

## **Happiness Studies and Legal Policy**

Peter Henry Huang

Temple University Law School, Philadelphia, PA 19122; e-mail: [peter.huang@temple.edu](mailto:peter.huang@temple.edu)

**Abstract:** Recently economists, psychologists, and other social scientists have conducted a number of empirical and experimental studies about happiness. Some of these studies have been applied to such legal issues as damages, liability, and policy evaluation. This article focuses on three fundamental areas of research in happiness and law, namely happiness measures, benefits of happiness, and policies to foster happiness. There are many aspects, conceptions, dimensions, and measures of happiness. Certain empirical results depend critically on whether the measure of happiness utilized is affective or cognitive. There are individual and social decision-making, health, productivity, and psychological benefits to various types of happiness. There are more or less paternalistic legal policies to encourage happiness. Analysis of these three topics provides exemplars of the potential and limits to utilizing happiness studies in designing legal policy. In particular, legal policy design should be informed by the recent finding that whether happiness and income are positively correlated depends on whether happiness is measured affectively or cognitively. More generally, to be less contested and controversial, legal policy must be designed based upon empirical findings that are robust in the sense of not critically dependent of whether happiness is measured affectively or cognitively. This article proposes legal policies that are founded on studies that utilize affective, cognitive, and other measures of happiness. Finally, this article illustrates the formulation of policies based on studies employing multiple definitions of happiness in two important and familiar areas: legal education and legal practice.

## **Introduction**

The United States Declaration of Independence holds it self-evident that among the inalienable rights that all people are endowed with is “the pursuit of happiness”. But, what is happiness? How can and should happiness be measured? How does one achieve happiness and maintain it? How is happiness related to preferences that people seem to manifest in the choices they make? How is happiness correlated with autonomy, income, health, relationships, status, and other desirable things? Can and should legal policy facilitate happiness? These are questions that many individuals, philosophies, and societies have attempted to answer. Two recent strands of social science research seek empirical answers to such questions. One strand is built upon assessment of people’s feelings, such as the PANAS (Positive and Negative Affect Scale)<sup>1</sup> and their cognitive evaluations, such as the Satisfaction with Life Scale.<sup>2</sup> Another strand is based upon positive psychology and involves assessment of people’s signature strengths and character virtues.<sup>3</sup> The goals of this article are to focus on three fundamental areas of research in happiness and law, namely happiness measures, benefits of happiness, and policies to foster happiness. Analysis of these three topics will provide exemplars of the possibilities to and dangers from utilizing happiness studies in designing legal policy. For example, legal policy design should be informed by the recent finding that whether happiness and income are positively correlated depends on whether happiness is measured affectively or cognitively.

---

<sup>1</sup> <http://www.psychology.uiowa.edu/faculty/Clark/PANAS-X.pdf>.

<sup>2</sup> <http://www.psych.uiuc.edu/~ediener/SWLS.html>.

<sup>3</sup> <http://www.authentic happiness.sas.upenn.edu/Default.aspx>,  
<http://www.viacharacter.org/VIASurvey/tabid/55/Default.aspx>.

## Multiple Aspects of Happiness Measures

Happiness has distinct but related components that can be divided into (at least) two categories: (1) emotional, such as presence of positive affect, absence of negative affect, intensity of affect, variance of affect, feelings, mood, and (2) cognitive, such as life evaluation, judgment, satisfaction, meaning. An example of a question that measures feelings is: “Did you smile or laugh a lot yesterday?” An example of a question that measures satisfaction is: “How satisfied are you with your life?” on a scale ranging from one to four, five, seven, or ten. Different people at different times place different weights on the importance of these different aspects of happiness. In addition, people’s happiness be it affective or cognitive may concern their life overall globally or particular domains of life, such as family, work, consumption, relationships. Survey questions can also be phrased in an open-ended fashion, such as the World Values Survey question: “Taking all things together, would you say you are very happy, rather happy, not very happy, not happy at all?” or the General Social Survey question: “Taken all together, how would you say things are these days--would you say that you are very happy, pretty happy, or not too happy?” or the Eurobarometer survey question: “On the whole are you very satisfied, fairly satisfied, not very satisfied or not at all satisfied with the life you lead ?” Alternatively a survey question can provide a frame of reference such as the self-anchoring ladder of life question: “Here is a picture of a ladder. Suppose we say that the top of the ladder represents the best possible life for you and the bottom represents the worst possible life for you. Where on the ladder do you feel you personally stand at the present time?” due to Cantril (1965) and reported on in the Gallup World Poll. The phrasing of survey questions about happiness can also reference aspirations, expectations, the future, or the past. Finally, Vittersø et al. (2009) find evidence that while pleasurable feelings are overrated in statements of life satisfaction, feelings

of engagement are underrepresented. This suggests that evaluation underlying life satisfaction judgments is tilted away from engagement and towards pleasure.

Happiness can also be divided into a hedonic version exemplified by high frequencies of positive affect, low frequencies of negative affect, and evaluating life as being satisfying versus a eudaimonic version exemplified by flourishing, growth, meaning, purpose, and partaking in activities that permit actualization of potential, skills, and talents. This division has philosophical roots dating back to Aristotle, but Biswas-Diener et al. (2009) argue that such a dichotomy imposes costs and problems upon conducting empirical happiness research. This dichotomy just illustrates how multi-faceted the concept of happiness is. The one word “happiness” on a survey questionnaire can bring to mind in respondents very different aspects of happiness including contentment, exuberance, joy, peace of mind, and serenity. Different cultural beliefs, norms, practices, and values influence self-reported happiness (e.g., Diener 2009b).

The difference between affective and cognitive aspects of happiness is related to the difference between hedonic and eudaimonic traditions of happiness. Because of these differences in happiness, research that finds correlations with alternative measures of happiness is more robust and useful than research that finds correlations with only positive affect, cognitive evaluations, or eudaimonic notions. For example, Urry et al. (2004) found that a neural correlate of greater left than right superior frontal activation was associated with higher levels of both hedonic well-being and eudaimonic well-being. Another example is provided by research finding that mindfulness is related to positive affect, life satisfaction, and eudaimonic well-being (e.g., Brown & Ryan 2003, Howell et al. 2010).

Not surprisingly, but until recently vastly underappreciated is that framing of happiness questions matters quite a lot as to what empirical happiness studies find. Diener et al. (2010,

2009a) and Graham et al. (2010) conclude that how income and happiness are related is quite sensitive to the method of measuring happiness (and income). Survey questions that are framed in economic or status terms generate a positive and linear relationship between income and happiness both across and within countries (Deaton 2008, Stevenson & Wolfers 2008a), while affective or open-ended happiness survey questions find no such relationship (Easterlin 1974).<sup>4</sup> Easterlin's original findings that as countries get richer, people in them do not get happier and that richer countries are not or not by much happier than poorer countries have been cited numerous times for their policy implication that once people's basic needs are met, policy should focus no longer upon economic growth, but instead upon increasing life satisfaction. But,

---

<sup>4</sup> See, e.g., <http://freakonomics.blogs.nytimes.com/2009/05/05/honoring-dick-easterlin/>, [http://graphics8.nytimes.com/images/2008/04/16/business/20080416\\_LEONHARDT\\_GRAPHIC.jpg](http://graphics8.nytimes.com/images/2008/04/16/business/20080416_LEONHARDT_GRAPHIC.jpg), <http://freakonomics.blogs.nytimes.com/2008/04/25/the-economics-of-happiness-part-6-delving-into-subjective-well-being/>, <http://freakonomics.blogs.nytimes.com/2008/04/23/the-economics-of-happiness-part-5-will-raising-the-incomes-of-all-raise-the-happiness-of-all/>, <http://freakonomics.blogs.nytimes.com/2008/04/22/the-economics-of-happiness-part-4-are-rich-people-happier-than-poor-people/>, <http://freakonomics.blogs.nytimes.com/2008/04/18/the-economics-of-happiness-part-3-historical-evidence/>, <http://freakonomics.blogs.nytimes.com/2008/04/17/the-economics-of-happiness-part-2-are-rich-countries-happier-than-poor-countries/>, and <http://freakonomics.blogs.nytimes.com/2008/04/16/the-economics-of-happiness-part-1-reassessing-the-easterlin-paradox/>.

Stevenson & Wolfers' findings that as countries get richer, people in them do get happier and that richer countries are happier than poorer countries lead to a reaffirmation of the importance of economic growth as a policy objective for improving well-being. The policy stakes are huge if one believes there is just one aspect of happiness that people and policymakers do or should care about. If as is more reasonable and likely to be the case that both affective and cognitive dimensions of happiness do and should matter to people and governments, then less is at stake in terms of policy because the happiness studies taken all together lead to a conclusion that economic growth matters but is not everything (Diener et al. 2010b, c).

Devoe & Pfeffer (2009) find a stronger connection between income and evaluations of subjective well-being for those who are paid by the hour as opposed to by salary. Even within the single cognitive dimension of happiness, positive and negative affect are more than just opposite ends of the same phenomenon because while increases in income have only a minor effect on high satisfaction they significantly reduce dissatisfaction (Boes & Winkelmann 2010). Also noteworthy are two points: first, small correlations between affective happiness and income nonetheless can translate into large mean differences in affective happiness between different income groups; and second, even small differences in the size of correlations between affective happiness and income can result in large differences in the affective happiness between the rich and poor (Lucas & Schimmack 2009). Additionally, people vastly overestimate the affective costs of earning low levels of income (Aknin et al. 2009). As is often the case with affective misforecasting, this can have socially desirable motivational consequences, in this case to work harder or save more than otherwise. Finally, income and wealth are related to other emotions besides happiness or its absence, such as feelings of perceived stress and stress (Weiting et al. 2009).

