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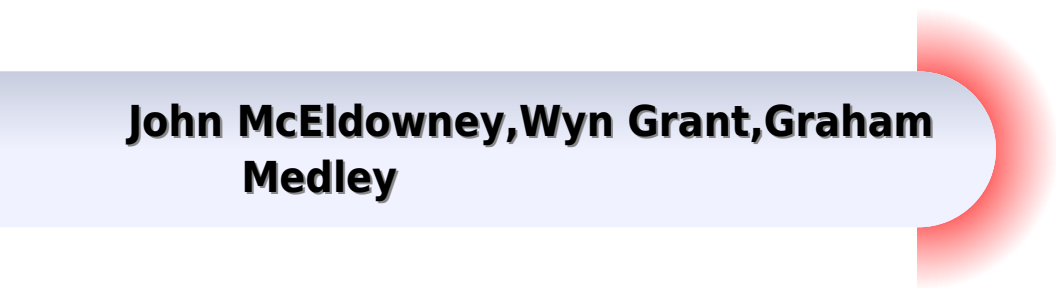
*Effective Self-regulation
and Democracy*



Christine Parker

Open Corporation Effective Self Regulation And Democracy

**John McEldowney, Wyn Grant, Graham
Medley**



Open Corporation Effective Self Regulation And Democracy:

The Open Corporation Christine Parker, 2002-07-08 The Open Corporation originally published in 2002 set out a blueprint for effective corporate self regulation offering practical strategies for managers stakeholders and regulators to build successful self regulation management systems Christine Parker examined the conditions under which corporate self regulation of social and legal responsibilities were likely to be effective covering a wide range of areas from consumer protection to sexual harassment to environmental compliance Focusing on the features that make self regulation or compliance management systems effective Parker argued that law and regulators needed to focus much more on meta regulating corporate self regulation if democratic control over corporate action was to be established **Redesigning Financial Regulation** Justin O'Brien, 2006-11-02 At the height of the 1990s boom Jack Grubman one of the most successful analysts in Wall Street proclaimed what used to be conflicts of interest are now synergies This myopia contributed dramatically to the elevation of a culture in which greed was deified oversight denigrated and misfeasance justified Since the fall of the markets and the implosion of confidence in the American corporate business model one man has proved instrumental in deconstructing the rhetoric of the 1990s Eliot Spitzer the combative Attorney General of New York In the process his innovative application of state law has reconfigured the governance of Wall Street Over the past three years the pursuit of transparency and accountability in the structure of the markets has propelled Spitzer to the forefront of regulatory policy His investigations into tainted analyst research the mutual funds industry the governance of the New York Stock Exchange and the insurance industry have focused attention not just on corrupted individuals but also the complicity of the financial structure itself Spitzer exploited the inherent conflicts of interest to the full forcing regulators to adopt a much more proactive approach and creating a national platform for his own wider political ambitions Now holding the Democratic nomination for the Governorship of New York Spitzer has begun a path for higher national office This groundbreaking book features exclusive access with many of the key actors in these changes to the governance of Wall Street It examines how Eliot Spitzer exploited gaps in the regulatory framework to capture the corporate reform agenda and explores the implications of his actions on policy formation and recalibration Key incidents include changing the terms of reference governing analyst research the defenestration of Dick Grasso's tenure over the NYSE which is now being heard in state court in New York and the battles for control between the former Chairman of the Securities Exchange Commission Harvey Pitt and Spitzer The book details not only the contested contingent and interdependent connections between the American political and financial systems but reveals how Spitzer's manipulation of those connections have proved instrumental in enhancing his own wider political ambitions **Reforming Age Discrimination Law** Alysia Blackham, 2022 This book offers a roadmap for the future development of age discrimination law in common law countries to better address workplace ageism It critically considers how the suggested four fold model of reform might address the limits of existing laws and the

practical measures necessary to ensure their success

Taming the Corporation Robert Baldwin, Martin Cave, 2020-11-19
Taming the Corporation offers a much needed positive vision of regulation Using numerous case examples to address real life challenges it stresses the role of good regulation in allowing businesses to flourish serve markets effectively and respect broader interests and provides a method of designing regulation in its most productive form

