



HOLBERG
PRIZE

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The Holberg Prize Names Harvard Law Professor Cass Sunstein as 2018 Laureate

(BERGEN, Norway) – Today, [the Holberg Prize](#)—one of the largest international prizes awarded annually to an outstanding researcher in the arts and humanities, the social sciences, law or theology—named US legal scholar Cass Robert Sunstein as its 2018 Laureate. Sunstein is currently the Robert Walmsley University Professor at Harvard University. He will receive the financial award of NOK 6,000,000 (approx. USD 770,000) during a formal ceremony at the University of Bergen, Norway, on 6 June.

Sunstein will receive the Holberg Prize for his wide-ranging, original, prolific and highly influential research. Not only has his research redefined several academic fields; it has also had a far-reaching impact on public policy. His scholarship spans several major areas: behavioral economics and public policy, constitutional law and democratic theory, legal theory and jurisprudence, administrative law, and the regulation of risk. In particular, Sunstein's academic work has reshaped our understanding of the relationship between the modern regulatory state and constitutional law. He is widely regarded as the leading scholar of administrative law in the U.S., and he is by far the most cited legal scholar in the United States and probably the world.

For four decades, Sunstein has combined his outstanding scholarly contributions with a range of public activities and participation in open debate. He has influenced our thinking on some of the most pressing issues of our time: from climate change and free speech to health issues.

Describing the key purpose of his work, Sunstein says: "I have long been concerned with how to promote enduring constitutional ideals -- freedom, dignity, equality, self-government, the rule of law -- under contemporary circumstances, which include large bureaucracies that sometimes promote, and sometimes threaten, those ideals." "The main goal," he says, "has been to deepen the foundations of democratic theory, for the modern era, and to understand, in practical terms, how democracies might succeed in helping to make people's lives better -- and longer."

To date, Sunstein has published forty-eight books and hundreds of scholarly articles. The books *After the Rights Revolution* (1990) and *The Partial Constitution* (1993) are considered his major works on American constitutional law and explore how constitutional ideals can be reworked and defended in face of the challenges posed by the rise of the administrative state. *Impeachment: A Citizen's Guide* (2018) emphasizes the importance of self-government and of human dignity, linking those ideas to republican ideals and the power of impeachment.

In *The Cost-Benefit State* (2002), *Risk and Reason* (2002), *The Laws of Fear* (2004), and *The Cost-Benefit Revolution* (forthcoming 2018) he shows the ways in which cost-benefit analyses may discipline regulatory agencies. All of these works seek to bridge the gap between our deliberative ideals, distributive justice, human rights, and the demands of efficiency. *Legal Reasoning and Political Conflict* (2d edition 2018) is his most ambitious work on jurisprudence, the rule of law, and legal theory, emphasizing how law often reflects "incompletely theorized agreements," which enable people to live together despite their disagreement or uncertainty about the most fundamental questions.

Sunstein won the Goldsmith Book Prize for *Democracy and the Problem of Free Speech* (1993), where he states that there is a need to reformulate U.S. First Amendment law. The book argues that it is necessary to move away from the conception of free speech as a marketplace, in order to "reinvigorate processes of democratic deliberation, by ensuring greater attention to public issues and greater diversity

of views." His decades of work on self-government, free speech, and modern technologies, culminating in *#Republic: Divided Democracy in the Age of Social Media* (2017), explores the problem of echo chambers and social polarization; it argues for the importance of common spaces and unchosen, serendipitous encounters with problems and ideas.

In 1998, Sunstein broke new ground, together with Richard Thaler and Christine Jolls, with the paper "A Behavioral Approach to Law and Economics," which initiated a new academic field called "behavioral law and economics". Sunstein and Thaler followed up with the best-selling book *Nudge: Improving Decisions about Health, Wealth, and Happiness* in 2008. The book discusses how public and private organizations can help people make better choices in their daily lives, and it helped popularize and cement the influence of behavioral law and economics. *The Ethics of Influence* (2016) investigates ethical constraints on the uses of behavioral science, with reference to ideals of autonomy and welfare. His forthcoming book, *Unleashed: Behavioral Economics in the Wild* (2019), argues that private preferences are constrained by social norms, and that when such constraints begin to lift, social change can be quite rapid – for better or for worse.

"Cass Sunstein's work is animated by a profound sense of the ways in which human behaviour poses a challenge for regulation," says Chair of the Holberg Committee, Dr. Pratap Bhanu Mehta. "Moreover, in addition to his contribution to the academic field, he has also mastered the art of communicating difficult and important ideas to the public. His work is rigorous, yet accessible, and marked by an extraordinary concern for human welfare as well as a commitment to an enlightened public discourse. Sunstein is one of the great intellectuals of our time."

Cass Sunstein received a J.D. *magna cum laude* from Harvard Law School in 1978, where he was executive editor of the Harvard Civil Rights-Civil Liberties Law Review. From 1980 to 1981 he was an attorney-advisor at the U.S. Justice Department, before becoming an assistant professor of law at the University of Chicago Law School (1981–1983), where he also became an assistant professor in the Department of Political Science (1983–1985). Sunstein became full professor in both political science and law in 1985, and in 1988 he was named the Karl N. Llewellyn Professor of Jurisprudence in the Law School and Department of Political Science. In 2008, he joined the faculty of Harvard Law School as the director of its Program on Risk Regulation. From 2009 to 2012, Sunstein was Administrator of the White House Office of Information and Regulatory Affairs. He returned to Harvard in 2012 where he was Felix Frankfurter Professor of Law until 2013, when he became Robert Walmsley University Professor at the same institution. He is the Founder and Director of the Program on Behavioral Economics and Public Policy.

Sunstein was elected as a member of American Law Institute in 1990 and of the American Academy of Arts and Sciences in 1992. In 2017, he was elected Corresponding Fellow of the British Academy. He has won a number of awards, including the Regulatory Innovation Award (Burton Foundation, 2012), the Henderson Prize (Harvard Law School, 2002), the Certificate of Merit Award of American Bar Association (1991), and the Award of American Bar Association for best scholarship in administrative law (1978, 1989, 1999). He has honorary doctorates from Copenhagen Business School and Erasmus University.

Sunstein's government service includes membership on President Barack Obama's Review Group on Intelligence and Communications Technologies (2013) and the U.S. Department of Defense's Innovation Board (2016-2017). He has also served on several committees, including the Institute of Medicine Committee (2004-2005) and the Presidential Advisory Committee on the Public Service Obligations of Digital Television (1997-1998). With George Akerlof and Adam Oliver, he is cofounder and coeditor of *Behavioural Public Policy*. In addition, he has contributed to constitution-making and law reform activities in many countries. Sunstein has been on the Board of Editors for *Studies in American Political Development*, *Journal of Political Philosophy*, and *Constitutional Political Economy*. He has also been Contributing Editor to *The American Prospect* and *The New Republic*.

About the Holberg Prize

Established by the Norwegian Parliament in 2003, the Holberg Prize is one of the largest annual international research prizes awarded to scholars who have made outstanding contributions to research in the arts and

humanities, social science, law or theology. The Prize is funded by the Norwegian Government through a direct allocation from the Ministry of Education and Research to the University of Bergen. Previous Laureates include Julia Kristeva, Jürgen Habermas, Manuel Castells, Bruno Latour and Marina Warner. To learn more about the Holberg Prize and the call for nominations visit: www.holbergprisen.no/en.

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