

REINVENTING RATIONALITY

THE ROLE
OF REGULATORY ANALYSIS IN
THE FEDERAL BUREAUCRACY

THOMAS O. MCGARITY

Reinventing Rationality The Role Of Regulatory Analysis In The Federal Bureaucracy

**Sandra Professor Hoffmann, Michael R.
Professor Taylor**

Reinventing Rationality The Role Of Regulatory Analysis In The Federal Bureaucracy:

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

A Guide to Federal Agency Rulemaking Jeffrey S. Lubbers, 2006 A concise but thorough resource the guide provides a time saving reference for the latest case law and the most recent legislation affecting rulemaking

Harvard Law Review: Volume 129, Number 2 - December 2015
Harvard Law Review, 2015-12-10 The December 2015 issue Number 2 features these contents Article Intra Agency Coordination by Jennifer Nou Book Review Body Banking from the Bench to the Bedside by Natalie Ram Note A Prison Is a Prison Is a Prison Mandatory Immigration Detention and the Sixth Amendment Right to Counsel Note Bundled Systems and Better Law Against the Leflar Method of Resolving Conflicts of Law The issue also includes In Memoriam essays honoring the legacy of Professor Daniel J Meltzer with contributions by Judge David J Barron Richard H Fallon Jr Vicki C Jackson Robert S Taylor Justice Elena Kagan David F Levi Martha Minow and Donald B Verrilli Jr In addition student commentary analyzes Recent Cases on retroactive application of Dodd Frank whether the first to file rule of the False Claims Act is jurisdictional ancillary jurisdiction to expunge a criminal conviction and First Amendment issues raised by a court ordered apology Student comments on Recent Legislation discuss state laws prohibiting local units from creating protected classes and state laws prohibiting local units from regulating fracking Further a student comment analyzes a Recent Adjudication in the EEOC defining discrimination on grounds of sexual orientation as protected sexual discrimination Finally the issue includes several comments on Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions This is the second issue of academic year 2015 2016

The Palgrave Handbook of Public Administration and Management in Europe Edoardo Ongaro, Sandra Van Thiel, 2017-11-27 This Handbook offers a systematic review of state of the art knowledge on public administration in Europe Covering the theoretical epistemological and practical aspects of the field it focuses on how

public administration operates and is studied in European countries In sixty three chapters written by leading scholars this Handbook considers the uniqueness of the European situation through an interdisciplinary and comparative lens focusing on the administrative diversity which results from the multiplicity of countries languages schools of thought and streams of investigation across Europe It addresses issues such as multi level administration and governance intensive cross country cooperation in administrative reform policy and public accountability under different systems It also considers the issue of welfare service delivery at a time of major economic and societal challenges as well as understudied emerging issues like Islamic Public Administration and the dynamics of public sector negotiations With contributions from key experts in Public Administration and Public Management this cutting edge Handbook offers a significant contribution to the field of comparative public administration policy and management

Handbook on the Politics of Regulation David Levi-Faur, 2011-01-01 Political science has leap frogged law economics and sociology to become the dominant discipline contributing to regulatory studies David Levi Faur s volume taps the rich veins of regulatory scholarship that have made this the case It brings together the talented new network of politics scholars intrigued by the importance of the changing nature of state and non state regulation Their fresh insights complement important new work by established stars of the field Definitely a book to have on your shelf when in search of exciting theoretical approaches to politics John Braithwaite Australian National University Regulation in its manifold forms is the central process of contemporary governance as it seeks to blend the dynamism of market economies with responsiveness to political and normative demands for health safety environmental protection and fairness Understanding regulation s varieties vulnerabilities and virtues has become a significant focus of academic research and theory This volume provides an extraordinary survey of research in that field a survey remarkable in its comprehensiveness outstanding in the quality of the contributions by leading regulatory scholars from different nations and academic disciplines Robert A Kagan University of California Berkeley US An authoritative collection by a range of contributors with outstanding reputations in the field Michael Moran WJM Mackenzie Professor of Government This is an extraordinarily useful one stop shop for a wide range of traditions and approaches to the political aspects of regulation David Levi Faur has assembled a fine collection that by reporting on the state of the art also shows the way ahead for a discipline that has to capture and explain dramatic changes in real world regulatory philosophies and policies Claudio Radaelli University of Exeter UK This is an unusually impressive edited volume Its contributors include the leading academic experts on government regulation from around the world Its several clearly written and informative essays address the most important topics issues and debates that have engaged students of regulatory politics I strongly recommend this volume to anyone interested in understanding the breadth and depth of contemporary scholarship on the political dimensions of regulation David Vogel University of California Berkeley US This unique Handbook offers the most up to date and comprehensive state of the art reviews of the politics of regulation It presents and discusses the core theories and

concepts of regulation in response to the rise of the regulatory state and regulatory capitalism and in the context of the golden age of regulation Its ten sections include forty nine chapters covering issues as diverse and varied as theories of regulation historical perspectives on regulation regulation of old and new media risk regulation enforcement and compliance better regulation civil regulation European regulatory governance and global regulation As a whole it provides an essential point of reference for all those working on the political social and economic aspects of regulation This comprehensive resource will be of immense value to scholars and policymakers in numerous fields and disciplines including political science public policy and administration international relations regulation international law business and politics European studies regional studies and development studies

S. 803, E-government Act of 2001 United States. Congress. Senate. Committee on Governmental Affairs,2002

The Preemption War Thomas O. McGarity,2008-12-02 Most people are unaware of a quiet war that has been raging in the courts federal regulatory agencies and Congress a war over federal agency preemption of state common law claims This text offers scholars and policymakers a full analysis of the legal and policy issues under debate

