Personalizing Default Rules and Disclosure with Big Data

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Law is impersonal. The state generally does not tailor the contents of the law to people's characteristics and traits. In this article we argue that in the era of Big Data law should become more personalized. Our main focuses are default rules (situations where people face a choice between either sticking with a default option or specifying a different option instead) and disclosure (where the law mandates that individuals receive particular information). We argue that the law could be more efficient and effective in advancing its goals, if personalized. We further argue that we are not far away from the time when personalization of the law will be technologically feasible. Our claims have important applications to contract law, consumer law, inheritance law, medical malpractice, property law, privacy law, and other fields. We discuss a few potential objections to our claims and argue that they are not convincing.