

OXFORD SOCIO-LEGAL STUDIES

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# RESPONSIVE REGULATION

*Transcending the  
Deregulation  
Debate*

IAN AYRES  
JOHN BRAITHWAITE

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# Responsive Regulation Transcending The Deregulation Debate

**Michael Howlett**



## **Responsive Regulation Transcending The Deregulation Debate:**

*Responsive Regulation* Ian Ayres, John Braithwaite, 1995-02-16 This book transcends current debate on government regulation by lucidly outlining how regulations can be a fruitful combination of persuasion and sanctions The regulation of business by the United States government is often ineffective despite being more adversarial in tone than in other nations The authors draw on both empirical studies of regulation from around the world and modern game theory to illustrate innovative solutions to this problem Their ideas include an argument for the empowerment of private and public interest groups in the regulatory process and a provocative discussion of how the government can support and encourage industry self regulation

**Schienenoberflächen-Messdraisine**, 1979

**Responsive Regulation**, 1992 Debate on deregulation stems in large part from dissatisfaction with the efficacy of the contemporary regulatory state The debate is often currently framed as an all or nothing choice between the laissez faire policies of the right and the traditional centralized interventions of the left The regulation of business by the United States government is often ineffective despite being more adversarial in tone than in other nations especially Great Britain This book transcends current debate on government regulation by outlining innovative forms of regulation

Legal Regulation of Corporate Social Responsibility Mia Mahmudur Rahim, 2013-11-27 Even though Corporate Social Responsibility CSR has become a widely accepted concept promoted by different stakeholders business corporations internal strategies known as corporate self regulation in most of the weak economies respond poorly to this responsibility Major laws relating to corporate regulation and responsibilities of these economies do not possess adequate ongoing influence to insist on corporate self regulation to create a socially responsible corporate culture This book describes how the laws relating to CSR could contribute to the inclusion of CSR principles at the core of the corporate self regulation of these economies in general without being intrusive in normal business practice It formulates a meta regulation approach to law particularly by converging patterns of private ordering and state control in contemporary corporate law from the perspective of a weak economy It proposes that this approach is suitable for alleviating regulators limited access to information and expertise inherent limitations of prescriptive rules ensuring corporate commitment and enhance the self regulatory capacity of companies This book describes various meta regulation strategies for laws to link social values to economic incentives and disincentives and to indirectly influence companies to incorporate CSR principles at the core of their self regulation strategies It investigates this phenomenon using Bangladesh as a case study

**The Regulation of Megabanks** Katarzyna Parchimowicz, 2022-11-22 Global systemically important banks G SIBs are the largest most complex and in the event of their potential failure most threatening banking institutions in the world The Global Financial Crisis GFC was a turning point for G SIBs many of which contributed to the outbreak and severity of this downturn The unfolding of the GFC also revealed flaws and omissions in the legal framework applying to financial entities In the context of G SIBs it clearly demonstrated that the legal regimes both in the USA and in the EU grossly ignored the

specific character of these institutions and their systemic importance complexity and individualism As a result of this omission these megabanks were long treated like any other smaller banking institutions Since the GFC legal systems have changed a lot on both sides of the Atlantic and global and national lawmakers have adopted new rules applying specifically to G SIBs to reduce their threat to financial stability This book explores whether the G SIB specific regulatory frameworks are adequately tailored to their individualism in order to prevent them from exploiting overly general rules as they did during the GFC Analyzing the specific character and individualism of G SIBs in relation to their history normal functioning as well as their operations during the GFC this book discusses transformation of banking systems and the challenges and opportunities G SIBs face such as Big Tech competitors climate related requirements and the COVID 19 pandemic Taking a multidisciplinary approach which combines financial aspects of operations of G SIBs and legal analysis the book describes G SIB oriented legal frameworks of the EU and the USA and assesses whether G SIB individualism is adequately reflected analyzing trends in supervisory action when it comes to discretion in the G SIB context all in order to contribute to the ongoing discussions about international banking law its problems and potential remedies to such persistent flaws

