About the *Missouri Law Review*

Founded in 1936, the *Missouri Law Review* is one of the oldest legal journals published west of the Mississippi River. The law review has produced 80 volumes containing four issues each since the publication's inception. The 2016-2017 law review is administered by 48 students.

Each year, law review members partner with faculty sponsors from the University of Missouri School of Law to host a symposium highlighting prominent legal issues and to discuss progressive solutions to complex policy changes.

The University of Missouri will publish the papers featured in this year's symposium in volume 82, issue 4 of the *Missouri Law Review* in Fall 2017. Domestic subscriptions of this journal are available for $40; international subscriptions are $45.

To view recent issues or request a subscription, please visit law.missouri.edu/lawreview.

**LOCATION**
All events will be held in Hulston Hall on the University of Missouri campus.

**COST AND REGISTRATION**
The symposium is free and open to the public. Registration is not required.

**CONTINUING LEGAL EDUCATION CREDIT**
The symposium is approved for 6.3 hours of mandatory continuing legal education credit in the state of Missouri.
EVALUATING
NUDGE
A Decade of Libertarian Paternalism

Behavioral economics rejects the rational choice model of human behavior in favor of a more nuanced understanding. Real people, behavioralists say, are not always rational, self-interest maximizers but are instead subject to systematic cognitive and volitional failures. They are, to invoke the title of economist Dan Ariely’s popular book, “predictably irrational.” How should policymakers respond?

More than a decade ago, Professors Cass Sunstein and Richard Thaler answered that question by proposing a regulatory approach they called “libertarian paternalism.” Under that approach, policy makers would harness the insights of behavioral economists and cognitive psychologists and craft “choice architecture” that “nudges” people toward “good” decisions, the choices they would make were they not afflicted with cognitive and volitional frailties. The approach is paternalistic in that it helps people make decisions that are good for them (as judged by their own preferences); it is libertarian in that it allows people who don’t want to follow policymakers’ prescriptions to opt out.

In 2008, libertarian paternalism migrated from the academy to the popular imagination with the publication of Sunstein and Thaler’s bestselling book, *Nudge*. Since then, policymakers all over the world have had a chance to experiment with libertarian paternalist approaches. In the United States, President Obama tapped Sunstein to head the federal regulatory review agency, and Congress created a new agency, the Consumer Financial Protection Bureau, that was conceived by academics with strong behavioralist leanings. The British government went so far as to create a Behavioural Insights Team, popularly known as the “Nudge Unit.” And in Denmark, the Applied Behavioural Science Group (a.k.a., the Danish Nudge Unit), operates a popular website, www.iNudgeyou.com.

Evaluating Nudge: A Decade of Libertarian Paternalism will bring together leading scholars in the fields of law, economics and psychology to assess how the libertarian paternalist approach is faring. In addition to a keynote address by Professor Sunstein, the symposium will feature presentations by nine scholars — some nudge enthusiasts, some skeptics — who will address what is working and what is not, and how, if at all, the libertarian paternalist project should be tweaked going forward.