a user study with 1,791 participants to test the efficacy of these disclosures. Our findings reveal that only about 10% of affiliate marketing content on both platforms contains any disclosures at all. Further, users fail to understand shorter, non-explanatory disclosures. Based on our findings, we make various design and policy suggestions to help improve advertising disclosure practices on social media platforms.

Questions?