

Regulation and Its Reform. By Stephen Breyer. (Cambridge, Mass.: Harvard University Press, 1982. Pp. xii + 472. \$25.00.)

This is an excellent summary of regulatory practice and policy. It is comprehensive in scope and breadth. It tells us how regulation works, when it fails, where it should be changed, and what to do to change it. In addition, it is superbly organized and well-written. It should be highly valuable as a text. Indeed, I would recommend it without hesitation to anyone interested in regulatory policy issues.

I should also acknowledge that not everyone who is interested in regulation will be interested in reading this book. Those who are looking for a rigorous, systematic exploration of the politics and/or economics of regulation or for original, unconventional insights on regulatory issues should look elsewhere. As Breyer explains, he is writing from the viewpoint of the practical man or woman of affairs and for the conscientious regulator or a legislator who must try to take everything into account and make policy judgments based on likely effects in a complex "world where *other things are not equal and where nothing is constant*" (p. 155). Such men and women respect facts; they are wary of theory. And Breyer is careful not to challenge these attitudes. He frequently characterizes facts as compelling or persuasive; theories are interesting and/or controversial. He is also careful to offer theory as a guide to action only where it is not controversial, where it has been tamed by consensus and tested against common sense, and never where it would distract from his diagnosis or prescription.

Indeed, the relentless pragmatism of this book is, perhaps, its most remarkable feature. Such consistency in point of view must have required considerable self-restraint. It is not easy to suppress the urge to begin at the beginning or to carry an argument to its logical conclusion. But that is precisely what Breyer forces himself to do. Consider Breyer's prescription for review of existing regulatory statutes (S. 1291, 96th Cong., 1st Sess. [1979]). His proposal has two elements: (1) a mandate to a committee composed of representatives of the Council of Economic Advisors, the Federal Trade Commission, the Anti-trust Division of the Justice Department, etc. (read economists) to draft alternative legislation in selected areas; and (2) a legislative "trigger," i.e., automatic discharge of the alternative to a floor vote in Congress.

As Breyer explains (p. 367):

detailed study and hard work is encouraged by the establishment of an executive-branch commission with members who will tend to favor regulatory reform. It is encouraged by the pros-

pect of legislative action held out by the legislative "trigger." Knowing that Congress is likely to take the matter seriously means that the executive branch is more likely to do so.

From his proposal it is clear that Breyer believes that policy outcomes are largely structurally determined. One may also logically infer that the changes he proposes would improve legislative decision making in general and not merely with respect to regulatory policy. Breyer, however, neither explains his assumptions nor draws the obvious conclusion; he thereby avoids both controversy and unnecessary distraction.

The importance of this self-discipline is understandable only if one appreciates Breyer's purpose. Many people write on public policy issues because they wish to teach, explain, or amaze; Breyer wants to persuade practical men and women of affairs to act. He interprets this to mean that he must show that his prescriptions are almost certainly roughly right and that if he is wrong, seriously bad things won't happen.

Breyer clearly understands his target audience (see pp. 317-340). Consequently, anyone who actually wants to influence public policy ought to find this book useful, not only for what it has to say about regulation, but as a guide to and a model for the practice of policy analysis.

FRED THOMPSON

Columbia University

Income Support: Conceptual and Policy Issues.

Edited by Peter G. Brown, Conrad Johnson, and Paul Vernier. (Totowa, N.J.: Rowman and Littlefield, 1981. Pp. xiii + 378. \$27.50.)

This collection of 18 essays by philosophers, economists, and welfare practitioners aspires to "examine basic moral and conceptual issues underlying recent welfare reform efforts as well as any future attempts to appraise or modify income support policies" (p. vii). The effort is only partially successful. Too often the emphasis is on conceptual issues oddly disconnected from policy concerns and only of interest to philosophers. When policy questions are addressed, however, analyses useful for future deliberation often result.

The four chapters on the moral authority and proper goals of income support policy add little to the discussion of moral authority beyond a review of utilitarianism and paternalism and avoid analysis of alternative goals. Richard B. Brandt presents a concise utilitarian justification for government action but unfortunately devotes only one paragraph to examination of the relevance of utilitarianism to specific policy questions. Gerald

Regulation And Its Reform

G Psacharopoulos



Regulation And Its Reform:

Regulation and Its Reform Stephen Breyer, 2009-07-01 This book will become the bible of regulatory reform No broad authoritative treatment of the subject has been available for many years except for Alfred Kahn's Economics of Regulation 1970 And Stephen Breyer's book is not merely a utilitarian analysis or a legal discussion of procedures it employs the widest possible perspective to survey the full implications of government regulation economic legal administrative political while addressing the complex problems of administering regulatory agencies Only a scholar with Judge Breyer's practical experience as chief counsel to the Senate Judiciary Committee could have accomplished this task He develops an ingenious original system for classifying regulatory activities according to the kinds of problems that have called for or have seemed to call for regulation he then examines how well or poorly various regulatory regimes remedy these market defects This enables him to organize an enormous amount of material in a coherent way and to make significant and useful generalizations about real world problems Among the regulatory areas he considers are health and safety environmental pollution trucking airlines natural gas public utilities and telecommunications He further gives attention to related topics such as cost of service ratemaking safety standards antitrust and property rights Clearly this is a book whose time is here a veritable how to do it book for administration deregulators legislators and the judiciary and because it is comprehensive and superbly organized with a wealth of highly detailed examples it is practical for use in law schools and in courses on economics and political science

