

# REINVENTING RATIONALITY

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THE ROLE  
OF REGULATORY ANALYSIS IN  
THE FEDERAL BUREAUCRACY

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THOMAS O. MCGARITY

# Reinventing Rationality

**OECD**



## **Reinventing Rationality:**

Reinventing Rationality Thomas O. McGarity, 1991-05-31 In this book Professor McGarity reveals the complex and problematic relationship between the regulatory reform movements initiated in the early 1970s and the United States federal bureaucracy Examining both the theory and application of regulatory reform under the Reagan administration the author succeeds in offering both a relevant analysis and critique of regulatory reform and its implementation through bureaucratic channels Using several case studies from the early Reagan years this book describes the clash of regulatory cultures resulting from the President's attempt to incorporate regulatory analysis into the bureaucratic decision making process Yet while McGarity recognizes the limitations of regulatory analysis he concludes with suggestions for enhancing its effectiveness This book could be used not only as a textbook for political science and government courses but also for graduate applications in public policy and public administration

**Reviving Rationality** Michael A. Livermore, Richard L. Revesz, 2020-11-02 For decades administrations of both political parties have used cost benefit analysis to evaluate and improve federal policy in a variety of areas including health and the environment Today this model is under grave threat In *Reviving Rationality* Michael Livermore and Richard Revesz explain how Donald Trump has destabilized the decades long bipartisan consensus that federal agencies must base their decisions on evidence expertise and analysis Administrative agencies are charged by law with protecting values like stable financial markets and clean air Their decisions often have profound consequences affecting everything from the safety of workplaces to access to the dream of home ownership Under the Trump administration agencies have been hampered in their ability to advance these missions by the conflicting ideological whims of a changing cast of political appointees and overwhelming pressure from well connected interest groups Inconvenient evidence has been ignored experts have been sidelined and analysis has been used to obscure facts rather than inform the public The results are grim incoherent policy social division defeats in court a demoralized federal workforce and a loss of faith in government's ability to respond to pressing problems This experiment in abandoning the norms of good governance has been a disaster *Reviving Rationality* explains how and why our government has abandoned rationality in recent years and why it is so important for future administrations to restore rigorous cost benefit analysis if we are to return to a policymaking approach that effectively tackles the most pressing problems of our era

**Reinventing Government in the Information Age** Richard Heeks, 2001 Featuring practical guidance and analytical analysis this work reviews the role of information systems in public sector reform and includes case studies from USA UK Europe and developing countries

**(Re)Inventing the Internet** Andrew Feenberg, Norm Friesen, 2012-03-24 Although it has been in existence for over three decades the Internet remains a contested technology Its governance and role in civic life education and entertainment are all still openly disputed and debated The issues include censorship and network control privacy and surveillance the political impact of activist blogging peer to peer file sharing the effects of video games on children and many others Media

conglomerates governments and users all contribute to shaping the forms and functions of the Internet as the limits and potentialities of the technologies are tested and extended What is most surprising about the Internet is the proliferation of controversies and conflicts in which the creativity of ordinary users plays a central role The title *Re Inventing the Internet* refers to this extraordinary flowering of agency in a society that tends to reduce its members to passive spectators This collection presents a series of critical case studies that examine specific sites of change and contestation These cover a range of phenomena including computer gaming cultures online education surveillance and the mutual shaping of digital technologies and civic life

**Understanding Regulation** Robert Baldwin, Martin Cave, Martin Lodge, 2012 An introduction to the practical and theoretical issues that are central to the study of regulation which a particular focus on contested areas and how they are dealt with