## **Alternative Techniques of Measuring Happiness**

The gold standard of moment-by-moment self-reported affective measurement is the Experience Sampling Method (ESM) which asks people to stop at random times in order to record their experienced feelings in real time (Hektter et al. 2007). Less expensive and less intrusive a method is one that Kahneman et al. (2004) pioneered, the Day Reconstruction Method (DRM), which is a set of diary-based survey techniques designed to measure how people spend their time and how they emotionally experience various activities in their lives. Survey respondents utilize procedures that are designed to mitigate recall biases to reconstruct their previous days' activities and affective experiences. It is well-known that people systematically mis-forecast and mis-remember their affect (e.g., Gilbert 2006). In particular, people believe that future affect will be more intense and last longer than it does. This forecasting "error" can have desirable individual motivational consequences and positive social externalities in terms of more consumption, savings, or investment. That emotions do not last long should not be surprising as emotions help focus our attention on current events or stimuli that require action. In fact, what our attention is focused upon affects our happiness (e.g, Gallagher 2009). Indeed, it would be dysfunctional if some adult were to continually feel anger or happiness over most events from their kindergarten. But even short-lived emotions can have long-lasting and possibly irreversible consequences if they involve or lead to severe, drastic actions.

Kahneman & Krueger (2006) propose the U-index (U for undesirable or unpleasant) to measure the fraction of time a person spends in an unpleasant state, defined to be a situation in which the most intensely felt emotion is a negative feeling (chosen from these six: being frustrated, depressed, hassled, angry, worried, or criticized). The U-index can be averaged over a sample of people for activities, overall, and over time periods. Because the U-index is aggregated

based upon time, it has desirable cardinal properties for making comparisons across groups and time based upon individual self-reports upon ordinal affective scales. The U-index mitigates impacts due to differences in how people interpret affective scales and so is particularly appropriate for cross-country comparisons that are possibly distorted by cultural and language differences in answering standard affect questions. The goal of minimizing a particular notion of misery such as the U-index is also likely to be more politically attractive than maximizing nebulous ideas of happiness.

Based upon the DRM of affective evaluations of time use, Krueger (2009, 2007) and Krueger et al. 2009 propose a set of methods known as National Time Accounting (NTA) to measure, analyze, and compare how people spend and experience their time across countries, between groups of people in a country at one time, or over time. DRM intends to capture the flow of emotional experience during daily activities. White & Dolan (2009) extend the DRM to include thoughts in addition to feelings to provide a more comprehensive measure. White & Dolan (2009) find that some activities that people rate low in affective pleasure, such as time spent with children and at work are nevertheless thought of as being rewarding and in this manner contribute to an individual's overall well-being. The finding that childcare can lead to low or negative affect, but provide a lot of meaning in one's life makes clear that happiness in an affective sense and a meaningfulness sense can diverge. It also explains why people may decide to become parents even if they fully anticipate and understand that doing so increases anxiety, stress, and worry.

### **Some Legal Policy Applications of Happiness Measures**

Some psychologists propose national well-being indices (Diener et al. 2009b, Diener & Seligman 2004) to complement and supplement economic indicators. In a famous speech in

1968, Senator Robert F. Kennedy challenged the dominant use of Gross Domestic Product (GDP) to measure a society's well-being and progress.<sup>5</sup> Dissatisfaction with the prevailing GDP measure of a country's living standards motivated French president Nicolas Sarkozy to create the international Commission on the Measurement of Economic Performance and Social Progress.<sup>6</sup> That Commission's report (Stiglitz et al. 2009) discusses the U-index and other subjective measures of well-being. Fleurbaey (2009, pp. 1056-64) critically analyzes approaches to measuring individual well-being and social welfare in constructing alternative measures to GDP based upon happiness studies and concludes that happiness studies "ultimately condemn" the concept of utility "for being simplistic and reveal that subjective well-being cannot serve as a metric for social evaluation without serious precautions (p. 1030)." Frey & Stutzer (2000) caution that a government should not pursue the goal of maximizing social happiness as in a social welfare function because of Arrow's impossibility theorem and political economy problems. Frey & Stutzer (2009) point out additional objections to a goal of maximizing national happiness based upon two sets of perverse incentives: first, that of governments to manipulate happiness indicators and create new ones to suit their goals, and second, that of people to strategically misreport happiness levels to influence government policies. Duncan (2008) argues that happiness maximization should not be the goal of governments based upon ethical and empirical considerations.

Kahneman & Sugden (2005) propose evaluating environmental policies based upon measuring their impacts upon experienced affect. Loewenstein & Ubel (2008) also argue that

---

<sup>5</sup> <http://www.youtube.com/watch?v=77IdKFqXbUY>.

<sup>6</sup> <http://www.policyinnovations.org/ideas/innovations/data/000144>.

public policy should be informed by experienced affect in addition to more traditional choice or revealed preference methods. Huang (2008a) advocates that financial rules and regulations should take into account their impacts upon investors' and others' affect, happiness, and trust. Examples of such impacts include consumer optimism, financial stress, anxiety that securities regulators did not deliberate thoroughly over proposed rules, investor confidence in securities disclosures, market exuberance, social moods, and subjective well-being. These psychological variables affect and are affected by such traditional financial variables as consumer debt, expenditures, and wealth; corporate investment; initial public offerings; and securities market demand, liquidity, prices, supply, and volume. Huang (2008a) proposes that securities regulators can and should evaluate rules based upon measures of affect, happiness, and trust in addition to standard observable financial variables. Huang (2008a) concludes that despite their mandating that federal securities laws consider efficiency among other goals, the organic statutes of the United States Securities and Exchange Commission are indeterminate as to what efficiency should entail. Huang (2008a) illustrates analysis of affective impacts of such financial regulatory policies as mandatory securities disclosures; gun-jumping rules for publicly registered offerings; financial education or literacy campaigns; statutory or judicial default rules and menus; and continual reassessment and revision of rules. These regulatory policies both impact and are impacted by investors' and other people's affect, happiness, and trust. Thus, securities regulators can and should evaluate such affective impacts in order to design effective legal policy.

In a related vein, Vitarelli (2010) explains how measures of the influence of regulatory outcomes upon well-being and affect can supplement prevailing cost-benefit analysis. Vitarelli (2010) illustrates how such measures of well-being and affect address shortcomings of traditional cost-benefit analysis in the context of three regulations that have diverse impacts and that are

representative of the current set of techniques employed in regulatory analysis. First is an Environmental Protection Agency rule that governs mobile source air toxins. Second is a Department of Housing and Urban Development rule that governs the inspection, evaluation, and abatement of lead paint in federally subsidized housing. Third is a Department of Homeland Security rule that governs the mandatory transmission of passenger manifests in advance of departure for inbound flights to the United States. Finally, Vitarelli (2010) analyzes legal regimes governing judicial review of agency decision-making and indicates how failure to incorporate hedonic metrics may render agency actions vulnerable to challenge under the Administrative Procedure Act.

Bronsteen et al. (2010) make a radical proposal that instead of utilizing cost-benefit analysis policymakers and governments base their decisions upon a thin conception of happiness that is defined to be merely positive affect or good feelings. Kenny & Kenny (2006) propose a more sensible and more suitable for policy definition of happiness in terms of three constituent parts they call contentment, welfare, and dignity. By contentment, they mean such cognitive evaluations as life satisfaction or self-reported subjective well-being. By welfare, they mean satisfaction of such physical requirements as drink, food, and shelter. By dignity, they mean three components: (1) autonomy or choice or control over one's life; (2) a life that is worthwhile, valuable, or meaningful; and (3) respect and prestige.

Whatever definition of happiness one adopts for purposes of policy evaluation does not answer contested normative questions about how policymakers should tradeoff happiness and other socially desirable goals unless one takes an extreme position that happiness is all that matters and trumps everything else. Even then, there is a question of how policymakers should tradeoff levels of happiness measures over time because like physical exercise, legal policies

often entail accepting short-term unhappiness in return for achieving long-term happiness.

Graham (2010) analyzes the paradox of happy peasants and miserable millionaires. Peasants who are poor in material resources can be happy because of lowered aspirations or adaptive expectations, while millionaires who are rich in material resources can be unhappy due to the frustration of unrealistic aspirations or from comparisons effects with even wealthier peers.

Should policymakers make peasants unhappy by raising their awareness of how “really” bad off they are and thus raise their expectations, or should policymakers instead let ignorance be bliss?

This difficult question highlights the fact that policymakers may care about not only how happy people are but also why they are happy or unhappy. Inappropriately being happy is not presumably what either individuals or policymakers desire. Happiness like other emotions provides information.

### **Some Benefits of Happiness**

Support for the validity of self-reported happiness measures comes from Blanchflower & Oswald (2008) who find that happier nations report systematically lower levels of hypertension. This finding suggests that high blood-pressure readings could be a potential sign of mental strain and low national well-being. Blanchflower & Oswald (2009) find that inclusion of heart rate and systolic blood pressure improves the fit of mental well-being regression equations. People reporting positive affect have been found to have lower cortisol output, reduced neuroendocrine, inflammatory, and cardiovascular activity, and lower inflammatory markers, such as C-reactive protein and interleukin-6 (Steptoe et al. 2009). Until recently, it was generally believed that facial expressions such as the Duchenne smile could be used to reliably identify genuine feelings of enjoyment, happiness, or pleasure (Krumhuber & Manstead 2009).

Additional support for the validity of self-reported happiness measures comes from Oswald & Wu (2009a, b) who found across the fifty states in the United States and Washington, DC, average self-reported happiness was correlated closely with estimated quality of life based upon only quantifiable objective indicators for each state, such as air quality, coastal land, commute time, cooling degree days, cost of living, environmental regulation leniency, federal land, hazardous waste sites, heating degree days, humidity, inland water, local and state expenditures on corrections facilities, higher education, highways, and public welfare, local taxes, public land, precipitation, student-teacher ratios, sunshine, temperature, wind speed, violent crime, and visitors to national and state parks. Another state-by-state analysis (Rentfrow et al. 2009) found self-reported happiness to be correlated with education, emotional stability, tolerance, and wealth.

