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Corporate Regulation Beyond Punish Or Persuade

Lorraine Mazerolle, Janet Ransley



Corporate Regulation Beyond Punish Or Persuade:

Corporate Regulation for Climate Change Mitigation in Africa Kikelomo O. Kila, 2022-09-08 This book critically analyses the prospects of overhauling the legal framework of climate change regulation of corporations in African state. It adopts the dilute interventionism regulatory framework to tackle the culture of regulatory resistance by corporations in Africa. Over the course of this volume Kikelomo O. Kila critiques the climate change legal framework in all 53 African states and conducts an in depth case study of the two largest economies in Africa Nigeria and South Africa to highlight the commonality of the problems in Africa and the potential for the dilute interventionism paradigm to significantly address these problems. The book establishes why African states should directly intervene through legislative mechanisms to compel corporations to incorporate climate change mitigation in their business activities. It proposes that this direct intervention should comprise a blend of prescriptive and facilitative mechanisms structured in a dilute interventionism regulatory model. Overall this volume argues that implementing this model requires the institution of a strong and independent regulator with a veto firewall protection system that guarantees its de facto independence from government and external influences. *Corporate Regulation for Climate Change Mitigation in Africa* will be of great interest to climate change stakeholders at the international regional and domestic levels policymakers regulatory practitioners and legal experts on corporate regulation. It will also be an insightful resource for students and scholars of climate change and environmental law policy and governance.

To Punish or Persuade John Braithwaite, 1985-01-01 In *To Punish or Persuade* John Braithwaite declares that coal mine disasters are usually the result of corporate crime. He surveys 39 coal mine disasters from around the world including 19 in the United States since 1960 and concludes that mine fatalities are usually not caused by human error or the unstoppable forces of nature. He shows that a combination of punitive and educative measures taken against offenders can have substantial effects in reducing injuries to miners. Braithwaite not only develops a model for determining the optimal mix of punishment and persuasion to maximize mine safety but provides regulatory agencies in general with a model for mixing the two strategies to ensure compliance with the law. *To Punish or Persuade* looks at coal mine safety in the United States Great Britain Australia France Belgium and Japan. It examines closely the five American coal mining companies with the best safety performance in the industry U S Steel Bethlehem Steel Consolidation Coal Company Island Creek Coal Company and Old Ben Coal Company. It also takes a look at the safety record of unionized versus non unionized mines and how safety regulation enforcement impacts productivity.

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

Fiduciary Duty and the Atmospheric Trust Charles Sampford, Ken Coghill, Tim Smith, 2016-04-15 This book explores the application of concepts of fiduciary duty or public trust in responding to the policy and governance challenges posed by policy problems that extend over multiple terms of government or even as in the case of climate change human generations The volume brings together a range of perspectives including leading international thinkers on questions of fiduciary duty and public trust Australia's most prominent judicial advocate for the application of fiduciary duty top law scholars from several major universities expert commentary from an influential climate policy think tank and the views of long serving highly respected past and present parliamentarians The book presents a detailed examination of the nature and extent of fiduciary duty looking at the example of Australia and having regard to developments in comparable jurisdictions It identifies principles that could improve the accountability of political actors for their responses to major problems that may extend over multiple electoral cycles

Cranston's Consumers and the Law Colin Scott, Julia Black, 2000-08 The third edition of this text is designed to bring the reader up to date with developments in consumer law up to 1999 It includes material on utilities and financial services regulation

The UN Guiding Principles on Business and Human Rights Radu Mares, 2011-12-09 Ruggie's reports

with a special emphasis on regulatory and governance issues surrounding corporate responsibility How does international human rights law handle corporations Are we beginning to grasp the complexities and impacts of financial markets on human rights What kind of corporate due diligence can make supply chains more socially sustainable Why should parent companies act when their affiliates infringe rights What is the potential of national human rights institutions in the area of business and human rights What is the role of states and law in the social change process promoted by the corporate responsibility movement How do we orchestrate polycentric governance regimes to ensure respect for human rights

The Politics of Regulation Jacint Jordana, David Levi-Faur, 2004-01-01 These changes together with the general advance in the study of regulation undoubtedly demand a re evaluation of the theory of regulation its methodologies and scope of application This book is a perceptive investigation of recent evolutions in the manner and extent of governance through regulation Scholars and students of comparative politics public policy regulation theory institutional economics and political sociology will find it to be essential reading It will also prove a valuable source of reference for those working or dealing with regulatory authorities and for business managers in private industries and services operating under a regulatory framework

