



LUDWIG-
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enhancing life through governmental paternalism

Enhancing Life Bibliography

Christopher McCrudden

Buying Social Justice – Equality, Government Procurement, & Legal Change

Oxford University Press, 2007

How can governments stimulate the enhancement of social equality and awareness among its citizens without resorting to means of “command and obey”? McCrudden examines the use of public procurement law as an alternative strategy for promoting social values.

Richard Thaler / Cass Sunstein

Nudge. Improving Decisions About Health, Wealth and Happiness

Penguin Books, 2008

Before this book was published, legal scholars seemed to agree that governmental paternalism, with its claim that people’s lives shall be made “longer, healthier, and better” – regardless of or even against their actual will –, is not a suitable concept of government. With their “libertarian paternalism” approach, Thaler and Sunstein launched a new discussion as to the legitimacy and limitations of governmental paternalism.

Alberto Alemanno / Anne-Lise Sibony

Nudge and the Law – A European Perspective

Hart Publishing, 2015

This compilation of articles on the concept of “nudging” illustrates how much impact Thalers and Sunsteins idea of enhancing life through “libertarian paternalism” had and still have in legal scholarship. The authors examine the influence of the concept of “nudging” in various areas of European law, for example in fundamental rights law, data protection law, consumer protection law, health law and financial services regulation.

Christian Calliess

Dimensions of Fundamental Rights – Duty to Respect versus Duty to Protect

in: Hermann Pünder / Christian Waldhoff (eds.), Debates in German Public Law, Hart Publishing 2014

The most important legal foundation of governmental life enhancement can be found in constitutional law, particularly in the fundamental rights and freedoms. Calliess' article is an introduction to the different dimensions of fundamental rights, which do not only prohibit, in principle, any governmental interference to the detriment of the individuals concerned ("duty to respect") but also imply an obligation of the government to take all necessary actions in order to protect and "enhance" the individuals' rights and freedoms ("duty to protect").

Dietmar von der Pfordten

About Concepts in Law

in: Jaap Hage / Dietmar von der Pfordten (eds.), Concepts in Law, Springer, 2009

It is important to acknowledge that applying legal norms (such as the fundamental rights and freedoms) often requires falling back on one or several extra-legal concepts like "human dignity, life, liberty, art, science, religion" – concepts which immediately affect our ideas of a "good life" and of "enhancing life". Von der Pfordten elaborates on the role of these concepts in modern legal theory, laying the groundwork for the enhancement of life by means of the law.