Corporations and International Lawmaking Stephen Tully, 2007 The classical model of international lawmaking posits governments as exclusively authoritative actors However commercially oriented entities have long been protagonists within the prevailing international legal order concluding contracts and resolving disputes with governments Is the international legal personality of corporations undergoing further qualitative transformations Corporations influence the State practice constitutive of custom and create refashion or challenge normative rules The corporate willingness to fill legal lacunae where governments do not exercise their full regulatory responsibility is also observable through resort to alternative legal mechanisms Corporations moreover contribute directly to treaty negotiations and occupy crucial roles during subsequent implementation Indeed an analysis of the access conditions and participatory modalities for non State actors could support a right to participate under common international procedural law Their substantive contributions are also evident when corporations participate in enforcing international law against governments through national courts diplomatic protection including the WTO and arbitration including NAFTA However the practice of intergovernmental organizations reveals several challenges including managing corporate interaction with developing country governments and other non State actors Acknowledging corporate contributions also has important implications for national regulatory autonomy the ability of governments to mediate contested policy issues the democratic legitimacy of the contemporary lawmaking process and an understanding of consent as the underlying basis for international law

Regulating Business for Peace Jolyon Ford, 2015-02-05 The first book to study how peace operations have engaged with business to influence its peace building impact in fragile and conflict affected societies

Transnational Environmental Regulation and Governance Veerle Heyvaert, 2019 A guide to the meaning of environmental regulation in an era of transnational cooperation for sustainability

The Regulation of Animal Health and Welfare John McEldowney, Wyn Grant, Graham Medley, 2013-09-05 The Regulation of Animal Health and Welfare draws on the research of scientists lawyers economists and political scientists to address the current and future regulatory problems posed by the issues of animal health and disease Recent events such as the outbreak of mad cow disease epidemics of foot and mouth disease concerns about bluetongue in sheep and the entry into the food chain of the offspring of cloned cattle have heightened awareness of the issues of regulation in animal disease and welfare This book critically appraises the existing regulatory institutions and guiding principles of how best to maintain animal health in the context of social change and a developing global economy Addressing considerations of sound science the role of risk management and the allocation of responsibilities it also takes up the theoretical and practical challenges which here and elsewhere attend the co operation

of scientists social scientists lawyers and policy makers Indeed the collaboration of scientists and social scientists in determined and regulatory contexts such as that of animal disease is an issue of ever increasing importance This book will be of considerable value to those with interests in this issue as well as those concerned with the law and policy relating to animal health and welfare

Regulating Corporate Human Rights Violations Surya Deva,2012 Despite the continuous addition of regulatory initiatives concerning corporate human rights responsibilities what we witness more often than not is a situation of corporate impunity for human rights abuses The Bhopal gas leak examined as a site of human rights violations rather than as a mass tort or an environmental tragedy illustrates that the regulatory challenges that the victims experienced in 1984 have not yet been overcome This book grapples with and offers solutions to three major regulatory challenges to obligating companies to comply with human rights norms whilst doing business and asks why companies should adhere to human rights what these responsibilities are and how to ensure that companies comply with their responsibilities Building on literature in the fields of law human rights business ethics management regulation and philosophy this book proposes a new integrated theory of regulation to overcome inadequacies of the existing regulatory framework in order to humanize business This book will be of interest to scholars students researchers policy makers and human rights activists working in the fields of Law Business and Human Rights

The Oxford Handbook of White-collar Crime Shanna Van Slyke,Michael L. Benson,Francis T. Cullen,2016 The Oxford Handbook of White Collar Crime offers a comprehensive treatment of the most up to date theories and research regarding white collar crime Contributors tackle a vast range of topics including the impact of white collar crime the contexts in which white collar crime occurs current crime policies and debates and examinations of the criminals themselves The volume concludes with a set of essays that discuss potential responses for controlling white collar crime as well as promising new avenues for future research