The Oxford Handbook of the U.S. Constitution Mark V. Tushnet,Mark A. Graber,Sanford Levinson,2015 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today

Administrative Competence Elizabeth Fisher,Sidney A. Shapiro,2020-10-15 This book by two of the world s leading administrative law scholars reimagines administrative law as the law of public administration by making its competence the focus of administrative law Grounded in extensive interdisciplinary historical and doctrinal analysis Fisher and Shapiro show why understanding both the capacity and authority of expert public administration is crucial to ensure the legitimacy and accountability of the administrative state To address the current precarious state of administrative law they support a new study of the administrative process by an Attorney Generals Committee on Administrative Procedure leading to a revised Administrative Procedure Act APA This book is a must read for anyone interested in administrative law and its reform

The Presidency and the Political System Michael Nelson,2018-03-08 Written by top notch presidency scholars and carefully edited into a text reader format The Presidency and the Political System Eleventh Edition showcases a collection of original essays focused on a range of topics institutions and issues relevant to understanding the American presidency Author Michael Nelson rigorously edits each contribution to present students with a set of analytical yet accessible chapters and contextual headnotes introducing each essay You will read about different approaches to studying the presidency the elements of

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Risk Regulation and Administrative Constitutionalism Elizabeth Fisher, 2007-07-30 Over the last decade the regulatory evaluation of environmental and public health risks has been one of the most legally controversial areas of contemporary government activity Much of that debate has been understood as a conflict between those promoting scientific approaches to risk evaluation and those promoting democratic approaches This characterization of disputes has ignored the central roles of public administration and law in technological risk evaluation This is problematic because as shown in this book legal disputes over risk evaluation are disputes over administrative constitutionalism in that they are disputes over what role law should play in constituting and limiting the power of administrative risk regulators This is shown by five case studies taken from five different legal cultures an analysis of the bifurcated role of the Southwood Working Party in the UK BSE crisis the development of doctrines in relation to judicial review of risk evaluation in the US in the 1970s the interpretation of the precautionary principle by environmental courts and generalist tribunals carrying out merits review in Australia the interpretation of the WTO Sanitary and Phytosanitary Agreement as part of the WTO dispute settlement process and the interpretation of the precautionary principle in the EU context A strong argument is thus made for re-orienting the focus of scholarship in this area

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

Toward Safer Food Sandra Professor

Hoffmann, Michael R. Professor Taylor, 2010-09-30 In 1998 a National Academy of Sciences panel called for an integrated risk based food safety system This goal is widely embraced but there has been little advance in thinking about how to integrate knowledge about food safety risks into a system wide risk analysis framework Such a framework is the essential scientific basis for better priority setting and resource allocation to improve food safety Sandra Hoffmann and Michael Taylor bring together leading scientists risk analysts and economists as well as experienced regulators and policy analysts to better define the priority setting problem and focus on the scientific and intellectual resources available to construct a risk analysis framework for improving food safety *Toward Safer Food* provides a common starting point for discussions about how to construct this framework The book includes a multi disciplinary introduction to the existing data research and methodological and conceptual approaches on which a system wide risk analysis framework must draw It also recognizes that efforts to improve food safety will be influenced by the current institutional context and provides an overview of the ways in which food safety law and administration affect priority setting Hoffman and Taylor intend their book to be accessible to people from a wide variety of backgrounds At the same time they retain the core conceptual sophistication needed to understand the challenges that are inherent in improving food safety The editors hope that this book will help the U S move beyond a call for an integrated risk based system toward its actual construction *Regulatory Impact Analysis Best Practices in OECD Countries* OECD, 1997-12-01 This is the first report to look across the OECD membership at how regulatory impact analysis is actually designed and carried out **Annual Report** Administrative Conference of the United States, 1994 **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 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 with regulatory and regulated professionals

Presidential Powers Harold J Krent, 2005-02-01 Framed in Article II of the Constitution presidential powers are dictated today by judicial as well as historical precedent To understand the ways the president wields power as well as how this power is kept in check by other branches of government Harold J Krent presents three overlapping determinants of the president's role under the Constitution the need for presidential initiative in administering the law and providing foreign policy leadership the importance of maintaining congressional control over policymaking and the imperative to ensure that the president be accountable to the public Krent's examination is sweeping ranging from the president's ability to appoint and remove executive branch officials to the president's role in proposing and implementing treaties and the power to conduct war to the extent the president can refuse to turn over information in response to congressional and judicial requests Finally Krent addresses the history and purposes of presidential pardons By drawing on historic and contemporary presidential actions to illustrate his points Krent reminds us that the president is both an exalted leader with the regalia of power and an American who is and should be accountable to fellow citizens important considerations as we elect and assess our presidents

Handbook of International Trade E. Kwan Choi, James C. Hartigan, 2008-04-15 This second volume of the Handbook of International Trade focuses on the economic and legal analysis of international laws and institutions as they impact trade Containing chapters written by both economic and legal scholars this volume encourages cross discipline discussion with writing that is accessible to those approaching the material from any background Central issues to those studying international trade are addressed including labor environmental rights and preferential trade agreements antitrust policy patent rights trade liberalization foreign direct investment

Handbook of U.S. Environmental Policy David M. Konisky, 2020-04-24 A comprehensive analysis of diverse areas of scholarly research on U S environmental policy and politics this Handbook looks at the key ideas theoretical frameworks empirical findings and methodological approaches to the topic Leading environmental policy scholars emphasize areas of emerging research and opportunities for future enquiry

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