**Megaregulation Contested** Benedict Kingsbury, David M. Malone, Paul Mertenskötter, Richard B. Stewart, Thomas Streinz, Atsushi Sunami, 2019-06-06 The Japan led Trans Pacific Partnership CPTPPA of 2018 is the most far reaching megaregional economic agreement in force with several major countries beyond its eleven negotiating countries also interested Still bearing the stamp of the original US involvement before the Trump era reversal TPP is the first instance of megaregulation a demanding combination of inter state economic ordering and national regulatory governance on a highly ambitious substantive and trans regional scale Its text and ambition have influenced other negotiations ranging from the Japan EU Agreement JEEPA and the US Mexico Canada Agreement USMCA to the projected Pan Asian Regional Comprehensive Economic Partnership RCEP This book provides an extensive analysis of TPP as a megaregulatory project for channelling and managing new pressures of globalization and of core critical arguments made against economic megaregulation from standpoints of development inequality labour rights environmental interests corporate capture and elite governance Specialized chapters cover supply chains digital economy trade facilitation intellectual property currency levels competition and state owned enterprises government procurement investment prescriptions for national regulation and the TPP institutions Country studies include detailed analyses of TPP related politics and approaches in Japan Mexico Brazil China India Indonesia and Thailand Contributors include leading practitioners and scholars in law economics and political science At a time when the WTO and other global scale institutions are struggling with economic nationalism and geopolitics and bilateral and regional agreements are pressed by public disagreement and incompatibility with digital and capital and value chain flows the megaregional ambition of TPP is increasingly important as a precedent requiring the close scrutiny this book presents

*Reducing Unnecessary and Costly Red Tape Through Smarter Regulation* United States. Congress. Joint Economic Committee, 2013

**Administrative Competence** Elizabeth Fisher, Sidney A. Shapiro, 2020-10-15 This book reimagines administrative law as the law of public administration by making its competence the focus of administrative law

*Regulatory Politics in an Age of Polarization and Drift* Marc Allen Eisner, 2017-02-24 Regulatory change is typically understood as a response to significant crises like the Great Depression or

salient events that focus public attention like Earth Day 1970 Without discounting the importance of these kinds of events change often assumes more gradual and less visible forms But how do we see change and what institutions and processes are behind it In this book author Marc Eisner brings these questions to bear on the analysis of regulatory change walking the reader through a clear eyed and careful examination of the dynamics of regulatory change since the 1970s social regulation and institutional design forms of gradual change including conversion layering and drift gridlock polarization and the privatization of regulation financial collapse and the anatomy of regulatory failure Demonstrating that transparency and accountability the hallmarks of public regulation are increasingly absent and that deregulation was but one factor in our most recent significant financial collapse the Great Recession this book urges readers to look beyond deregulation and consider the broader political implications for our current system of voluntary participation in regulatory programs and the proliferation of public private partnerships This book provides an accessible introduction to the complex topic of regulatory politics ideal for upper level and graduate courses on regulation government and business bureaucratic politics and public policy

**Terrorizing Ourselves** Benjamin H. Friedman, Jim Harper, Christopher A. Preble, 2010-05-01 Terrorizing Ourselves dismantles much of the flawed thinking that dominates U S counterterrorism policy today and lays out alternative approaches informed by experience deliberation and the well established norms of a free society Leading experts in the field contributed to this important new book which shows that politicians use fear for political purposes and spend vast sums of money on dubious security measures These experts explore the nature of modern terrorism explain and decry our panicked responses to it and offer sober alternatives Beyond specific proposals for disrupting terror cells and improving homeland security efforts Terrorizing Ourselves documents the many ways in which a climate of fear mongering exacerbates the threat of terrorism Terrorists the authors note get their name for a reason Fear is their chief tactic Political forces push U S policymakers to hype this fear encouraging Americans to believe that terrorists are global super villains who can wreck American society unless we submit to their demands This book shows that policies based on this fantasy are self defeating and bring needless war wasted wealth and less freedom The authors explore strategies to undermine support for these policies They also sketch an alternative counterterrorism and homeland security strategy one that makes us safer and plays to Americans confidence rather than our fears

**S. 981, the Regulatory Improvement Act of 1997** United States. Congress. Senate. Committee on Governmental Affairs, 1998 Judging Regulators Eric C. Ip, 2020-10-30 Drawing insights from economics and political science Judging Regulators explains why the administrative law of the US and the UK has radically diverged from each other on questions of law fact and discretion *Regulation, Enforcement and Governance in Environmental Law* Richard Macrory Hon KC, 2014-10-09 Regulation Enforcement and Governance in Environmental Law is an updated edition of Richard Macrory s most influential writings Spanning his entire career these are all works which have helped shape contemporary environmental law and policy The book includes the full text of his 2006 Cabinet Office Review

