Background

Lessig, in chapter seven and the appendix of Code, sets out a framework for analyzing how the behavior of individuals may be regulated, whether through law, markets, norms, or what he calls “architecture.” While Lessig primarily applies his idea to information technology and the Internet, it is generalizable to other policy problems.

Your assignment is to write about a policy problem that illustrates the role that architecture plays (or could play) in governing or circumscribing individual behavior. This is not a research assignment; you should be thinking through and recasting what you already know. If you want to check specific facts or search for sources to help you frame your argument, you may, but spend no more than half an hour doing so. This policy essay should also characterize the role of the other three modalities of control that Lessig cites, and should discuss the way in which they reinforce or conflict with each other.

Audience

Please assume that your audience is a technically competent policymaker, although not necessarily an expert in your field. Given your space constraints, assume that the reader can grasp the basic elements of the issue that you raise. Focus your essay upon illustrating the role of architecture in the framing of and/or issues within the policy problem, as well as how consideration of architecture might offer potential policy solutions or perspectives that might otherwise be missed in the existing policy debate.

Deliverables

You are required to turn in an essay (up to 5 double-spaced pages), that:

- Briefly sets out the policy problem you are discussing.
- Discusses, in the context of this policy problem, how architecture constrains, enables or reinforces the influences of the other three modalities, and how the other three in turn affect it – as well as how the focus of this effort, the individual, might push back!
- Characterizes the extent to which architecture is part of the formal policy discussion. Is the architecture mentioned at all? If so, is it viewed as part of the problem, part of the solution or both? If not, why not?
- Finally, what does Lessig’s architecture metaphor add to the framing of the policy debate? Does it suggest policy alternatives that are not part of the current discussion? Or does it suggest underlying issues that are being left out, to the detriment of the policy process?

If you choose to use researched materials in your essay, make sure to cite them and please attach a short list of references.