Guven (2009) finds that people who self-report being happy seem to be more risk-averse in making financial decisions, and thus choose safer investments compared to people who self-report being unhappy. Self-reported happy people spend more time to make decisions, have more self-control, expect living longer, are more concerned with the future than the present, and expect less inflation. Happy people are more likely to have savings accounts, operating assets, and life insurance, but are less likely to be stockholders and bondholders. Happy people also have a lower desire to invest in stocks, because they find them too risky. Finally, happy people are less likely to smoke.

A number of happiness studies have found that happier people are more productive. For example, Oswald et al. (2009) offers empirical data from two randomized trial design laboratory experiments that positive affect induces greater intrinsic motivation and produces large increases in productivity. In the first experiment, randomly assigned subjects had their happiness levels

increased by exposure to a ten minute comedy film clip, while others in a control group did not. Those whose happiness was exogenously increased exhibited 12 percent greater productivity in a paid piece-rate task by increasing their output but not the per-piece quality of their work. The robustness and lasting nature of this kind of effect was demonstrated in a second laboratory experiment, in which having experienced family bereavement or serious life-threatening close family illness in the last two years were used as naturally occurring major real-world randomized unhappiness shocks. Those who had suffered such a bad life event were approximately 10 percent less productive in the same paid piece-rate task utilized in the first experiment.

Fredrickson (2009) proposed the broaden-and-build theory of positive emotions, which suggests that certain positive emotions broaden an individual's cognitions and behavioral tendencies.<sup>7</sup> These thoughts and actions in turn build up an individual's intellectual, physical, psychological, and social resources and skills over time. Controlled laboratory studies randomly assigned subjects to watch film clips that induce positive emotions such as amusement and contentment, negative emotions such as fear and sadness, or no emotions. Subjects who had felt positive emotions displayed greater creativity, gestalt perceptual focus, and inventiveness compared to subjects in either of the other two conditions. Longitudinal intervention studies found that positive emotions are crucial to developing such long-term resources as psychological resilience.

Heaphy & Dutton (2008) demonstrate that people's subjective experience of their work relationships has immediate, enduring and consequential effects on their cardiovascular, immune, and neuroendocrine systems. In other words, high quality workplace experiences and

---

<sup>7</sup> [http://www.unc.edu/peplab/barb\\_fredrickson\\_page.html](http://www.unc.edu/peplab/barb_fredrickson_page.html)

relationships result in positive physiological imprints upon employees' bodies. This research suggests the physiology of positive social interactions builds human capacity, such as work recovery or engagement. It also implies that organizations can shape the physiology of employees by creating or minimizing opportunities for positive social interactions by organizational cultures, leadership, and practices.

Research finds that positive affect is correlated with better health, fewer symptoms, and less pain, but evidence concerning longevity and survival is mixed (e.g., Cohen & Pressman 2006). Overall the findings linking health and positive affect are provocative, but not definitive because of conceptual and methodological limitations in addition to a need for better theoretical understandings. Graham (2008) observes the relationship between happiness and health is more statistically robust than between happiness and income. Causality appears to run in both directions in the positive relationship between health and happiness. Health shocks, like serious diseases or permanent disabilities, are linked to negative and often lasting effects on happiness. There is adaptation to health and people's rising expectations for health standards influence both their self-reported health and happiness levels.

### **Positive Externalities and Public Goods Aspects of Happiness**

Happiness like other emotions can also be contagious and spread among people (Fowler & Christakis 2008). This longitudinal study over twenty years of over 12,000 participants in a large social network finds that a person's self-reported happiness is associated with the self-reported happiness of people up to three degrees removed in the social network, such as friends of their friends' friends. Individuals surrounded by many happy people are more likely to become happy in the future. Happy people tend to be connected to one another. This research demonstrates that happiness is not only a function of individual choices and experiences, but also

a property of groups of individuals. Statistical analysis found clusters of happy and unhappy people in the network that were significantly greater than expected by chance. The finding that happiness is a collective phenomenon means that legal policies that increase happiness can have multiplier effects. If a legal policy increases one individual's happiness, that person can have cascade and spillover effects upon others' happiness, thus enhancing the cost effectiveness and happiness effects of that legal policy. The study found that happiness impacts upon others decayed with geographical distance. But, the internet's impact would have been small for part of the study period 1971-2003. An open question which the authors of the study are currently researching is whether a similar happiness study conducted today with internet-based social networks would find similar contagion of happiness.

Another study found similarly that in a sample of 10,000 rural Chinese villagers, controlling for other factors, self-reported happiness depends positively on neighbors' self-reported happiness of (Knight & Gunatilaka 2009). Their statistical analysis suggested that a major part of that relationship is causal and not just a reflection of the happiness of one's fellow-villagers. In other words, villagers raise each other's happiness via their social interaction and bandwagon effects. Their appendix mathematically demonstrates the aggregate multiplier effect on happiness is positive and converges to a finite upper bound if the coefficient of infectiousness lies between zero and one. Finally, their appendix proves that awareness of infectious happiness by those affected results in further increased happiness, because of two factors, first complete internalization of the happiness externality and second partial internalization of positive (group public good) and negative (relative income) externalities. In other words, if people merely became aware of infectious happiness, then greater happiness results due to altruistic giving from rich to poor, higher individual contributions to a public good, and reduced excess labor supply.

## Some Happiness Interventions

One concern with measures of happiness and interventions designed to improve happiness is that much of the variance in self-reported happiness is due to genetics and personality (Weiss et al. 2008). While researchers disagree over how much, happiness studies demonstrate that people can lastingly improve their happiness by engaging in certain activities and adopting certain mindsets (Lyubomirsky 2007).<sup>8</sup> The field of positive psychology focuses on a notion of happiness known as “authentic happiness”. Psychologist Martin Seligman introduced that phrase in the preface to his book of the same title. Authentic happiness is about more than just experiencing a string of moments that feel good. An example of authentic happiness is being engaged in some activity that is valued, regardless of the presence or absence of positive subjective feelings.

Huang (2008b) analyzes these questions: can, how, and should legal policy help people in their individual quests for authentic happiness. As to whether legal policy can help individuals achieve authentic happiness, empirical studies demonstrating efficacy of happiness interventions, such as those documented in Lyubomirsky (2007), means that legal policy can help individuals adopt such interventions. In terms of how legal policy can do so, there is a continuum of possibilities, ranging from simply funding research, disseminating it, making it financially easier to adopt such activities via subsidies, tax credits and tax deductions, and public provision of opportunities for engaging in happiness boosting activities. Finally, the more difficult normative question is whether policymakers should facilitate authentic happiness. Do many

---

<sup>8</sup> <http://www.faculty.ucr.edu/~sonja/>, [http://chass.ucr.edu/faculty\\_book/lyubomirsky/](http://chass.ucr.edu/faculty_book/lyubomirsky/),  
[http://chass.ucr.edu/faculty\\_book/lyubomirsky/discover\\_happiness.html](http://chass.ucr.edu/faculty_book/lyubomirsky/discover_happiness.html).

people only want a hedonic notion of happiness as opposed to authentic happiness? Would most people like authentic happiness if they were to achieve it? Recent research indicating that authentic happiness is correlated with better emotional, mental, and physical health means that policymakers can fall back upon traditional neoclassical microeconomics based positive externalities and public goods justifications for encouraging authentic happiness. But, there are perils and limitations of having policymakers facilitate authentic happiness because such policies are particularly susceptible to abuse given the open-ended things policymakers might deem as being necessary or helpful to promoting authentic happiness. One method to discipline policymakers in their behavior is to demand both ex ante and interim empirical research evidence of policy efficacy in promoting authentic happiness as opposed to a merely higher hedonic happiness. Elected government officials clearly have incentives to implement policies that raise hedonistic forms of happiness. But, authentic happiness is another matter. An analogy is to parenting to placate or please children as opposed to what's really in children's best interests.

### **Fostering Happiness by Encouraging Good Sleep, Regular Exercise, and Meditation**

Differences in what happiness can mean to people implies that happiness studies that analyze multiple aspects of happiness provide a firmer and less controversial foundation to legal policy. For example, Steptoe et al. (2008) find in a cross-sectional study of 736 men and women aged 58-72 years that both positive affect and eudaimonic well-being are correlated with good sleep and could buffer impacts of psychosocial risk factors. These relationships are likely bidirectional, in the sense that positive psychological states promote better sleep, while disturbed sleep causes lower positive affect and reduced psychological well-being. It is perhaps not surprising that a good night's sleep is highly predictive of self-reported happiness in both affective and cognitive senses. But, taken seriously this finding supplies additional rationales for

policymakers to encourage and help all people and not just airline pilots, doctors, medical residents, and truck drivers get a good night's sleep consistently. Potential policy tools include better and more sleep hygiene education, testing for sleep apnea and other sleep disorders, subsidies and tax credits and deductions for new technologies to help people better monitor and regulate their sleep.<sup>9</sup>

Another example of happiness studies that investigate affective, cognitive, and other aspects of happiness is provided by the research on the benefits of long-term regular physical activity (Biddle & Ekkekakis 2005, pp. 142-1480). Some of the benefits include better cognitive function, enhanced life quality, higher self-worth, improved moods, less depression, lower reactivity to psychosocial stressors, and reduced anxiety (Biddle & Ekkekakis 2005, p. 145, tbl. 6.1) in addition to a more adaptive pattern of cardiovascular, hormonal, and neuroendocrine responses to stressors, and enhanced immunocompetence and immune function (Biddle & Ekkekakis 2005, pp. 154-55). Again it perhaps is not surprising that regular physical activity is correlated with many aspects of happiness. The far more difficult question is how to motivate people to exercise regularly (Biddle & Ekkekakis 2005, pp. 155-59, tbl. 6.2) including environmental and social interventions, such as provision of indoor physical facilities, lighting of walking paths, and motivational public signs (Biddle & Ekkekakis 2005, pp. 160-61). Part of the difficulty of regular exercise is that it often requires breaking entrenched habits. The idea of adopting rituals to replace old habits can be helpful. Again new technologies may also help make