on Regulatory Sanctions new chapters on the Climate Change Act 2008 the Environment Tribunal and analysis of recent leading cases The book is divided into five thematic sections Regulatory reform Institutional Reform and Change the Dynamics of Environmental Law the Courts and the Environment and Europe and the Environment Reviews of the first edition This book is surely destined to become a must read for anyone academic practitioner or student interested in the development of regulation enforcement and environmental governance P Bishop IUCN Academy of Environmental Law Journal An excellent reference work on environmental law an extremely important and valuable edition to the environmental lawyer s bookshelf C Abbot Journal of Environmental Law It is a rare to find a volume which consumes one s attention for 765 pages and rarer still that such a blockbuster be a law book This book is not solely for environmental enthusiasts it should be essential reading for anyone concerned with the institutional reform transparency and accountability in the UK and EU C MacKenzie Cambridge Law Journal

The Death of Common Sense Philip K. Howard, 2011-05-03 NEW YORK TIMES BESTSELLER We need a new idea of how to govern The current system is broken Law is supposed to be a framework for humans to make choices not the replacement for free choice So notes Philip K Howard in the new Afterword to his explosive manifesto The Death of Common Sense Here Howard offers nothing less than a fresh lucid practical operating system for modern democracy America is drowning in law lawsuits and nearly endless red tape Before acting or making a decision we often abandon our best instincts We pause we worry we equivocate and then we divert our energy into trying to protect ourselves Filled with one too many examples of bureaucratic overreach The Death of Common Sense demonstrates how we and our country can at last get back on track

*OECD Reviews of Regulatory Reform Risk and Regulatory Policy Improving the Governance of Risk* OECD, 2010-04-09 This publication presents recent OECD papers on risk and regulatory policy They offer measures for developing or improving coherent risk governance policies

**Handbook of Regulatory Impact Assessment** Claire A. Dunlop, Claudio M. Radaelli, 2016-04-29 Regulatory impact assessment RIA is the main instrument used by governments and regulators to appraise the likely effects of their policy proposals This pioneering Handbook provides a comparative and comprehensive account of this tool situating it in the relevant theoretical traditions and scrutinizing its use across countries policy sectors and policy instruments Comprising six parts university researchers international consultants and practitioners working in international organizations examine regulatory impact assessment from many perspectives which include research traditions in the social sciences implementation regulatory indicators and effects tools and dimensions such as courts and gender sectoral case studies including environment enterprise and international development international diffusion in the European Union EU Americas Asia and developing countries appraisal training and education With its wealth of detail and lessons to be learned the Handbook of Regulatory Impact Assessment will undoubtedly be of great value to practitioners and scholars working in governance political science and socio legal studies

*University of Chicago Law Review: Volume 81, Number 2 - Spring 2014* University of Chicago Law

Review,2014-06-27 The second issue of 2014 features articles and essays from recognized scholars Contents include these Articles Group to Individual G2i Inference in Scientific Expert Testimony David L Faigman John Monahan Christopher Slobogin Game Theory and the Structure of Administrative Law Yehonatan Givati Habeas and the Roberts Court Aziz Z Huq Cost Benefit Analysis and Agency Independence Michael A Livermore Accommodating Every Body Michael Ashley Stein Anita Silvers Bradley A Areheart Leslie Pickering Francis In addition the issue includes a Review Essay by Sharon R Krause entitled The Liberalism of Love and these student Comments Toward a Uniform Rule The Collapse of the Civil Criminal Divide in Appellate Review of Multitheory General Verdicts Nathan H Jack All out of Chewing Gum A Case for a More Coherent Limitations Period for ERISA Breach of Fiduciary Duty Claims Raphael Janove Quality ebook formatting includes active TOC linked notes active URLs in notes and all the charts tables and formulae found in the original print version

**Economic Knowledge in Regulation** Lorna S Schrefler,2014-12-01 It is conventional to argue that the autonomy and reputation of independent regulatory agencies IRAs depend on their expertise Yet studies on how IRAs create and deploy their knowledge capacity are few and far apart By addressing the underexplored question of the role of economics in regulatory policy making this book fills a gap in two different strands of literature on IRAs and on knowledge utilisation respectively Only a few authors have taken a somewhat comparable approach eg McGarity 1991 Morgenstern 1997 Jennings and Hall 2011 but their work focuses on US regulators Conversely little has been written on their European counterparts This book also proposes an innovative solution to operationalise hypotheses on the role of expertise in policy making and makes this contribution particularly relevant for recent debates on evidence based policy making Finally it takes a close look at specific regulatory decisions by one of the oldest and most authoritative regulators **Pollution, Politics, and Power**

