

ROUTLEDGE REVIVALS

# **Social Citizenship in the Shadow of Competition**

The Bureaucratic Politics of Regulatory  
Justification

**Bronwen Morgan**



# Social Citizenship In The Shadow Of Competition

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



## **Social Citizenship In The Shadow Of Competition:**

Social Citizenship in the Shadow of Competition Bronwen Margot Morgan, 2000      Social Citizenship in the Shadow of Competition Bronwen Morgan, 2017-11-30 Social Citizenship in the Shadow of Competition explores how economic concepts and tools are reshaping regulatory law Building on studies that link law both institutionally and discursively to the legitimization of economic neo liberalism the book charts lawmakers attempts to justify social welfare regulation in the language imposed by economic theory It presents new qualitative findings from an ambitious regulatory reform programme targeting over 1 700 pieces of legislation Bronwen Morgan argues that the interplay between economic discourse and lawmaking does not destroy the possibility of social citizenship however the subsequent regulatory conversations frequently silence or weaken the claims of vulnerable groups Thus even when vulnerable groups secure instrumental success economic conceptions of bureaucratic rationality impoverish their capacity to express certain kinds of intangible values and aspirations To expand or retain social citizenship requires that we learn to conceive of what matters in political economy without relying on the logic of utility or other instrumental rationalities      Corporate Duties to the Public Barnali Choudhury, Martin

Petrin, 2019-01-10 Today s economic and social context demands that corporations once seen only as private actors owe duties to the public      **Handbook of Research on International Consumer Law, Second Edition** Geraint Howells, Iain Ramsay, 2018-07-27 Consumer law and policy continues to be of great concern to both national and international regulatory bodies and the second edition of the Handbook of Research on International Consumer Law provides an updated international and comparative analysis of the central legal and policy issues in both developed and developing economies

**Beyond Camelot** Edward L. Rubin, 2007-08-27 This book argues that many of the basic concepts that we use to describe and analyze our governmental system are out of date Developed in large part during the Middle Ages they fail to confront the administrative character of modern government These concepts which include power discretion democracy legitimacy law rights and property bear the indelible imprint of this bygone era s attitudes and Arthurian fantasies about governance As a result they fail to provide us with the tools we need to understand critique and improve the government we actually possess Beyond Camelot explains the causes and character of this failure and then proposes a new conceptual framework drawn from management science and engineering which describes our administrative government more accurately and identifies its weaknesses instead of merely bemoaning its modernity This book s proposed framework envisions government as a network of connected units that are authorized by superior units and that supervise subordinate ones Instead of using inherited emotion laden concepts like democracy and legitimacy to describe the relationship between these units and private citizens it directs attention to the particular interactions between these units and the citizenry and to the mechanisms by which government obtains its citizens compliance Instead of speaking about law and legal rights it proposes that we address the way that the modern state formulates policy and secures its implementation Instead of perpetuating outdated ideas that we

no longer really believe about the sanctity of private property it suggests that we focus on the way that resources are allocated in order to establish markets as our means of regulation Highly readable Beyond Camelot offers an insightful and provocative discussion of how we must transform our understanding of government to keep pace with the transformation that government itself has undergone

**International Responses to Issues of Credit and Over-indebtedness in the Wake of Crisis** Therese Wilson, 2016-04-22 This book explores the political economic and regulatory context in which credit regulation is taking place following the global financial crisis It suggests that current neoliberal economic policies favour multi national corporations rather than consumers and examines regulatory responses to the internationalization of consumer finance protection Detailing how EU consumers have been affected by national economic conditions the book also analyses the lending regimes of Europe Australia the US and South Africa and offers suggestions for responsible lending to avoid over indebtedness and corrupt mortgage lending Finally new approaches and directions for consumer credit regulations are outlined such as protection for small businesses protection against risky credit products reorganization of mortgage securitization and the possibility of a partnership model to address financial exclusion The book includes contributions from leading names in the field of consumer law and will be invaluable to those interested in banking business and commercial law

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

**Transnational Law and State Transformation** Jennifer Lander, 2019-11-07 This book contributes new theoretical insight and in depth empirical analysis about the relationship between transnational legality state change and the globalisation of markets The role of transnational economic law in influencing and reorganising national systems of governance evidences the constitutional dimensions of global capitalism the power to institute new rules and limits for national states This form of new constitutionalism does not undermine the state but transforms it by eroding national capacities and implanting global alternatives While leading scholars in the field have emphasised the much needed value of

case studies there are no studies available which consider the cumulative impact of multiple axes of transnational legal ordering on the national state or its constitution This monograph addresses this empirical gap whilst expanding the theoretical scope of the field Mongolia's recent transformation as a mineral exporting country provides a rare opportunity to witness economic and legal globalisation in process Based on careful empirical analysis of national law and policy making the book traces the way distinctive processes of transnational legal ordering have reorganised and reframed the governance of Mongolia's mining sector specifically by redistributing state power in relation to the market sub national administrations and civil society The book investigates the role of international financial institutions multinational corporations and non governmental organisations in normative transmission as well as the critical role of national actors in embedding transnational investment norms within the domestic legal and policy environment As the book demonstrates however the constitutional ramifications of transnational legal ordering extend beyond the mining regime itself into more fundamental questions of the trajectory of state transformation institutionally and ideologically The book will be of interest to scholars of international law global governance and the political economy of development