---

<sup>9</sup> See e.g., <http://www.myzeo.com/> and <http://www.sleeptracker.com/>.

physical activity more fun, such as exercise video games compatible with the Nintendo Wii.<sup>10</sup> There should be more studies of also be more studies of the cost effectiveness and efficacy of campaigns designed to motivate physical activity by stressing the fun of doing so.<sup>11</sup>

A third example of happiness studies that reported on both affective and cognitive dimensions of happiness is a field experiment involving 139 working adults, half of whom were randomly assigned to start a practice of loving-kindness meditation. (Fredrickson et al. 2008) This study found that loving-kindness meditation practice led to increases over time in daily positive affect. These positive affective experiences in turn resulted in additional purpose in life, better physical health, greater self-acceptance, increased mindful attention, and more positive relations with others. In turn, these additions to personal resources were followed by greater life satisfaction and fewer depressive symptoms. There are similar findings that mindfulness meditation increased positive affect, positive moods, and psychological well-being, while it reduced anxiety, negative affect, and stress.<sup>12</sup> Riskin (2002) proposes introducing mindfulness meditation into legal practice to improve the well-being and performance of attorneys and to

---

<sup>10</sup> See <http://www.acefitness.org/getfit/studies/WiiStudy.pdf>, <http://www.msnbc.msn.com/id/33967216/ns/health-fitness/>, and <http://www.switched.com/2009/12/17/study-tries-to-debunk-wii-fits-exercise-effectiveness/>.

<sup>11</sup> See <http://creativity-online.com/news/behind-the-work-volkswagens-the-fun-theory/139512>, <http://freakonomics.blogs.nytimes.com/2009/10/13/who-will-climb-the-piano-stairs/>, and <http://www.rolighetsteorin.se/en/>.

<sup>12</sup> See, e.g. [http://studentaffairs.stonybrook.edu/ucc/med\\_empirical.shtml](http://studentaffairs.stonybrook.edu/ucc/med_empirical.shtml).

mitigate the dominance of adversarial mindsets. He suggests that mindfulness can help lawyers provide more appropriate service particularly via better listening and negotiation and derive more personal satisfaction from legal practice.<sup>13</sup>

A randomized, controlled study found that mindfulness meditation is associated with increased left-sided anterior activation, a brain pattern that has been associated with positive affect, and significantly increased antibody titers to influenza vaccine (Davidson et al. 2003). Empirical research finding that meditation leads to robust changes in brain structure and function supports paternalistic legal policy interventions based upon two distinct reasons. First, loving-kindness-compassion meditation improves empathy and responsiveness to others' distress, both of which are pro-social impulses with resulting positive externalities and socially desirable behavior. Second, meditation results in types of emotional changes that enhance autonomy, regardless of an individual's particular conception of happiness. These changes include better emotional stability, greater ability to concentrate and focus attention, and increased resiliency in the face of stress and other negative stimuli.

First, there is a social welfare or efficiency enhancing argument for legal policy to encourage loving-kindness meditation because neuroscience research "findings suggest that cultivating the intent to be compassionate and kind can enhance empathic responses to social stimuli" (Lutz et al. 2008, p. 4). Fostering a practice that heightens people's capacities to see others' distresses, makes people more responsive to others' pain and suffering could be more effective than, and therefore preferable to, current incentives based solutions to empathy gaps,

---

<sup>13</sup> <http://www.law.ufl.edu/imldr/>; <http://www.law.ufl.edu/faculty/riskin/publications.shtml>;  
<http://www.supremecourt.ohio.gov/Boards/OJFN/resources/meditation.asp>.

such as criminal penalties for harming others and tax deductions for making charitable contributions. Of course there could be normative disagreements over what form legal policy interventions to stimulate meditation should take. For example, some parents may disapprove of a public school district introducing loving-kindness compassion meditation in kindergarten classes. But one can surely defend promoting a practice that could make children be more other-regarding as kids who then grow up to become more compassionate as teenagers and even adults. In fact, loving-kindness meditation does not depart that radically from the widely accepted pro-socialization function of elementary school education, and it could have more beneficial enduring consequences.

Second, social efficiency concerns notwithstanding, there are benefits to fostering meditation in terms of increased personal autonomy. A fundamental objection to paternalism is that governments are not justified in promoting any one particular conception of what constitutes the good life. Rather the role of a government should be limited to providing individuals the autonomy and conditions to pursue whatever conceptions of happiness they desire as long as they do not interfere with others' pursuits of their happiness. But, the above benefits of meditation accrue no matter what the particular conception of the good life that one adopts. As previously mentioned, Davidson et al. (2003) found that mindfulness meditation is associated with better suppression of negative affect, greater emotional resiliency, and quicker emotional recovery from negative stimuli. In addition, expert focused attention meditators developed advanced concentration, better self-regulation, and less emotionally reactive behaviors, while three months of intensive training in open minded meditation resulted in subjects being "able to better attend moment-to-moment to the stream of stimuli to which they are exposed and less likely to "get stuck" on any one stimulus" (Davidson & Lutz 2007, p. 173).

Greater emotional stability, higher ability to suppress negative affect, and increased fortitude to bounce back from emotionally adverse situations enhance autonomy independent of any particular conception of the good life. In this way, these attributes differ from the benefits that accrue from such legal policies as those designed to reduce the consumption of sugar for example. Whether an individual's particular value preferences are to maximize athletic prowess, career success, family well-being, financial wealth, leisure time, physical attractiveness, and so forth, developing the abilities to focus an individual's attention on required activities and to better resist being emotionally distracted by various stimuli empowers an individual to achieve their personal subjective goals. While a paternalistically legal policy to reduce sugar consumption is incompatible with a conception of happiness that is based upon eating sugary desserts, emotional resilience is compatible with any vision of what is the good life, except for a vision that believes that emotional resiliency itself is an undesirable characteristic. This is because emotional resilience helps people attain their own chosen objectives, whatever those might be unless their objective is to lack emotional resilience. In other words, even people who value autonomy above all else should ex ante agree to a legal policy that ex post enhanced their ability to achieve whatever vision of the good life they have. It certainly is at least conceivable that some people may want at certain times to lack emotional resilience in the sense of their desire to grieve for an "appropriate" or socially accepted period of time in response to horrific personal tragedies, such as the death of a child, spouse, parent, or another loved one. But, such a desire comes with the danger of that desire becoming all-consuming, counterproductive, and possibly dysfunctional if not debilitating.

A different rationale for people developing emotional stability and the ability to focus on tasks is that it may offer people the tools to improve their decision-making and overcome

emotional biases without governments having to engage in substantive interventionist policies. Huang (2005a, pp. 105-09, Huang 2005b, pp. 517-22) identify a number of emotional influences, such as affect infusion in which people's decisions are influenced by their immediate moods, even if those moods are incidental and unrelated to whatever decisions they are facing, and probability insensitivity in which people are insensitive to the relatively low probability of certain emotionally salient events, but instead focus on the magnitude of the consequences of such events. These affective influences are candidates for substantive legal policy interventions. Ex post judges can grant relief in response to poor decisions made under such emotional influences as caused by affect infusion and legislatures can substitute risk assessments when there is probability neglect (Blumenthal 2007, pp. 62-70). Emotional resilience that results from practicing meditation could potentially mitigate such emotional influences without all of the attendant costs, distortions, or protests that may come with substantive legal policy interventions.

### **Paternalism and Positive Parentalism**

One reason that paternalism has long had such negative connotations is due to the perception that such legal policy intervention infringes on individual autonomy, on the right to make one's own choices even if they are in error, and on individuals' preferences for the freedom to make such choices. Empirical research, however, may cast doubt on all of these rationales. First, of course, individuals' choices in many realms, such as finance, health, safety clearly show non-optimal decision-making about their own welfare. In addition, research on affective forecasting (e.g., Blumenthal 2005, Frey 2008, pp. 127-37) demonstrates that people are surprisingly inaccurate at predicting the duration and intensity of their future happiness. Furthermore, importantly, people often prefer to not make decisions, by procrastinating, leaving decisions to others, making second-order decisions, or avoiding decisions in morally difficult and

emotionally charged situations. In addition, although people often prefer to preserve options by not making irrevocable decisions and maintaining the possibility of reversible decisions, psychological research (e.g., Gilbert 2006) finds that people are in fact less satisfied with reversible decisions than with irrevocable ones. Also, too much choice can be problematic because people tend to have more difficulty choosing among options when there are more choices available and people tend to be less satisfied with their decision when it is made from among many options as opposed to fewer.

Each of these findings does not necessarily mean that paternalism is always appropriate. At the least, perhaps, they suggest that critics of the empirical case for paternalism have a higher hurdle to overcome than has been traditionally assumed. And it appears that some of the paternalistic policies that have been suggested may actually help individuals save money, live safer, be healthier, and make better decisions (Thaler & Sunstein 2008). But, Blumenthal & Huang (2009) suggest that private or governmental programming to promote *beneficial* outcomes might be more acceptable to people. They suggest that rather than focusing on people's poor judgment and decision-making, governments develop legal policy to foster people's flourishing. Instead of working to stop an individual from making mistakes or suffering from cognitive biases, such positive parentalism seeks to build on people's signature strengths and character virtues. The literature on loss aversion suggests that people might perceive interventions more favorably when they are framed not as an intrusion into one's autonomy but instead as encouragement towards, or in aid of, a beneficial outcome.

