

# REINVENTING RATIONALITY

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THE ROLE  
OF REGULATORY ANALYSIS IN  
THE FEDERAL BUREAUCRACY

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THOMAS O. MCGARITY

# Reinventing Rationality

**Robert Baldwin, Martin Cave, Martin  
Lodge**



## **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 Reviving Rationality explains how Donald Trump destabilized the decades long bipartisan consensus that federal agencies must base their decisions on evidence expertise and analysis Under the Trump administration inconvenient evidence has been ignored experts have been sidelined and analysis has been used to obscure facts rather than inform the public The results have included haphazard and incoherent policy social division defeats in court a demoralized federal workforce and a loss of faith in government's ability to respond to the pressing problems facing American society The hard work of rebuilding a rational regulatory system will fall to future administrations

**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

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

*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

**S. 981, the Regulatory Improvement Act of 1997** United States. Congress. Senate. Committee on Governmental Affairs, 1998

**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

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

**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

*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

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**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

*Risk Regulation at Risk* Sidney Shapiro, Robert Glicksman, 2002-09-25 In the 1960s and 1970s Congress enacted a vast body of legislation to protect the environment and individual health and safety Collectively this legislation is known as risk regulation because it addresses the risk of harm that technology creates for individuals and the environment In the last two decades this legislation has come under increasing attack by critics who employ utilitarian philosophy and cost benefit analysis The defenders of this body of risk regulation by contrast have lacked a similar unifying theory In this book the authors propose that the American tradition of philosophical pragmatism fills this

vacuum They argue that pragmatism offers a better method for conceiving of and implementing risk regulation than the economic paradigm favored by its critics While pragmatism offers a methodology in support of risk regulation as it was originally conceived it also offers a perspective from which this legislation can be held up to critical appraisal The authors employ pragmatism to support risk regulation but pragmatism also leads them to agree with some of the criticisms against it and even to level new criticisms of their own In the end the authors reject the picture painted by risk regulation s critics of widely excessive and irrational regulation but the pragmatic perspective also leads them to propose a number of recommendations for useful reforms to risk regulation

*Freedom to Harm* Thomas O. McGarity, 2013-03-19 DIV How much economic freedom is a good thing This comprehensive look at America s succession of laissez faire revivals shows how anti regulatory business crusades harm public safety and economic performance div

**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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