**Global Business, Local Law** Amanda Perry-Kessaris, 2016-04-22 This volume establishes a theoretical framework for exploring the role of host state legal systems courts and bureaucracies in mediating relations between foreign investment civil society and government actors It then demonstrates the application of that framework in the context of the south Indian city of Bengaluru formerly Bangalore Drawing on the law and community approach of Roger Cotterrell the volume identifies three mechanisms through which law might in theory ensure that social relations are productive by expressing any mutual trust which may hold actors together by ensuring that actors participate fully in social life and by coordinating the differences that hold actors apart Empirical data reveals that each of these legal mechanisms is at work in Bengaluru However their operation is limited and skewed by the extent to which actors use abuse and or avoid them Furthermore these legal mechanisms are being eroded as a direct result of the World Bank's investment climate discourse which privileges the interests and values of foreign investors over those of other actors

**Impact Assessment in EU Lawmaking** Anne C.M. Meuwese, 2008-04-18 Recent constitutional thinking has directed its attention to the profound impact of soft norms on the way legislation is made This book identifies the European Union's impact assessment regime as a source of these norms In 2002 the European Commission later followed by the European Parliament and the Council of Ministers committed to performing rigorous assessment of the economic social and environmental impacts of policy options before adopting legislative proposals Applying a constitutional lens to this regulatory topic Anne Meuwese examines both the details and the framework of IA in EU lawmaking to date drawing attention to its strengths its contradictions and its power to enhance the deliberative quality of legislative debates Integrating the perspectives of political scientists and economists with the concerns of legal scholars and practitioners Dr Meuwese describes and interrelates such aspects of the subject as the following the potential role of impact assessment as a

catalyst of legal principles by emphasising or overriding norms that govern both the procedural and the substantive aspects of the EU legislative process the constitutional tasks of impact assessment as applied to European legislative proposals especially relating to subsidiarity proportionality and the precautionary principle the formal and informal extension of the scope of impact assessment beyond the co decision procedure the question whether impact assessment crosses the line between informing the legislator and fettering legislative discretion In the course of her analysis Dr Meuwese develops models for possible usages of IA in EU lawmaking analyses the implementation of impact assessment processes in the European Commission the European Parliament and the Council as well as the roles of relevant co actors and offers results of empirical research in the forms of a survey of EU legislative practice and in depth case studies of four EU legislative dossiers

**The Rise of the Regulatory State of the South** Navroz K. Dubash, Bronwen Morgan, 2013-06-27 The 1990s and 2000s have witnessed a spurt of energetic institution building in the developing world as regulatory agencies emerge to take over the role of the executive in key sectors This rise of the regulatory state of the south is barely noticed both by scholars of regulation and of development let alone adequately documented and theorized Yet the consequences for the role of the state and modalities of governance in the south are substantial as politically charged decisions are handed over to formally technocratic agencies creating new arenas and forms of contestation over the gains and losses from development decisions Moreover this shift in the developing world comes at a time when the regulatory state in the north is under considerable stress from the global financial crisis Understanding the regulatory state of the south and particularly forms of accommodation to political pressures could stimulate a broader conversation around the role of the regulatory state in both north and south This volume seeks to provoke such a discussion by empirically exploring the emergence of regulatory agencies of a range of developing countries across Asia Africa and Latin America The cases focus on telecommunications electricity and water sectors that have often been at the frontlines of this transition The central question for the volume is Are there distinctive features of the regulatory state of the South shaped by the political economic context of the global south in the last two decades To assist in exploring this question the volume includes brief commentaries on the case studies from a range of disciplines development economics law and regulation development sociology and comparative politics Collectively the volume seeks to shape the contours of a productive inter disciplinary conversation on the emergence of a significant empirical phenomenon the rise of regulatory agencies in the developing world with implications both for the study of regulation and the study of development

**Consumer Protection in the Age of the 'Information Economy'** Jane K. Winn, 2013-01-28 This volume considers the impact of technological innovation on the foundations of consumer advocacy contracting behaviour control over intellectual capital and information privacy A unique and timely perspective on these issues is presented by internationally renowned experts who provide novel approaches to the question of what consumer protection might consist of in the context of technological innovation