Governing through Regulation Eric Windholz, 2017-06-26 Over the past forty years numerous theoretical advances have been made From Ayres and Braithwaite's ground breaking work on responsive regulation we have seen models of smart regulation regulatory governance and regulatory capitalism emerge to capture the growing prevalence and importance of regulation in modern liberal Western capitalist societies Important advances also have been made in the practice of regulation with regulators evolving from traditional enforcement focussed command and control models to being modern regulators with a suite of diverse and innovative regulatory tools at their disposal The book presents and critically examines these theoretical and practical developments from the perspective of governments who design regulations and the regulators that deploy them In doing so the book examines the various forces and interests that influence and shape the regulatory endeavour and the practical challenges facing governments and regulators when deciding whether and how to regulate This volume is a study of regulation in context in the context of the public policy it is designed to deliver the law that enables shapes and holds it to account and the evolving societal and institutional frameworks within which it takes place Aimed to provide innovative cross disciplinary conceptual frameworks that regulators regulatees those whom regulation is intended to benefit and academics might employ to better understand and undertake the regulatory endeavour This will be of great interest to researchers educators advanced students and practitioners working in the fields of political science public management and administration and public policy

Regulation and Supervision of the OTC Derivatives Market Ligia Catherine Arias-Barrera, 2018-05-11 The over the counter OTC derivatives market has captured the attention of regulators after the Global Financial Crisis due to the risk it poses to financial stability Under the post crisis regulatory reform the concentration of business and risks among a few major players is changed by the concentration of a large portion of

transactions in the new market infrastructures the Central Counterparties CCPs This book for the first time analyses the regulatory response of the United Kingdom and the United States the two largest centres of OTC derivatives transactions and highlights their shortcomings The book uses a normative risk based approach to regulation as a methodological lens to analyse the UK regime of CCPs in the OTC derivatives market It specifically focuses on prudential supervision and conduct of business rules governing OTC derivatives transactions and the move towards enhancing the use of central clearing The resulting analysis from a normative risk based approach suggests that the UK regime for CCPs does not fulfil what would be expected if a coherent risk based approach was taken Our comments on the Dodd Frank Act highlight that the incoherent adoption of risk based approach to regulation affects the effectiveness of the US regime for CCPs Such a regime does not follow the pace of events of innovation risk in particular the foreseeable changes FinTech will bring to the OTCDM and central clearing services The second inadequacy of the US regime concerns the dual regulatory structure of the CFTC and the SEC and the inadequate adoption of different and not well coordinated regulatory strategies We also analyse the cross border implications of the US regime for non US CCPs that provide clearing services to US market participants Finally we study the negative effects of the absence of a clearly defined resolution regime for CCPs Regulating Corporate Human

Rights Violations Surya Deva, 2012-05-04 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

Juvenile Delinquency, Victimization, and Justice in Chinese Societies Yue Zhuo, Hua Zhong, 2025-07-31 Exploring the pressing issues of juvenile delinquency victimization and justice in Chinese societies this book showcases contemporary research on these critical topics The collections provide a comprehensive examination of youth related challenges and justice systems across mainland China Hong Kong Macau and Taiwan Featuring contributions from top scholars in the field the book is presented in three thematic sections the nature and correlates of juvenile delinquency the nature and correlates of juvenile victimization and juvenile justice in Chinese societies The chapters applying a variety of mainstream criminological theories address both persistent and emerging challenges facing Chinese adolescents such as drug use sexual offenses cyberbullying

and victimization among left behind children The book enhances the theoretical and empirical understanding of youth delinquency victimization and justice within Chinese societies while advancing the knowledge base in the field and offering valuable insights for future international and comparative research Contributing to the apprehension of both the applicability and limitation of Western based criminological theories in the Chinese context as well as providing a holistic lens to understand the juvenile justice system in China this book will be of great interest to students and scholars of Criminology Criminal Justice Chinese Studies Asian Studies Sociology Social Work and Law