### **Happier Legal Education and Practice**

To illustrate the application of happiness studies to design policies in particular and familiar contexts, we analyze the important areas of legal education and legal practice. Huang &

Swedloff (2008) proposes that law schools can and should help to reduce the anxiety, stress, and unhappiness that individuals often feel as law students and help them to develop abilities to achieve meaningful careers as law firm associates by helping them identify their signature strengths. They also advocate that law firms can and should foster authentic happiness and meaning in the professional lives of their associates by pursuing happiness interventions (Lyubomirsky 2007). Based upon happiness studies, they consider how law firms can implement policies to promote authentic happiness and meaning in their associates' professional lives.

Levit & Linder (2008) draws upon happiness studies to analyze whether law schools can make law students happier, whether making happier law students translates into creating happier and better lawyers, and what follows from law schools adopting a goal of law student happiness. They discuss the limitations of genetic determinants of happiness and happiness set-points. They focus upon and apply to legal education those qualities that happiness studies indicate are crucial to life satisfaction, namely control, connections, creative challenge (also known as flow), and comparisons (preferably downward). They argue that making law students happier translates, at least in part, into making them both happier and better lawyers because there are interactions and relationships among collaboration, happiness, and professionalism. For example, people who are happier in life are those who give back. They differentiate between merely feeling good or pursuing hedonic pleasure, and doing good, which can lead to more lasting sense of happiness, and a life with meaning. People who have a richer sense of happiness are not those who work on their narcissistic personal needs, but instead those who embrace a larger sense of civic engagement. Fortunately, that dovetails nicely with pro bono obligations in law. They make concrete proposals about how law schools can maximize law student happiness, by addressing some of the career reasons why law students become unhappy lawyers. For example they suggest

that if law schools address the phenomenon of poor affective forecasting (Gilbert 2006) by providing better information about not just career decision-making paths, and non-practice career options, and salary expectations, but also findings of decision theory and psychological influences upon decision making, this information can improve the likelihood that law students will be able to more accurately choose how to make their future selves happier.

Levit & Linder (2010) analyzes why so many lawyers find so little to like in their jobs, and considers what lawyers can do to increase their life satisfaction. They draw upon happiness studies to focus on those factors that lead to professional frustration and stress, from the pressure to bill ever higher numbers of hours to unhappiness when a lawyer's job's demands come into conflict with a lawyer's personal goals and values. They provide a number of both small and large tools that will help lawyers cope with stress and find more balance in their lives. They also offer ideas on how and why law firms can transform legal practice by improving their flexibility in order to accommodate their employees' needs, thereby boosting morale and, in so doing, facilitating higher-quality work. Finally, they explain the role that law schools can play in helping their law students better define their goals to guarantee having a satisfying legal career.<sup>14</sup> They interviewed more than two hundred lawyers across the country, and are thus able to personalize their analysis with compelling and often surprising career stories from both happy and unhappy lawyers. Based upon these actual stories, they diagnose and suggest practical solutions that individual attorneys and the legal profession as a whole can adopt in response to a pervasive problem among lawyers, namely that of professional unhappiness. Their analysis can provide valuable advice and helpful reassurance to many practicing lawyers and law students

---

<sup>14</sup> <http://www.law.umkc.edu/faculty/projects/ftrials/happylawyers/Questions.html>.

experiencing uncertainty over their career choices, especially in these recent times of economic uncertainty.

Peterson & Peterson (2009) analyzes how the top seventy five law schools presently contend with the fact that many law students report significantly higher incidences of alcohol and drug abuse than their peers at other graduate schools and show evidence of unique signs of psychological distress, such as elevated levels of depression, stress, and anxiety. They find that law school programs for the most part are reactive and fail to sufficiently address the scope and sources of these problems. They consider how positive psychology can be uniquely suited to address law student distress by providing various techniques which law schools may employ to assist law students in combating stress and depression. They present empirical findings from a study in which one of these methods was tested in a law school context. This study found high rates of depression and stress, similar to a number of other studies, and demonstrated a very high correlation between depression and stress. The study confirmed that law students who are able to utilize their signature strengths are less likely to suffer from depression and stress and more likely to report life satisfaction. They conclude that encouraging and helping law students to utilize their personal strengths can thus serve to be a buffer against psychological distress in law school. They conclude with proposals as to how law schools can incorporate these findings in addition to other empirically tested positive psychology principles into proactive programs to benefit their law students.

### **Related Literature**

There already is a vast and steadily increasing literature consisting of empirical and experimental studies about happiness. Two recent PBS programs discuss the findings of some of

these happiness studies: Happiness 101 hosted by positive psychologist Tal Ben-Sharar,<sup>15</sup> and This Emotional Life hosted by psychologist Professor Daniel Gilbert.<sup>16</sup> An ever-growing number of studies in the social sciences examines happiness in many diverse areas that have potential implications for law including these: activism (Klar & Kasser 2009), business cycle fluctuations (e.g., Di Tella & MacCulloch 2006), charitable contributions (e.g., Dunn et al. 2008), climate (e.g., Van de Vliert 2009), conspicuous consumption (e.g., Arrow & Dasgupta 2009), crime (e.g., Powdthavee 2005), divorce (e.g., Guven et al. 2009), economic development (e.g., Graham 2010), economic systems (Pryor 2009), education (e.g., Oreopoulos 2007), environmental quality (e.g., Welsch 2009, Welsch & Kühling 2009), ethics (James, Jr. 2009), exercise (e.g., Biddle & Ekkekakis 2005), experiential purchases (Carter & Gilovich 2010), freedom of choice (e.g., Inglehart et al. 2008, Verme 2009), gender (e.g., Stevenson & Wolfers 2009), gender discrimination (Bjørnskov et al. 2009a), generosity (e.g., Konow & Earley 2007), government (e.g., Helliwell & Huang 2008), home ownership (e.g., Diaz-Serrano 2009), immigration (Sawhill 2006), income inequality (e.g., Bjørnskov et al. 2009b, Chapple et al. 2009), marriage (e.g., Powdthavee 2009, Schimmack & Lucas 2009, Soons et al. 2009, Waite et al. 2009), obesity (e.g., Graham 2010), political ideology (Napier & Jost 2008), poverty (e.g., Van Praag & Ferrer-i-Carbonell 2008), political institutions (e.g., Frey 2008), race (e.g., Stevenson & Wolfers 2008b), sex (e.g. Clark & Oswald 2004), social context (e.g., Helliwell et al. 2010), status (e.g., Tryuts 2010, pp. 138-39), unemployment (e.g., Frey 2008, pp. 45-53), television watching (e.g.,

---

<sup>15</sup> See [http://pressroom.pbs.org/documents/happiness\\_101\\_tal\\_benshahar\\_riis](http://pressroom.pbs.org/documents/happiness_101_tal_benshahar_riis), and [http://www.sas.upenn.edu/lps/news\\_090609\\_01](http://www.sas.upenn.edu/lps/news_090609_01).

<sup>16</sup> <http://www.pbs.org/thisemotionallife/series>.

Frey 2008, pp. 93-105), terrorism (e.g., Frey 2008, pp. 143-47), work (Warr 2007, Warr & Clapperton 2010), and workaholism (Hamermesh & Slemrod 2008). Not surprisingly this plethora of happiness studies has generated a backlash (DeBow & Lee 2006, Fleurbaey et al. 2009), Johns & Omerod 2008, Wilkinson 2007). Scholars have proposed or critiqued specific applications based upon happiness studies to diverse areas of law including these: cigarette taxation (Gruber & Mullainathan 2005), corporate governance (e.g., McConvill 2005), civil litigation (Bronsteen et al. 2008, Huang 2008c, Swedloff 2008), criminal punishment (Bagaric & McConvill 2005, Blumenthal 2009, Bronsteen et al. 2009), employment discrimination (Moss & Huang 2009), family law (Huntington 2009, 2010), income taxation (e.g., Griffiths 2004, Layard 2005, Weisbach 2008), legal education and practice (Huang & Swedloff 2008, Levit & Linder 2008, 2010, Peterson & Peterson 2009), shareholder participation (Hutchison & Alley 2009, 2007, McConvill 2006), and torts (Bagenstos & Schlanger 2007, Oswald & Powdthavee 2008a, b; Sunstein 2008, Swedloff & Huang 2010, Ubel & Loewenstein 2008, Wang 2008).

This article could not attempt even to summarize all of the findings of happiness studies (see Diener & Biswas-Diener 2008 for an excellent summary of much of this research). This article can also not review all of the myriad potential applications of happiness studies to law as that project would already require several book volumes to document and would be dated upon its completion because new social science research about happiness appears almost on a daily basis. Nor does this article focus on the important roles that positive institutions, law, and policy can play in fostering human flourishing (see Huang & Blumenthal 2009a, Huang & Blumenthal 2009b for articles that do so). Instead this part of the article selectively analyzes illustrative applications of happiness studies to several areas of law.

Moss & Huang (2010) analyze the legal policy implications of happiness studies for crucial issues regarding damages and liability in employment discrimination cases which litigators, judges, and the Supreme Court face regularly. Because emotional distress and punitive damages are limited, the basic damages available in employment discrimination cases are simply an employee's lost income. But, a large robust body of happiness studies find that being unemployed has a long-term scarring psychological effect of lowering ongoing subjective well-being and that people do not adapt emotionally to unemployment even after becoming employed again. This research provides an empirical foundation for courts to make available and presume damages for emotional distress in all employment discrimination cases. Courts also do not draw any distinction between a failure to hire and a termination of a long-term employee, but happiness studies find that the latter typically suffers more affective and psychological losses, thus providing an empirical rationale for greater legal damages. Although effective anti-discrimination programs can shield employers from legal liability, employment discrimination cases and legal scholarship have said little about which programs are effective. Happiness studies finding that people think and problem-solve best in positive emotional states (Fredrickson 2009) indicate that programs focused on negativity, such as discrimination will cause us to be sued yield fear and backlash instead of productive employee effort, understanding, and empathy that lessen bias. Thus, happiness studies provide a valuable source of guidance for both employers and judges about how to design effective anti-discrimination programs.