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

Law as Last Resort Keith Hawkins, 2002 This is a book about the life of the legal system Its concern is legal decision making its focus the handling of prosecution cases in a regulatory agency In almost all legal disputing formalities are employed as a last resort for a small proportion of cases Case attrition is a constant feature in the legal system whether criminal or civil since extensive pre trial negotiations search for solutions to problems that avoid the costs risks and delays of trial This book analyzes the attrition of cases by studying decisions made about their creation handling disposal and prosecution Exploring these issues asks questions about the public face of law the meaning of formal processes and their impact on pre trial legal manoeuvring To prosecute is to enforce the law in both a public and a consequential way In enforcing regulation prosecution visibly takes

sides in the fundamental dilemma of regulatory control about how far law should justifiably intervene in business Using extensive data collected over a fifteen year period and with privileged access to the UK Health and Safety Executive the book presents a multi level analysis of decisions about prosecution policy and individual cases in a variety of inspectorates

Biodiversity Conservation, Law and Livelihoods: Bridging the North-South Divide Michael I. Jeffery, Jeremy Firestone, Karen Bubna-Litic, 2008-01-07 The IUCN Academy of Environmental Law Research Studies third colloquium brought together more than 130 experts from 27 nations on nearly every continent This book brings together a number of papers presented there and offers a global perspective on biodiversity conservation and the maintenance of sustainable cultures

Law and Fair Work in China Sean Cooney, Sarah Biddulph, Ying Zhu, 2013-03-05 China's economic reforms have brought the country both major international clout and widespread domestic prosperity At the same time the reforms have led to significant social upheaval particularly manifest in labour relations Each year several thousand disputes break out over working conditions many of them violent and the Chinese state has responded with both legal and political strategies This book investigates how Chinese governments have used law and other forms of regulation to govern working conditions and combat labour disputes Starting from the early years of the Republican period the book traces the evolution of the law of work in modern China right up to the reforms of the present day It considers the structure of Chinese work law drawing on both Chinese and Western scholarship to provide new insights into its unique features and assess where the law is innovative and where it is stagnant and unresponsive The authors explore the various legal and extra legal techniques successive Chinese governments have adopted to enforce work law and the responses of firms workers and organizations to these practices

Corporate Bodies and Guilty Minds William S. Laufer, 2008-10-31 We live in an era defined by corporate greed and malfeasance one in which unprecedented accounting frauds and failures of compliance run rampant In order to calm investor fears revive perceptions of legitimacy in markets and demonstrate the resolve of state and federal regulators a host of reforms high profile investigations and symbolic prosecutions have been conducted in response But are they enough In this timely work William S Laufer argues that even with recent legal reforms corporate criminal law continues to be ineffective As evidence Laufer considers the failure of courts and legislatures to fashion liability rules that fairly attribute blame for organizations He analyzes the games that corporations play to deflect criminal responsibility And he also demonstrates how the exchange of cooperation for prosecutorial leniency and amnesty belies true law enforcement But none of these factors according to Laufer trumps the fact that there is no single constituency or interest group that strongly and consistently advocates the importance and priority of corporate criminal liability In the absence of a new standard of corporate liability the power of regulators to keep corporate abuses in check will remain insufficient A necessary corrective to our current climate of graft and greed *Corporate Bodies and Guilty Minds* will be essential to policymakers and legal minds alike This timely work offers a dispassionate analysis of problems relating to corporate crime Harvard Law Review

Safe Design and Construction of Machinery Elizabeth Bluff, 2017-03-02 The origin of this book is the compelling evidence that a high proportion of machinery related deaths and injuries are attributable to genuine and serious risks originating within machine design and construction This trend continues despite significant legal obligations notably the European regulatory regime giving effect to the Machinery Directive among others and a substantial body of specialist knowledge originating in the disciplines of human factors and safety engineering Grounded in empirical research with machinery manufacturers this book aims to elucidate the factors and processes shaping firms performance for machinery safety and considers their compatibility with legal obligations Through a unique blending of rich empirical data coupled with safety human factors socio legal and learning scholarship the book provides both a nuanced account of firms performance for machinery safety and makes conceptual and theoretical contributions to understanding and explaining their performance Specifically the book elucidates the role of knowledge and motivational factors and how these are constituted in shaping firms performance It reveals the multiple state and non state influences that create plural responses among manufacturing firms which typically operate in supply chains and networks and often globally These insights provide the foundations to enhance regulatory design and the book s conclusion recommends some innovative directions for regulatory interventions to sustain the safe design and construction of machinery