**Market-Based Governance** John D. Donahue, Joseph S. Nye, 2004-05-26 A Brookings Institution Press and Visions of Governance for the 21st Century publication The latest in a series exploring twenty first century governance this new volume examines the use of market means to pursue public goals Market based governance includes both the delegation of traditionally governmental functions to private players and the importation into government of market style management approaches and mechanisms of accountability The contributors all from Harvard University assess market based governance from four perspectives The demand side deals with new revised or newly important forms of interaction between government and the market where the public sector is the customer Chapters in this section include Steve Kelman on federal procurement reform Karen Eggleston and Richard Zeckhauser on contracting for health care and Peter Frumkin The supply side section deals with unsettled questions about government's role as a provider rather than a purchaser within the market system Contributors include Georges de Menil Frederick Schauer and Virginia Wise A third section explores experiments with market based arrangements for orchestrating accountability outside government by altering the incentives that operate inside market institutions Chapters include Robert Stavins on market based environmental policy Archon Fung on social markets and Cary Coglianese and David Lazer The final section examines both the upside and the downside of the market based approach to improving governance Contributors include Elaine Kamarck John D Donahue Mark Moore and Robert Behn An introduction by John D Donahue frames market based governance as an effort to engineer into public work some of the intensive accountability that characterizes markets without surrendering the extensive accountability of conventional government A preface by Joseph S Nye Jr sets the book in the context of a larger inquiry into the future of governance

**Globalization, Sports Law and Labour Mobility** Matt Nichol, This book examines labour regulation and labour mobility in two professional baseball leagues Major League Baseball in the United States and Nippon Professional Baseball in Japan Through vivid comparative study Matt Nichol explores how each league internally regulates labour mobility and how this internal regulation engages with external regulation from the legislature statutory authorities and the courts This comparison of two highly restrictive labour markets utilizes regulatory theory and labour regulation and suggests a framework for a global player transfer system in baseball

**The Routledge Handbook of Policy Tools** Michael Howlett, 2022-08-10 This handbook provides a unique systematic and comprehensive overview from leading experts in the field of the policy making tools deployed at all the phases of the policy process It covers

the fundamentals of both new and established policy tools from regulation and public enterprises to subsidies and information campaigns as well as new tools such as social impact investing nudges crowdsourcing co production and new digital governance and data analysis techniques The book consists of nine sections with five corresponding to the major research emphases of studies on policy tools across the stages of the policy cycle agenda setting formulation decision making implementation and evaluation These are accompanied by overviews of key research and concepts a discussion of how different kinds of tools can be usefully combined in simple or complex policy portfolios or mixes and a concluding section on future research directions Consolidating the state of knowledge and uniting classic foundational material with recent advancements in theory and practice in one location the handbook is a defining volume in this field The Routledge Handbook of Policy Tools is essential reading and an authoritative reference for scholars students researchers and practitioners of public policy public administration and public management as well as those interested in comparative politics and government public organizations and the use of policy tools and instruments in individual policy areas from climate change to public health

The Legitimacy and Responsiveness of Industry Rule-making Karen Lee, 2018-09-06 Rule making is no longer an activity undertaken exclusively by public actors Private actors are increasingly allowed by legislatures and regulatory bodies to take part in and in some cases assume responsibility for the formation of legally binding rules for example in the US UK Australia and the EU Departing from traditional forms of rule making by involving private actors may enhance the ability of regulatory systems to achieve social goals as regulatory scholars argue However because private actors are permitted to act in their own best interests their involvement also raises doubts about the legitimacy of the underlying rule making processes and the rules that are formulated The principal aim of this book is to highlight that the tension between the responsiveness that leading international regulatory scholars advocate in order to improve regulatory effectiveness and the law and its formal substantive procedural and institutional values is not as great as may first appear Drawing on three in depth case studies of the experience of the Australian telecommunications industry with self regulatory rule making a form of rule making that bears the hallmarks of responsive regulation democratic experimentalism smart regulation and other strategies of proceduralization it is argued that industry rule making can as a matter of practice be responsive and legitimate at the same time In doing so the book formulates and applies criteria against which industry rule making should be evaluated and identifies a number of indicia that point to when industry rule making is likely to be simultaneously legitimate and responsive

**Financial Services Law and Compliance in Australia** Gail Pearson, 2009-03-18 This book provides an account of the overarching system for regulating all financial services in Australia including detailed analysis of the legislative framework The book is essential for those working in financial services for students and for those needing to understand the regime as a whole