Sunstein (2008) and Ubel & Loewenstein (2008) argue that happiness studies of affective forecasting about hedonic adaptation undermine jury awards of non-pecuniary damages.<sup>17</sup> Wang

---

<sup>17</sup> [http://www.boston.com/bostonglobe/ideas/articles/2009/05/10/perfectly\\_happy/](http://www.boston.com/bostonglobe/ideas/articles/2009/05/10/perfectly_happy/).

(2008) argues that these scholars overstate the problem. She believes that a nuanced understanding of overestimation and underestimation biases reveals no need for a new theory to justify compensating victims of catastrophic loss. She also criticizes the proposed solutions these scholars offer by carefully examining the underlying philosophical claims of the non-hedonic theories of well-being upon which their proposals are based. She concludes that while these theories may have appeal in other contexts, they are ill-suited and inappropriate for tort compensation. Swedloff & Huang (2010) conclude that legal hedonists understate the flexibility of the law and overstate dated empirical research on which their arguments are based. They point out how existing law already permits jurors to incorporate hedonic adaptation, and more importantly, laws compensate for a lot more than just emotional changes. Laws compensate for loss of capabilities, loss of emotional and experiential variety, and lost options. They emphasize that recent social science studies document the incompleteness and variability of hedonic adaptation. They believe that judges and juries, acting together appropriately individuate tort awards. Expert testimony, they note, may help jurors craft awards by providing information about both hedonic and non-hedonic losses.

In related work, Bronsteen et al. (2008) applies happiness studies about hedonic adaptation to argue that an unexplored benefit of prolonged tort litigation is that victims can adapt emotionally to even permanent injuries, and therefore are more likely to settle and will settle for less than if their lawsuits proceeded faster. Swedloff (2008) offers a number of positive critiques of the data on which these arguments rely and on arguments about the litigation process and hedonic adaptation. He also considers the normative question of whether the judicial system ought to foster post-adaptation settlements. Huang (2008c) emphasizes that happiness encompasses different perspectives including eudaimonia versus hedonics. This means that many

people care about more than just happiness in the sense of positive affect. In particular, litigants may sue to seek justice, revenge, and other emotions besides happiness (Huang & Wu 1992), emotions in tort litigation can be cultural evaluations (Huang 2008d), and plaintiffs are often motivated by seeking identity and meaning. If plaintiffs fear losing litigation options (Grundfest & Huang 2006), they are less likely to settle and will settle for more than if their lawsuits proceeded faster. Social scientists now agree that hedonic adaptation can be very slow and remain incomplete after many years. Finally, fostering emotional adaptation by lengthy tort litigation raises ethical and normative questions.

### **Conclusions and Discussion**

Happiness studies have generated much valuable knowledge in recent years. Happiness measures offer information that clearly is useful to policymakers in supplementing more traditional non-happiness measures. But much work remains in the social science study of happiness. A leading happiness researcher, Ed Diener (2009a, pp.267-68) recently stated that: “we should no longer ask whether people do or do not adapt to circumstances, but should ask instead, when, to what degree, and why they adapt. We should no longer debate whether people’s baseline levels of happiness can change, but should inquire about the conditions that can change them substantially. We should no longer ask only what correlates with “happiness,” but we need to inquire about the effects of well-being on future behavior and success. I admonish those who continue to ask the questions of yesterday with the methods of yesterday – we need more now. Not only should we be asking more sophisticated questions, but we should be using diverse and larger subject samples, often in longitudinal designs, and we should always employ measures of diverse types of well-being.” In developing legal policy applications of happiness studies, there is an even greater danger of basing recommendations upon outdated research and

simplistic (mis)understanding of nuanced and subtle findings. To be robust, legal policy should be founded upon research examining multiple aspects of happiness. Legal policy should rely more upon longitudinal as opposed to cross-sectional studies. In order to develop legal policy successfully, there has to be greater theoretical understanding about happiness and not just its correlates but also its causes and consequences. Ultimately while happiness studies offer much promise for legal policy, they also provide conflicting research findings that lead to inconsistent and unclear directions for legal policy. Some of these contradictory empirical results are due to studies utilizing affective versus cognitive definitions and measures of happiness. How to weigh these different aspects of happiness is a normative judgment and subjective question that both individuals and societies must answer.

## ACKNOWLEDGEMENTS

I thank for their helpful discussions Jeremy Blumenthal, Ed Diener, Carol Graham, Rebecca Huss, Dan Kahan and the students in our seminar on neuroscience and law at Yale Law School in the fall of 2009, Nancy Levit, Terry Maroney, Scott Moss, Len Riskin, and Rick Swedloff.

## REFERENCES

- Aknin LB, Norton MI, Dunn EW. 2009. From wealth to well-being? Money matters, but less than people think. *J. Pos. Psychol.* 4:523-27
- Arrow KJ, Dasgupta PS. 2009. Conspicuous consumption, inconspicuous leisure. *Econ. J.* 119:F497-516
- Bagaric M, McConvill J. 2005. Giving content to the principle of proportionality: happiness and pain as the universal currency for matching offence seriousness and penalty severity. *J. Crim. Law* 69:50-74
- Bagenstos SR, Schlanger M. 2007. Hedonic damages, hedonic adaptation, and disability. *Vanderbilt Law Rev.* 60:745-97
- Biddle SJH, Ekkekakis P. 2005. Physically active lifestyles and well-being. In *The Science of Well-Being*, ed. F Huppert, N Baylis, B Keverne, pp. 140-68. Oxford: Oxford Univ. Press
- Biswas-Diener R, Kashdan TB, King LA. 2009. Two traditions of happiness research, not two distinct types of happiness. *J. Pos. Psychol.* 4:208-11
- Bjørnskov J, Dreher A, Fischer JAV. 2009a. *On gender inequality and life satisfaction: does discrimination matter?* Work. Pap. No. 07161, Swiss Econ. Inst.

- Bjørnskov J, Dreher A, Fischer JAV, Schnellenbach J. 2009b. *On the relation between income inequality and happiness: do fairness perceptions matter?* Work. Pap. No. 245, Swiss Econ. Inst. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1527356](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1527356)
- Blanchflower DG, Christakis NA, Oswald AJ. 2009. *Biomarkers, well-being, and income*. Presented at IZA Prize Conf. Front. Lab. Econ.: Econ. Well-Being Happiness, 6th, Wash. DC
- Blanchflower DG, Oswald AJ. 2008. Hypertension and happiness across nations. *J. Health Econ.* 27:218-33
- Blumenthal JA. 2005. Law and the emotions: the problems of affective forecasting. *Indiana Law J.* 80:155-238
- Blumenthal JA. 2007. Emotional paternalism. *Fla. St. Law Rev.* 35:1-72
- Blumenthal JA. 2009. Affective forecasting and capital sentencing: reducing the impact of victim impact statements. *Am. Crim. Law Rev.* 46:107-25
- Blumenthal J, Huang PH. 2009. Positive parentalism. *Nat'l Law J.*, Jan. 26: <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202427700551&slreturn=1>
- Boes S, Winkelmann R. 2010. The effect of income on general life satisfaction and dissatisfaction. *Soc. Indic. Res.* 95:111-28.
- Bronsteen J, Buccafusco C, Masur JS. 2008. Hedonic adaptation and the settlement of civil lawsuits. *Colum. Law Rev.* 108:1506-49
- Bronsteen J, Buccafusco C, Masur JS. 2009. Happiness and punishment. *Univ. Chicago Law Rev.* 76:1037-81
- Bronsteen J, Buccafusco C, Masur JS. 2010. Well-being analysis. *Georgetown Law J.* In press

- Brown KW, Ryan RM. 2003. The benefits of being present: mindfulness and its role in psychological well-being. *J. Personal. Soc. Psychol.* 84:822-48
- Cantril H. 1965. *The Pattern of Human Concerns*. New Brunswick, NJ: Rutgers Univ. Press
- Carter TJ, Gilovich T. 2010. The relative relativity of material and experiential purchases. *J. Person. Soc. Psychol.* 98:146-59
- Chapple S, Förster M, Martin JP. 2009. *Inequality and well-being in OECD countries: what do we know?* Presented at OECD World Forum Stat. Knowledge Policy, 3rd, Busan, Korea  
<http://www.oecd.org/dataoecd/31/53/44109816.pdf>
- Clark AE, Oswald AJ. 2004. Money, sex, and happiness: an empirical study. *Scandinavian J. Econ.* 106:393-415
- Cohen S, Pressman SD. 2006. Positive affect and health. *Current Directions Psychol. Sci.* 15:122-25
- Davidson RJ, Kabat-Zinn J, Schumacher J, Rosenkranz M, Muller D, et al. 2003. Alterations in brain and immune function produced by mindfulness meditation. *Psychosomatic Med.* 65:564-70
- Davidson RJ, Lutz a. 2008. Buddha's brain: neuroplasticity and meditation. *IEEE Sig. Processing* 25:171-74
- Deaton A. 2008. Income, health, and well-being around the world: evidence from the Gallup World Poll. *J. Econ. Persp.* 22:53-72
- DeBow ME, Lee DR. 2006. Happiness and public policy: a partial dissent (or, why a department of homeland happiness would be a bad idea) 22 *J. Law Polit.* 22:283-301
- Devoe SE, Pfeffer J. 2009. When is happiness about how much you earn? The effect of hourly payment on the money-happiness connection. *J. Personal. Soc. Psychol.* 35:1602-18