Economic Regulation and Its Reform Nancy L. Rose, 2014-08-29 The past thirty years have witnessed a transformation of government economic intervention in broad segments of industry throughout the world Many industries historically subject to economic price and entry controls have been largely deregulated including natural gas trucking airlines and commercial banking However recent concerns about market power in restructured electricity markets airline industry instability amid chronic financial stress and the challenges created by the repeal of the Glass Steagall Act which allowed commercial banks to participate in investment banking have led to calls for renewed market intervention Economic Regulation and Its Reform collects research by a group of distinguished scholars who explore these and other issues surrounding government economic intervention Determining the consequences of such intervention requires a careful assessment of the costs and benefits of imperfect regulation Moreover government interventions may take a variety of forms from relatively nonintrusive performance based regulations to more aggressive antitrust and competition policies and barriers to entry This volume introduces the key issues surrounding economic regulation provides an assessment of the economic effects of regulatory reforms over the past three decades and examines how these insights bear on some of today's most significant concerns in regulatory policy

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Regulation and Its Reform, 1982

The Politics of Regulatory Reform Stuart Shapiro, Debra Borie-Holtz, 2014-01-21 Regulation has become a front page topic recently often referenced by politicians in conjunction with the current state of the U S economy Yet despite regulation's increased presence in current politics and media The Politics of Regulatory Reform argues that the regulatory process and its influence on the economy is misunderstood by the general public as well as by many politicians In this book two experienced regulation scholars confront questions relevant to both academic scholars and those with a general interest in ascertaining the effects and importance of regulation How does regulation impact the economy What roles do politicians play in making regulatory decisions Why do politicians enact laws that require regulations and then try to hamper agencies' abilities to issue those same regulations The authors answer these questions and untangle the misperceptions behind regulation by using an area of regulatory policy that has been underutilized until now Rather than focusing on the federal government Shapiro and Borie Holtz have gathered a unique dataset on the regulatory process and output in the United States They use state specific data from twenty eight states as well as a series of case studies on regulatory reform to question widespread impressions and ideas about the regulatory process The result is an incisive and comprehensive study of the relationship between politics and regulation that also encompasses the effects of regulation and the reasons why regulatory reforms are enacted

Regulatory Framework in India Sapna Chadah, 2017-01-01 Since 1980s deregulation and contracting out of governmental functions services and responsibilities have reverberated around the world under the impact and influence of liberalization privatization and globalization LPG The shift of power from the public to the private sector has profound implications for public law There has been a shift in the perceived role of Government from acting as the principal vehicle for socio economic development to guiding and facilitating that development What we see is not that total retreat of the State but rather the substitution of one form of involvement by the state in the economy for another The book deals with legal and policy issues underpinning the development and strengthening of the regulatory and institutional framework for better governance Main thrust of book is to

study and analyze the changes introduced under the impact of liberalization privatization and globalization on the system and sub systems of governance from the perspective of economy efficiency effectiveness ethics and equity The book is useful to legal professionals administrators academicians researchers and students

Public Procurement and the EU

Competition Rules Albert Sánchez Graells, 2015-06-25 Public procurement and competition law are both important fields of EU law and policy intimately intertwined in the creation of the internal market Hitherto their close connection has been noted but not closely examined This work is the most comprehensive attempt to date to explain the many ways in which these fields often considered independent of one another interact and overlap in the creation of the internal market This process of convergence between competition and public procurement law is particularly apparent in the 2014 Directives on public procurement which consolidate the principle of competition in terms very close to those advanced by the author in the first edition This second edition builds upon this approach and continues to ask how competition law principles inform and condition public procurement rules and whether the latter in their revised form are adequate to ensure that competition is not distorted The second edition also deepens the analysis of the market behaviour of the public buyer from a competition perspective Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of these rules against a standard of the proper functioning of undistorted competition in the market for public procurement It also traces the increasing relevance of competition considerations in the case law of the Court of Justice of the European Union and sets out criteria and recommendations to continue influencing the development of EU Economic Law

S. 981, the Regulatory Improvement Act of 1998 United States. Congress. Senate. Committee on Governmental Affairs, 1998

Future Survey Annual 1983 Michael Marien, 1984-01-01

Reimagining Clinical Legal Education Linden Thomas, Steven Vaughan, Bharat Malkani, Theresa Lynch, 2018-10-04 Clinical Legal Education CLE can be defined in broad terms as the study of law through real or simulated casework It enables students to experience the law in action and to reflect on those experiences CLE offers an alternative learning experience to the traditional lecture seminar method and allows participants to take the study of law beyond the lecture theatre and library CLE has been a part of English law schools for several decades and is becoming an increasingly popular component of a number of programmes It is also well established in North America Australia and many other countries around the globe In some law schools CLE is credit bearing in others it is an extracurricular activity Some CLE schemes focus on social welfare law whilst others are commercially orientated A number are run in conjunction with third sector organisations and many are supported by private practice law firms This edited collection brings together academics lawyers third sector organisations and students to discuss the present experience and potential of CLE As such it will be of interest to a wide and diverse audience both within and outside the UK

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