Thomas O. McGarity,2019-11-19 The electric power industry has been transformed over the past forty years becoming more reliable and resilient while meeting environmental goals A big question now is how to prevent backsliding Pollution Politics and Power tells the story of the remarkable transformation of the electric power industry over the last four decades Electric power companies have morphed from highly polluting regulated monopolies into competitive deregulated businesses that generate transmit and distribute cleaner electricity Power companies are investing heavily in natural gas and utility scale renewable resources and have stopped building new coal fired plants They facilitate end use efficiency and purchase excess electricity produced by rooftop solar panels and backyard wind turbines helping to reduce greenhouse gas emissions But these beneficial changes have come with costs The once powerful coal industry is on the edge of ruin with existing coal fired plants closing and coal mines shutting down As a result communities throughout Appalachia suffer from high unemployment and reduced resources which have exacerbated a spiraling opioid epidemic The Trump administration s efforts to revive the coal industry by scaling back environmental controls and reregulating electricity prices have had little effect on the coal industry s decline Major advances therefore come with warning signs which we must heed in charting the continuing course

of sustainable electricity In Pollution Politics and Power Thomas O McGarity examines the progress made details lessons learned and looks to the future with suggestions for building a more sustainable grid while easing the economic downsides of coal s demise

**Carrots, Sticks, and Sermons** Marie-Louise Bemelmans-Videc, Ray C. Rist, Evert Oskar Vedung, 2011-12-31 The literature on policy strategies instruments and styles is impressive Still a complex variety of theoretical and conceptual approaches and analytical tools hamper a good overview Carrots Sticks and Sermons proposes such a framework for the field and clearly shows how public policy instruments are classified packaged and chosen while highlighting the role evaluation plays in the instruments choice process Carrots Sticks and Sermons offers a comprehensive analysis of categories and typologies of policy instruments It classifies sticks carrots and sermons or more specifically regulation economic means and information Readers are offered a comparative perspective of evaluation practice in foreign contexts Special attention is paid to the examples of Sweden the Netherlands Belgium England Canada the United States and the Republic of Korea As such this volume crosses language barriers that stand in the way of dispersing research results among the international community of theoreticians and practitioners As nations become increasingly interdependent problems of implementation and evaluation of policy choices will become issues of increasing gravity Carrots Sticks and Sermons provides insights into the traditional and current practice of policy and program evaluation in various contexts The book s theory of comparative public policy will produce understanding and guidance in designing better policies It will be of wide interest to those in the fields of public policy particularly policy design policy implementation policy evaluation comparative politics and economics



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## **Table of Contents Reinventing Rationality**

1. Understanding the eBook Reinventing Rationality
  - The Rise of Digital Reading Reinventing Rationality
  - Advantages of eBooks Over Traditional Books
2. Identifying Reinventing Rationality
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Reinventing Rationality
  - User-Friendly Interface
4. Exploring eBook Recommendations from Reinventing Rationality
  - Personalized Recommendations
  - Reinventing Rationality User Reviews and Ratings
  - Reinventing Rationality and Bestseller Lists
5. Accessing Reinventing Rationality Free and Paid eBooks
  - Reinventing Rationality Public Domain eBooks
  - Reinventing Rationality eBook Subscription Services
  - Reinventing Rationality Budget-Friendly Options

6. Navigating Reinventing Rationality eBook Formats
  - ePub, PDF, MOBI, and More
  - Reinventing Rationality Compatibility with Devices
  - Reinventing Rationality Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Reinventing Rationality
  - Highlighting and Note-Taking Reinventing Rationality
  - Interactive Elements Reinventing Rationality
8. Staying Engaged with Reinventing Rationality
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Reinventing Rationality
9. Balancing eBooks and Physical Books Reinventing Rationality
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Reinventing Rationality
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Reinventing Rationality
  - Setting Reading Goals Reinventing Rationality
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Reinventing Rationality
  - Fact-Checking eBook Content of Reinventing Rationality
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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