- Diaz-Serrano L. 2009. Disentangling the housing satisfaction puzzle: Does homeownership really matter? *J. Econ. Psychol.* 30:745-55
- Diener E. 2009a. Conclusion: the well-being science needed now. In *The Science of Well-Being: The Collected Works of Ed Diener Vol. 1*, ed. E Diener pp. 267-71. New York: Springer
- Diener E. 2009b. Conclusion: what we have learned and where we go next. In *Culture and Well-Being: The Collected Works of Ed Diener Vol. 2*, ed. E Diener pp. 279-89. New York: Springer
- Diener E, Biswas-Diener R. 2008. *Happiness: Unlocking the Mysteries of Psychological Wealth*. Oxford: Blackwell Publishing
- Diener E, Helliwell J, Kahneman D eds. 2010a. *International Differences in Well-Being*. Oxford: Oxford University Press
- Diener E, Kahneman D, Arora R, Harter J, Tov W. 2009a. Income's differential influence on judgments of life versus affective well-being. In *Assessing Well-Being: The Collected Works of Ed Diener Vol. 1*, ed. E Diener, pp. 233-45. New York: Springer
- Diener E, Kahneman D, Tov W, Arora R. 2010b. Income's association with judgments of life versus feelings. See Diener et al. 2010a, pp. 3-15
- Diener E, Lucas R, Schimmack U, Helliwell J. 2009b. *Well-Being for Public Policy*. Oxford: Oxford Univ. Press
- Diener E, Seligman MEP. 2004. Beyond money: toward an economy of well-being. *Psychol. Pub. Int.* 5:1-31
- Diener E, Weiting N, Harter J, Arora R. 2010c. Wealth and happiness across the world: material prosperity predicts life evaluation, while psychosocial prosperity predicts positive feeling. *J. Personal. Soc. Psychol.* In press

- Di Tella R, MacCulloch R. 2006. Some uses of happiness data in economics. *J. Econ. Persp.* 20:25-46
- Duncan G. 2008. Should happiness-maximization be the goal of government? *J. Happiness Stud.* In press
- Dunn EW, Aknin LB, Norton MI. 2008. Spending money on others promotes happiness. *Sci.* 319:1687-88
- Easterlin RA. 1974. Does economic growth improve the human lot? Some empirical evidence. In *Nations and Households in Economic Growth: Essays in Honor of Moses Abramovitz*, ed. PA David, MW Reder, pp. 89-125. New York: Academic Press
- Fleurbaey M. 2009. Beyond GDP: the quest for a measure of social welfare. *J. Econ. Lit.* 47:1029-75
- Fleurbaey M, Schokkaert E, Decancq K. 2009. *What good is happiness?* Disc. Pap. No. 2009/17, CORE Université catholique de Louvain, Belgium  
[http://www.uclouvain.be/cps/ucl/doc/core/documents/coredp2009\\_17.pdf](http://www.uclouvain.be/cps/ucl/doc/core/documents/coredp2009_17.pdf)
- Fowler JH, Christakis NA. 2008. Dynamic spread of happiness in a large social network: longitudinal analysis over 20 years in the Framingham heart study. *British Med. J.* 337:a2338
- Fredrickson BL. 2009. *Positivity: Groundbreaking Research Reveals How to Embrace the Hidden Strength of Positive Emotions, Overcome Negativity, and Thrive.* New York: Crown Publishing
- Fredrickson BL, Cohn MA, Coffey KA, Pek J, Finkel SM. 2008. Open hearts build lives: positive emotions, induced through loving-kindness meditation, build consequential personal resources. *J. Person. Soc. Psychol.* 95:1045-62

- Frey BS. 2008. *Happiness: A Revolution in Economics*. Cambridge MA: MIT Press
- Frey BS, Stutzer A. 2000. Maximizing happiness? *Ger. Econ. Rev.* 1:145-67
- Frey BS, Stutzer A. 2009. Should national happiness be maximized? In *Happiness, Economics and Politics: Towards a Multi-Disciplinary Approach*, ed. AK Dutt, B Radcliff, pp. 301-23. Northampton, MA: Edward Elgar
- Gallagher W. 2009. *Rapt: Attention and the Focused Life*. New York: Penguin Press
- Gilbert DT. 2006. *Stumbling on Happiness*. New York: Knopf
- Graham C. 2010. *Happiness Around the World: The Paradox of Happy Peasants and Miserable Millionaires*. Oxford: Oxford Univ. Press
- Graham C. 2008. Happiness and health: lessons – and questions - for public policy. *Health Affairs.* 27:72-87
- Graham C, Chattopadhyay S, Picon M. 2010. The Easterlin and other paradoxes: why both sides of the debate may be correct. See Diener et al. 2010a, pp. 239-81
- Griffith TD. 2004. Progressive taxation and happiness. *Boston Coll. Law Rev.* 45:1363-98
- Gruber JH, Mullainathan S. 2005. Do cigarette taxes make smokers happier? *B.E. J. Econ. Anal. Policy*, 5(1): Article 4. <http://www.bepress.com/bejeap/advances/vol5/iss1/art4/>
- Grundfest JA, Huang PH. 2006. The unexpected value of litigation: a real options perspective. *Stanford Law Rev.* 58:1267-1336
- Güven C. 2009. *Weather and financial risk-taking: is happiness the channel?* Work. Pap. No. 218, German Soc.-Econ. Panel Stud. <http://ssrn.com/abstract=1476884>
- Güven C, Senik C, Stichnoth H. 2009. *You can't be happier than your wife: happiness gaps and divorce*. Disc. Pap. No. 4599, Inst. Stud. Labor <http://ftp.iza.org/dp4599.pdf>

- Hamermesh D, Slemrod J. 2008. The economics of workaholism: we should not have worked on this paper. *B.E. J. Econ. Anal. Policy*, 8(1): Article 3.  
<http://www.bepress.com/bejeap/vol8/iss1/art3>
- Heaphy ED, Dutton JE. 2008. Positive social interactions and the human body at work: linking organizations and physiology. *Acad. Mgmt. Rev.* 33:137-62
- Hekter JM, Schmidt JA, Csikszentmihalyi M. 2007. *Experience Sampling Method: Measuring the Quality of Everyday Life*. Thousand Oaks, CA: Sage Publications
- Helliwell JF, Barrington-Leigh C, Harris A, Huang, H. 2010. International evidence on the social context of well-being. See Diener et al. 2010a, In Press
- Helliwell JF, Huang H. 2008. How's your government? International evidence linking good government and well-being. *British J. Polit. Sci.* 38:595-619
- Howell AJ, Digdon N, Buro K. 2010. Mindfulness predicts sleep-related self-regulation and well-being. *Personal. Individ. Diff.* 48:419-24
- Huang PH. 2005a. Moody investing and the Supreme Court: rethinking materiality of information and reasonableness of investors, *Sup. Ct. Econ. Rev.* 13: 99-131
- Huang PH. 2005b. Regulating irrational exuberance and anxiety in securities markets. In *The Law and Economics of Irrational Behavior*, ed. F Paresi, V Smith, pp. 501-28. Stanford: Stanford Univ. Press
- Huang PH. 2008a. How do securities laws influence affect, happiness, & trust? *J. Bus. Tech. Law* 3:257-308
- Huang PH. 2008b. Authentic happiness, self-knowledge, & legal policy. *Minn. J. Law Sci. Tech.* 9:755-83

- Huang PH. 2008c. Emotional adaptation and lawsuit settlements. *Colum. Law Rev. Sidebar* 108:50-57
- Huang PH. 2008d. Diverse conceptions of emotions in risk regulation. *Univ. Penn. Law Rev. PENNumbra* 435-47 <http://www.pennumbra.com/responses/03-2008/Huang.pdf>
- Huang PH, Wu H-M. 1992. Emotional responses in litigation. *Int'l Rev. Law Econ.* 12:31-44
- Huang PH, Blumenthal J. 2009a. Positive institutions, law, and policy. In *Oxford Handbook of Positive Psychology*, ed. SJ Lopez, CR Snyder, pp. 587-97. Oxford: Oxford Univ. Press
- Huang PH, Blumenthal J. 2009b. Positive law and policy. In *Encyclopedia of Positive Psychology*, ed. SJ Lopez, pp. 730-3. New York: John Wiley
- Huang PH, Swedloff R. 2008. Authentic happiness & meaning at law firms. *Syracuse Law Rev.* 58:335-50
- Huntington C. 2009. Happy families: translating positive psychology into family law. *Va. J. Soc. Policy Law* 16:385-424
- Huntington C. 2010. *Flourishing Families: Positive Psychology and Contemporary Family Law*. Oxford: Oxford Univ. Press
- Hutchison HG, Alley RS. 2007. Against shareholder participation: a treatment for McConvill's psychonomicosis. *Brook. J. Corp. Fin. Com. Law* 2:41-67
- Hutchison HG, Alley RS. 2009. High costs of shareholder participation. *Univ. Penn. J. Bus. Law* 11:941-66
- Inglehart R, Foa R, Peterson C, Welzel C. 2008. Development, freedom, and rising happiness: a global perspective (1981-2007) *Persp. Psychol. Sci.* 3:264-85
- James, Jr. HS. 2009. *Is the just man a happy man? an empirical study of the relationship between ethics and subjective well-being*. Work. Pap. No. AEWP 2009-07, Univ. Mo.