New Accountability in Financial Services Joe McGrath,Ciaran Walker,2022-01-01 This book is a critical examination of recently introduced individual accountability regimes that apply to the financial services industry in the UK SMCR and Australia BEAR and the forthcoming FAR together with a forthcoming new individual accountability regime in particular SEAR in Ireland It provides a framework for analysing whether these regimes will achieve behavioural change in the financial services industry This book argues that whilst sanctioning individuals to deter future misconduct is an important part of any successful regulatory strategy the focus should be on ensuring that individuals in the financial services industry internalise the norms of behaviour expected under the new regimes In this regard the analysis in this book is informed by criminological theory regulatory theory and behavioural science The work also argues for a trajectory towards professionalisation of financial services and banking in particular as an important means of positively influencing industry wide norms of behaviour which have a key influence on firms and individuals behaviours

Contemporary Challenges in Regulating Global Crises M. Findlay,2013-02-21 Mark Findlay s treatment of regulatory sociability charts the anticipated and even inevitable transition to mutual interest which is the

essence of taking communities from shared risk to shared fate In the context of today's global crises he explains that for the sake of sustainability human diversity can bond in different ways to achieve fate *Explaining Compliance* Christine Parker, Vibeke Lehmann Nielsen, 2011 Taking a broad view of regulation and covering a wide range of issues and industries this collection is the most innovative effort to date to understand the responses of business firms to regulation The book brings together an impressive group of scholars who analyze the concept of compliance and offer theoretically informed studies of its assumed links to regulation A must read for both academics and practitioners this ground breaking collection firmly establishes a scholarly field of compliance studies Ronen Shamir Tel Aviv University Israel Business responses to regulation is a key area of social science research Parker and Nielsen's collection brings together an excellent group of scholars with innovative and I believe highly influential contributions that problematize the relations between regulation and compliance The collection is a highly welcome addition to our field that will redefine the research agenda on compliance A significant achievement that will help to improve policy making and frame the scholarly research agenda for the years to come David Levi Faur The Hebrew University of Jerusalem Israel and the Free University of Berlin Germany A timely and important set of analyses on how and why businesses respond to regulation in the way that they do from some of the leading authors in the field covering business responses to both state and non state regulatory systems Julia Black London School of Economics UK *Explaining Compliance* consists of sixteen specially commissioned chapters by the world's leading empirical researchers examining whether and how businesses comply with regulation that is designed to affect positive behaviour changes Each chapter consists of reflective summaries on business compliance with different state or voluntary regulation and the theoretical lessons to be drawn from it As a whole the book develops understanding and explanations of how why and in what circumstances firms come to comply with regulation and when they do not It also uncovers the complexity ambiguity and transformation of regulation as it is interpreted implemented and negotiated by firms their stakeholders and internal constituencies in everyday business life This unique and detailed resource will appeal to academics graduate students and senior undergraduates in law political science sociology criminology economics and psychology as well as business and interdisciplinary areas such as law and society and law and economics Anyone researching business regulation corporate social responsibility regulation and compliance enforcement and compliance and public administration will also find this book beneficial *Transnational Sustainability Laws* Phillip Paiement, 2017-11-23 Transnational standards related to the environmental and social sustainability of production processes are becoming commonplace governance tools in the global economy This book demonstrates how sustainability standards serve two fundamentally different functions coordination and regulation Standards can coordinate like minded businesses in an industry by demarcating common sustainability commitments to distinguish between sustainable and unsustainable sectors of the industry Yet standards can also regulate businesses requiring them to change production and trade practices to align with the sustainability demands of third parties

including trading partners advocacy groups consumers and other civil society constituencies These two functions reflect the private and public lenses respectively through which legal scholars can assess standards as transnational sustainability laws With key case studies in forestry standards palm oil standards and the ISEAL Alliance this book demonstrates how socio legal analyses of transnational rulemaking inform debates about global administrative law and the constitutionalization of the global economy

Accountability and Corporate Human Rights Violations in Tort and International Law Emmanuel Nartey, 2021-10-04 This volume identifies a coherent legal principle in order to establish a novel duty of care for corporate human rights violations and environmental damages It examines whether tort and civil law offer better accountability and remedies for victims of corporate human rights abuses and carries out an in depth and critical analysis of the concept of corporate accountability Moreover a fundamental part of this book is devoted to examining the extent to which international criminal law influences international human rights law in its use of tort law and civil law remedies Finally the book sets out a theoretical mechanism for duty of care as well as a proposal for the establishment of a Hybrid International Transnational Corporation Court that would have the potential to effectively interpret the concept of the corporate duty of care under tort law