The Unmanageable Consumer Yiannis Gabriel, Tim

Lang,2015-09-21 The Unmanageable Consumer has long been one of my favorite books in the sociology of consumption This long overdue third edition has updated and revised the basic argument in many ways Most importantly it now offers a new chapter on the consumer as worker or more generally the prosumer Assign it to your classes I have and will again and read it for your edification George Ritzer Distinguished University Professor University of Maryland USA Western style consumerism is often presented as unstoppable yet its costs mount and its grip on consumer reality weakens In this 20th Anniversary edition Gabriel and Lang restate their thesis that consumerism is more fragile and unmanageable than is assumed by its proponents Consumerism has been both stretched and undermined by globalization the internet social media and other cultural changes Major environmental threats debt squeezed incomes and social inequalities now temper Western consumers appetite for spending The 20th century Deal first championed by Henry Ford of more consumption from higher waged work looks tattered This edition of The Unmanageable Consumer continues to explore 10 different consumer models and encourages analysis of contemporary consumerism It looks at the spread of consumerism to developing countries like India and China and considers the effects of demographic changes and migration and points to new features such as consumers taking on unwaged work New to this edition Coverage of new phenomenon such as social media and emerging markets Explores contemporary topics including the occupy movement and horsemeat scandal A new chapter on the consumer as worker This is a remarkable and important book The new edition updates consumer cultural studies to take into account austerity politics and the economic crisis and the impact these have had on how we think about and experience everyday practices of shopping and consuming The authors also build on and maintain the lively and challenging argument from the previous volumes which sees the consumer as an unstable space for a multiplicity of often contradictory responses which can unsettle the various strategies on the part of contemporary capitalism to have us buy more Angela McRobbie Goldsmiths University of London The book exemplifies how social science should be engaged insightful imaginative scholarly and highly socially and politically relevant Strongly recommended to students academics as well as all people interested in understanding our time and themselves in an age of consumerism and false promises Mats Alvesson Professor of Business Administration Lund University Sweden      *The Embedded Firm* Cynthia A. Williams,Peer Zumbansen,2011-08-11 The globalization of capital markets since the 1980s has been accompanied by a vigorous debate over the convergence of corporate governance standards around the world towards the shareholder model But even before the financial and economic crisis of 2008 2009 the dominance of the shareholder model was challenged with regard to persisting divergences and national differences in corporate law labor law and industrial relations This collection explores this debate at an important crossroads echoing Karl Polanyi s famous observation in 1944 of the disembeddedness of the market from society Drawing on pertinent insights from scholars practitioners and regulators in corporate and labor law securities regulation as well as economic sociology and management theory the contributions shed important light on the empirical effects on the

economy of the shift to shareholder primacy in light of a comprehensive reconsideration of the global context policy goals and regulatory forms which characterize market governance today

**Handbook of Research on International Consumer Law** Geraint G. Howells, I. Ramsay, Thomas Wilhelmsson, 2010 This is a truly international effort and one with a strong commitment to human rights by the highly reputable authors coming from different jurisdictions The many facets of today's consumer law are presented to the reader including developing countries a fascinating effort in a dynamically emerging field of law We are comprehensively informed about such bread and butter areas as advertising unfair terms consumer guarantees product safety and liability consumer credit and redress But traditional consumer law concepts and remedies are facing challenges in more complex areas like services of general internet where consumers and private users should enjoy equal access to universal services with the internet where speed must not be a pretext to eliminate standards of fair dealing with risky investment services under the problematic paradigm shift from investor protection to investor confidence A book to read to think about to work with for everybody interested in the future of consumer markets and law in a time of economic crisis Norbert Reich University of Bremen Germany This is a richly interesting collection of essays written by leading names in the field It offers a thoroughly reliable survey of key tensions and challenges in modern consumer law and brilliantly combines thematic overview with detailed analysis It will stimulate comparative thinking it will provide a source of information and it will be welcomed by consumer law scholars all over the world Stephen Weatherill University of Oxford UK Consumer law and policy has emerged in the last half century as a major policy concern for all nations This Handbook of original contributions provides an international and comparative analysis of central issues in consumer law and policy in developed and developing economies The Handbook encompasses questions of both social policy and effective business regulation Many of the issues are common to all countries and are becoming increasingly globalised due to the growth in international trade and technological developments such as the Internet The authors provide a broad coverage of both substantive topics and institutional questions concerning optimal approaches to enforcement and the role of class actions in consumer policy It also includes comparative insights into the influential EU and US models of consumer law and relates consumer law to contemporary trends in human rights law Written by a carefully selected group of international experts this text represents an authoritative resource for understanding contemporary and future developments in consumer law This Handbook will provide students researchers and policymakers with an insight to the main policy debates in each context and provide models of legal regulation to assist in the evaluation of laws and the development of consumer law and policy

**An Introduction to Law and Regulation** Bronwen Morgan, Karen Yeung, 2007-04-12 In recent years regulation has emerged as one of the most distinct and important fields of study in the social sciences both for policy makers and for scholars who require a theoretical framework that can be applied to any social sector This timely textbook provides a conceptual map of the field and an accessible and critical introduction to the subject Morgan and Yeung set out a diverse and



stimulating selection of materials and give them context with a comprehensive and critical commentary By adopting an interdisciplinary approach and emphasising the role of law in its broader social and political context it will be an invaluable tool for the student coming to regulation for the first time This clearly structured academically rigorous title with a contextualised perspective is essential reading for all students of the subject

**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

*Governance, Consumers and Citizens* M. Bevir, F. Trentmann, 2007-09-12 This is the first book to focus on governance and cultures of consumption expanding the debate and raising new conceptions and policy agendas It questions the changing place of the consumer as citizen in recent trends in governance the tensions between competing ideas and practices of consumerism and the active role of consumers in governance

**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

#### **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

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