- Dept. Ag. Econ. <http://www.ssu.missouri.edu/agecon/research/workingpapers/aewp2009-7.pdf>
- Johns H, Ormerod P. 2008. The unhappy thing about happiness studies. *Real-World Econ. Rev.* 46:139-46 [www.paecon.net/PAEReview/issue46/JohnsOrmerod46.pdf](http://www.paecon.net/PAEReview/issue46/JohnsOrmerod46.pdf)
- Kahneman D, Krueger AB. 2006. Developments in the measurement of subjective well-being. *J. Econ. Persp.* 20:3–24
- Kahneman D, Krueger AB, Schkade D, Schwarz N, Stone A. 2004. A survey method for characterizing daily life experience: the Day Reconstruction Method (DRM) *Sci.* 306:1776-80
- Kahneman D, Sugden R. 2005. Experienced utility as a standard of policy evaluation. *Envtl. Res. Econ.* 32:161-81
- Kenny A, Kenny C. 2006. *Life, Liberty and the Pursuit of Utility*. Charlottesville, VA: Imprint Academic
- Klar M, Kasser T. 2009. Some benefits of being an activist: measuring activism and its role in psychological well-being. *Pol. Psychol.* 30:755-77
- Knight J, Gunatilaka R. 2009. *Is happiness infectious?* Disc. Pap. No. 446, Univ. Oxford Econ. Dept. <http://www.economics.ox.ac.uk/Research/wp/pdf/paper446.pdf>
- Konow J, Earley J. 2007. The hedonistic paradox: is homo economicus happier? *J. Pub. Econ.* 92:1-33
- Krueger AB. 2007. Are we having fun yet? Categorizing and evaluating changes in time allocation. *Brookings Pap. Econ. Activity* 38:193-218
- Krueger AB, ed. 2009. *Measuring the Subjective Well-Being of Nations: National Accounts of Time Use and Well-Being*. Chicago: Univ. Chicago Press

- Krueger AB, Kahneman D, Fischler C, Schkade D, Schwarz N, Stone AA. 2009. Time use and subjective well-being in France and the U.S. *Soc. Indic. Res.* 93:7-18
- Krumhuber EG, Manstead ASR. 2009. Can Duchenne smiles be feigned? New evidence on felt and feigned smiles. *Emo.* 9:807-20
- Layard R. 2005. *Happiness: Lessons from a New Science*. New York: Penguin Press
- Levit N, Linder DO. 2010. *The Happy Lawyer: Making a Good Life in the Law*. Oxford: Oxford Univ. Press
- Levit N, Linder DO. 2008. Happy law students, happy lawyers. *Syracuse Law Rev.* 58:351-73
- Loewenstein G, Ubel PA. 2008. Hedonic adaptation and the role of decision and experience utility in public policy. *J. Polit. Econ.* 92:1795-810
- Lucas RE, Schimmack U. 2009. Income and well-being: how big is the gap between the rich and the poor? *J. Res. Personal.* 43:75-78
- Lutz A, Brefczynski-Lewis J, Johnstone T, Davidson RJ. 2008. Regulation of the neural circuitry of emotion by compassion meditation: effects of meditative expertise. *PLoS One* 3:e1987
- Lyubomirsky S. 2007. *The How of Happiness: A Scientific Approach to Getting the Life You Want*. New York: Penguin Press
- McConvill J. 2005. Positive corporate governance. *J. Bus. Sec. Law* 6:51-70
- McConvill J. 2006. *Shareholder Participation and the Corporation: A Fresh Inter-disciplinary Approach in Happiness*. New York: Routledge Cavendish
- Moss S, Huang PH. 2009. How the new economics can improve employment discrimination law, and how economics can survive the demise of the “rational actor”. *Wm. & Mary Law Rev.* 51:183-259
- Napier JL, Jost JT. 2008. Why are conservatives happier than liberals? *Psychol. Sci.* 19:565-75

- Oreopoulos P. 2007. Do dropouts drop out too soon? Wealth, health and happiness from compulsory schooling. *J. Pub. Econ.* 91:2213-29
- Oswald AJ, Powdthavee N. 2008a. Death, happiness equations, and the calculation of compensatory damages. *J. Legal Stud.* 37:S217-52
- Oswald AJ, Powdthavee N. 2008b. Does happiness adapt? a longitudinal study of disability with implications for economists and judges. *J. Pub. Econ.* 92:1061-77
- Oswald AJ, Proto E, Sgroi D. 2009. *Happiness and productivity*. Disc. Pap. No. 4645, Inst. Stud. Labor <http://ftp.iza.org/dp4645.pdf>
- Oswald AJ, Wu S. 2009a. Objective confirmation of subjective measures of human well-being: evidence from the U.S.A. *Sci.* 17 Dec. 2009 (DOI: 10.1126/science.1180606)
- Oswald AJ, Wu S. 2009b. *Wellbeing across America*, Disc. Pap. No. 4600, Inst. Stud. Labor
- Peterson TD, Peterson EW. 2009. Stemming the tide of law student depression: what law schools need to learn from the science of positive psychology *Yale J. Health Policy, Law Ethics* 9:358-434
- Powdthavee N. 2005. Unhappiness and crime: evidence from South Africa. *Economica* 72:531-47
- Powdthavee N. 2009. I can't smile without you: spousal correlation in life satisfaction. *J. Econ. Psychol.* 30:675-89
- Pryor F. 2009. Happiness and economic systems. *Comp. Econ. Stud.* 51:367-83
- Rentfrow PJ, Mellander C, Florida R. 2009. Happy states of America: a state-level analysis of psychological, economic, and social well-being. *J. Res. Personal.* 43:1073-82

- Riskin LL. 2002. Riskin, The contemplative lawyer: on the potential contributions of mindfulness meditation to law students and lawyers and their clients, *Harv. Neg. Law Rev.* 7:1-66
- Sawhill I. 2006. Do open borders produce greater happiness? An underanalyzed question 2006 *Brookings Trade Forum* 245-50
- Schimmack U, Lucas RE. 2009. Marriage matters: spousal similarity in life satisfaction. *J. Appl. Soc. Sci. Stud.* 127:1-7
- Soons JP, Liefbroer AC, Kalmijn M. 2009. The long-term consequences of relationship formation for subjective well-being. *J. Marriage Family* 71:1254-70
- Stephens A, Dockray S, Wardle J. 2009. Positive affect and psychobiological processes relevant to health. *J. Personal.* 77:1747-76
- Stephens A, O'Donnell K, Marmot M, Wardle J. 2008. Positive affect, psychological well-being, and good sleep. *J. Psychosomatic Res.* 64:409-15
- Stevenson B, Wolfers J. 2009. The paradox of declining female happiness. *Am. Econ. J.: Econ. Policy* 1:190–225
- Stevenson B, Wolfers J. 2008a. Economic growth and subjective well-being: reassessing the Easterlin paradox. *Brookings Pap. Econ. Activity* Spring:1-87
- Stevenson B, Wolfers J. 2008b. Happiness inequality in the United States. *J. Legal Stud.* 37:S33-79
- Stiglitz JE, Sen A, Fitoussi JP. 2009. *Report by the Commission on the Measurement of Economic Performance and Social Progress.*
- Sunstein CR. 2008. Illusory losses. *J. Legal Stud.* 37:S157-94

- Swedloff R. 2008. Accounting for happiness in civil settlements. *Colum. Law Rev. Sidebar* 108:39-49
- Swedloff R, Huang PH. 2010. Tort damages and the new science of happiness. 85 *Ind. Law J.* In press
- Thaler RH, Sunstein CR. 2008. *Nudge: Improving Decisions about Health, Wealth, and Happiness.* New Haven, CT: Yale Univ. Press
- Tryuts T. 2010. Social status in economic theory. *J. Econ. Surveys* 24:137-69
- Ubel PA, Loewenstein G. 2008. Pain and suffering awards: they shouldn't be (just) about pain and suffering. *J. Legal Stud.* 37:S196-216
- Urry HL, Nitschke JB, Dolski I, Jackson DC, Dalton KM, et al. 2004. Making a life worth living: neural correlates of well-being. *Psychol. Sci.* 15:367-72
- Van de Vliert E. 2009. *Climate, Affluence, and Culture.* New York: Cambridge Univ. Press
- Van Praag BMS, Ferrer-i-Carbonell A. 2008. *Happiness Quantified: A Satisfaction Calculus Approach.* Oxford: Oxford Univ. Press
- Verme P. 2009. Happiness, freedom and control. *J. Econ. Behav. Org.* 71:146-61
- Vitarelli A. 2010. Happiness metrics in federal rulemaking. *Yale J. Reg.* 27:115-58
- Vittersø J, Oelmann HI, Wang AL. 2009. Life satisfaction is not a balanced estimator of the good life: evidence from reaction time measures and self-reported emotions. *J. Happiness Stud.* 10:1-17
- Waite LJ, Luo Y, Lewin AC. 2009. Marital happiness and marital stability: consequences for psychological well-being. *Soc. Sci. Res.* 38:201-12

- Wang L. 2008. *Non-illusory losses: why pain and suffering damages should (just) be about pain and suffering*. Student Prize Pap. 37, Yale Law School  
[http://digitalcommons.law.yale.edu/ylsspps\\_papers/37/](http://digitalcommons.law.yale.edu/ylsspps_papers/37/)
- Warr P. 2007. *Work, Happiness, and Unhappiness*. Mahwah, NJ: Lawrence Erlbaum Associates
- Warr P, Clapperton G. 2010. *The Joy of Work? Jobs, Happiness, and You*. New York: Routledge
- Weisbach DA. 2008. What does happiness research tell us about taxation? *J. Legal Stud.*  
37:S293-324
- Weiss A, Bates TC, Luciano, M. 2008. Happiness is a personal(ity) thing: the genetics of personality and well-being in a representative sample. *Psychol. Sci.* 19: 205-10
- Weiting N, Diener E, Aurora R, Harter J. 2009. Affluence, feelings of stress, and well-being. *Soc. Indic. Res.* 94:257-71
- Welsch H. 2009. Implications of happiness research for environmental economics. *Ecol. Econ.*  
68:2735-42
- Welsch H, Kühling J. 2009. Using happiness data for environmental valuation: issues and applications. *J. Econ. Surveys* 23:385-406
- White M, Dolan P. 2009. Accounting for the richness of daily activities. *Psychol. Sci.* 20:1000-08
- Wilkinson W. 2007. *In pursuit of happiness research: is it reliable? What does it imply for policy?* Policy Anal. No. 590, Cato Inst/ <http://www.cato.org/pubs/pas/pa590.pdf>