Corporate Social Responsibility, Human Rights and the Law Olufemi Amao, 2011-05-05 This book considers the legal control of multinational corporations MNCs for violations of human rights from a developing country's perspective examining the role for corporate social responsibility CSR in regulating the conduct of MNCs The book uses the case study of Nigeria which is host to major MNCs from the EU and the US to show that the CSR concept is currently insufficient to deal with externalities emanating from MNCs operations including human rights violations The book goes on to argue that whilst control of MNCs involves regulation at the international level more emphasis needs to be placed on possibilities at home States and host States where there are stronger bases for the control of corporations It examines possibilities in the European Union exploring ways in which the EU can ensure that MNCs from its territory do not violate human rights when operating abroad

International Securities Markets Hui Huang, Robin Hui Huang, 2006-01-01 This book offers the first detailed analysis of China's insider trading law explaining what constitutes insider trading in China and what the consequences of unlawful insider trading might be there More importantly it suggests ways in which the law might more effectively prevent the occurrence of insider trading in the first place Among the elements of the legal framework addressed by the author are the following and Who benefits from insider trading and The issue of when information becomes public and A comparative law treatment of the underlying theories of insider trading liability and Private civil liability and Damage caps and Measures of recovery The author's approach focuses on China's readiness to adopt foreign ideas without adequately assimilating them into the local context In this connection he sets out valuable reform proposals using authority from field interviews with Chinese stakeholders as well as from comparative case law

Corporate Insolvency Law Vanessa Finch, David Milman, 2017-10-19 This new edition of Corporate Insolvency Law builds on the unique and influential analytical

framework established in previous editions which outlines the values to be served by insolvency law and the need for it to further corporate as well as broader social ends Examining insolvency law in the fast evolving commercial world the third edition covers the host of new laws policies and practices that have emerged in response to the fresh corporate and financial environments of the post 2008 crisis era This third edition includes a new chapter on the growing issue of cross border insolvency and deals with a host of recent developments notably the consolidation of the rescue culture in the UK the rise of the pre packaged administration and the substantial replacement of administrative receivership with administration Suitable for advanced undergraduate and graduate students professionals and academics Corporate Insolvency Law offers an organised basis for rising to the challenges of an ever shifting area of the law

Discretion and Public Benefit in a Regulatory Agency Vijaya Nagarajan, 2013-07-01 This book explores the manner in which a variety of public benefits such as environmental protection and consumer safety have been accommodated through the authorisation process within competition law and policy in Australia While the regulator's use of its discretion can be explained as a triumph of practice over theory this book explores the potential for competition principles to be imbued by the wider discourses of democratic participation and human rights In doing so it makes a significant contribution to the Australian competition policy as well as reconceptualising the way in which discretion is used by regulators a very important and creative contribution to the literatures on both business regulation in general and Australian competition and consumer protection law in particular It pays special attention to an everyday regulatory function that is often ignored in scholarship And it is very important in challenging on both empirical and normative policy oriented grounds a narrowly economic approach to competition law and proposing an alternative understanding and practice for the public benefit test in ACCC authorisations

The Handbook of Law and Society Austin Sarat, Patricia Ewick, 2015-03-30 Bringing a timely synthesis to the field The Handbook of Law and Society presents a comprehensive overview of key research findings theoretical developments and methodological controversies in the field of law and society Provides illuminating insights into societal issues that pose ongoing real world legal problems Offers accessible succinct overviews with in depth coverage of each topic including its evolution current state and directions for future research Addresses a wide range of emergent topics in law and society and revisits perennial questions about law in a global world including the widening gap between codified laws and law in action problems in the implementation of legal decisions law's constitutive role in shaping society the importance of law in everyday life ways legal institutions both embrace and resist change the impact of new media and technologies on law intersections of law and identity law's relationship to social consensus and conflict and many more Features contributions from 38 international expert scholars working in diverse fields at the intersections of legal studies and social sciences Unique in its contributions to this rapidly expanding and important new multi disciplinary field of study

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