*Market and Competition Authorities* Annetje Ottow, 2015 Market and competition authorities operate in a complex environment with conflicting stakeholder demands

Balancing the various interests of the authority and stakeholder in an objective and impartial manner is strategic to achieving the goals of the legislation imposed. In a fresh approach examining the actions of an authority when a regulation is applied, Annetje Ottow argues the vital importance of the behavior of authorities focusing on five fundamental good agency principles: legality, independence, transparency, effectiveness, and responsibility, or LITER. These principles provide agencies and those reviewing their actions with a framework for agency design and action. Combining theory and practice to provide insight into agencies' organization and behavior, this book outlines and analyses behavioral issues using an ecosystemic method, addressing how independent agencies should be assessed and which principles should apply. Using cases from the Netherlands and the UK, Ottow examines the key processes of authorities against the LITER principles and opens the debate on how to regulate the agency.

**Telecommunications Regulation** Clare Hall, Christopher Hood, Colin Scott, 2005-08-02  
Using unprecedented access to the key actors inside the UK Office of Telecommunications (OFTEL) and supporting interviews, this book explores how telecommunications regulation works from the inside.

**Protecting Children in the Digital Era** Eva Lievens, 2010-07-26  
From the mid 1990s onwards, concerns regarding the exposure of children to harmful content in the increasingly digital media environment intensified. Soon thereafter, policy makers across Europe realised that alternative regulatory instruments such as self and co-regulation might be more appropriate than traditional legislation to address this matter of public interest. Taking the complex and delicate nature of protecting minors into account, this book provides an in-depth legal analysis of the alternative regulatory instruments that can be used to regulate content in the digital era, with particular attention to the protection of fundamental rights such as freedom of expression, privacy, and procedural guarantees.

**The Oxford Handbook of Regulation** Robert Baldwin, Martin Cave, Martin Lodge, 2012-07-19  
Regulation is often thought of as an activity that restricts behaviour and prevents the occurrence of certain undesirable activities, but the influence of regulation can also be enabling or facilitative, as when a market could potentially be chaotic if uncontrolled. This Handbook provides a clear and authoritative discussion of the major trends and issues in regulation over the last thirty years, together with an outline of prospective developments. It brings together contributions from leading scholars from a range of disciplines and countries. Each chapter offers a broad overview of key current issues and provides an analysis of different perspectives on those issues. Experiences in different jurisdictions and insights from various disciplines are drawn upon, and particular attention is paid to the challenges that are encountered when specific approaches are applied in practice. Contributors develop their own distinctive arguments relating to the central issues in regulation and apply scholarly rigour and clear writing to matters of high policy relevance. The essays are original, accessible, and agenda-setting, and the Handbook will be essential reading both to students and researchers and to regulatory and regulated professionals.

**Competition Law and Policy in Latin America** Eleanor Fox, Daniel Sokol, 2009-08-05  
This book offers an unparalleled analysis of the emerging law and economics of competition.



policy in Latin America Nearly all Latin American countries now have competition laws and agencies to enforce them Yet these laws and agencies are relatively young The relative youth of Latin American competition agencies and the institutional and political environment in which they operate limit the ability of agencies to effectively address anti competitive conduct Competition policy is a tool to overcome anti market traditions in Latin America Effective competition policy is critical to assisting in the growth of Latin American economies their global competitiveness and improving the welfare of domestic consumers This book provides new region specific insights on how to better achieve these aims This authoritative volume will be of particular interest to competition agencies academics in law economics and Latin American Studies practitioners around the world in the areas of antitrust and competition policy policymakers and journalists Technology, Innovation and Healthcare Richards, Bernadette J., Taylor, Mark, Sage Jacobson, Susannah, 2022-02-15 This timely book emphasizes the importance of regulation in enabling and channelling innovation at a time when technology is increasingly embedded in healthcare It considers the adequacy of current regulatory approaches identifying apparent gaps risks and liabilities and discusses how these might be collectively addressed The authors present possible solutions that balance the protection and promotion of public trust in healthcare against enabling technological progress and disruptive innovation

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