

**6th Annual International Conference on Law, Regulations and Public Policy
(LRPP 2017)**

Title: Improving Public Health Through Behavioural Rules: A Legitimate Legislative Project of a Nanny State Or a Nudge State?

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Abstract

The paper concerns the proper role of government, when adopting legislative rules to improve public health. These rules have led to claims that governments embrace paternalism as a legislative principle which, in turn, facilitates the creation of the 'nanny state'. However, whilst the 'nanny state' controls or even prohibits behaviour which the state deems to be harmful, the 'nudge state' merely influences and manipulates peoples' choices by making non-wanted behaviour economically expensive or socially undesirable. The paper provides examples of 'nudge state' intervention in the health sector and, in particular, critically assesses worldwide attempts to adopt plain packaging legislation for cigarettes. Ultimately, it is argued that 'nudge state' measures are futile and obstruct the proper role of government.