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A Coasean Analysis of Marketing Eric Goldman Marquette University Law School

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Marketing as Negative Externality



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 Conventional view: marketing creates negative externalities

- Marketing imposes costs on consumers
- Marketers don't internalize these costs
- Marketers overproduce marketing
- Policy options
 - Pigouvian tax
 - Liability rule (damages)
 - Property rule (opt-in/ban)

Marketing as Negative Externality



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♦ Is marketing a negative externality? Consumer private utility = SU + ACU + RU Some consumers experience positive private utility Consumers as a class may experience positive welfare A message's utility can't be determined ex ante Risk of over-deterrence What about the Coase Theorem? High marketer/consumer bargaining costs But regulation isn't only option



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Coasean Matchmaking

Consumers and marketers both want welfareenhancing matches

- Problem: consumers have heterogeneous but undisclosed preferences
 - Preference disclosure is costly
 - Consumers have latent preferences
- The Coasean key: costless preference disclosure



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Coasean Matchmaking

A preference disclosure system should be:

- Granular
- Dynamic
- Personal
- Minimize transaction costs
- Regulatory intervention is suboptimal
- My preferred option: "Coasean filters"
 - Automated gathering of preference dataset
 - Decentralized filtering preserves idiosyncratic preferences