Product Safety and Liability Law in Japan Luke

Nottage, 2004-07-31 Developing insights from a number of disciplines and with a details analysis of legislation case law and academic theory Product Safety and Liability Law in Japan contributes significantly to the understanding of contemporary Japan its consumers and its law It is also of practical use to all professionals exposed to product liability regimes evolving in Japan and other major economies

A Purposive Approach to Labour Law Guy Davidov, 2016 This volume explores the societal goals behind labour laws through an analysis of normative justifications and critiques and examines what actions are needed to better advance these goals by way of purposive interpretation and legal reform

European Developments in Corporate Criminal Liability James Gobert, Ana-Maria Pascal, 2011-06-10 When corporations carry on their business in a grossly negligent manner or take a cavalier approach to risk management the consequences can be catastrophic The harm may be financial as occurred when such well regarded companies as Enron Lehman Brothers Worldcom and Barings collapsed or it may be environmental as illustrated most recently by the Gulf oil spill Sometimes deaths and serious injuries on a mass scale occur as in the Bhopal gas disaster the Chernobyl nuclear explosion the Paris crash of the Concorde the capsizing of the Herald of Free Enterprise and rail crashes at Southall Paddington and Hatfield in England What role can the law play in preventing such debacles and in punishing the corporate offenders This collection of thematic papers and European country reports addresses these questions at both a theoretical and empirical level The thematic papers analyse corporate criminal liability from a range of academic disciplines including law sociology criminology economics philosophy and environmental studies whilst the country reports look at the laws of corporate crime throughout Europe highlighting

both common features and irreconcilable differences between the various jurisdictions *International Handbook of White-Collar and Corporate Crime* Henry N. Pontell, Gilbert L. Geis, 2010-05-27 Insider trading Savings and loan scandals Enron Corporate crimes were once thought of as victimless offenses but now with billions of dollars and an increasingly global economy at stake this is understood to be far from the truth The *International Handbook of White Collar and Corporate Crime* explores the complex interplay of factors involved when corporate cultures normalize lawbreaking and when organizational behavior is pushed to unethical and sometimes inhumane limits Featuring original contributions from a panel of experts representing North America Asia Europe and Australia this timely volume presents multidisciplinary views on recent corporate wrongdoing affecting economic and social conditions worldwide Criminal liability and intent Stock market and financial crime Bribery and extortion Computer and identity fraud Health care fraud Crime in the professions Industrial pollution Political corruption War crimes and genocide Contributors offer case studies historical and sociopolitical analyses theoretical and legal perspectives and comparative studies featuring examples as varied as NASA Parmalat the Italian government and Watergate Criminal justice responses to these phenomena the role of the media in exposing or minimizing them prevention regulation and self policing strategies and larger global issues emerging from economic crime are also featured Richly diverse in its coverage The *International Handbook of White Collar and Corporate Crime* is stimulating reading for students academics and professionals in a wide range of fields from criminology and criminal justice to business and economics psychology to social policy to ethics This powerful information is certain to change many of our deeply held views on criminal behavior **Fair Trade, Corporate Accountability and Beyond** Shelley Marshall, 2016-04-15 As trade and production have increasingly crossed international boundaries private bodies and governments alike have sought new ways to regulate labour standards and advance goals of fairness and social justice Governments are harnessing social and market forces to advance corporate accountability while private bodies are employing techniques drawn from command and control regulation to shape the behaviour of business This collection brings together the research and reflections of a diverse international mix of academics activists and practitioners in the fields of fair trade and corporate accountability representing perspectives from both the industrialized and developing worlds Contributors provide detailed case studies of a range of social justice governance initiatives documenting the evolution of established strategies of advocacy and social mobilization and evaluating the strengths and limitations of voluntary initiatives compared with legally enforceable instruments Third Party Policing Lorraine Mazerolle, Janet Ransley, 2006-02-16 Third party policing represents a major shift in contemporary crime control practices As the lines blur between criminal and civil law responsibility for crime control no longer rests with state agencies but is shared between a wide range of organisations institutions or individuals The first comprehensive book of its kind *Third Party Policing* examines this growing phenomenon arguing that it is the legal basis of third party policing that defines it as a unique strategy Opening up the debate

surrounding this controversial topic the authors examine civil and regulatory controls necessary to this strategy and explore the historical legal political and organizational environment that shape its adoption This innovative book combines original research with a theoretical framework that reaches far beyond criminology into politics and economics It offers an important addition to the world wide debate about the nature and future of policing and will prove invaluable to scholars and policy makers

Green Criminology Rob White, Diane Heckenberg, 2014-02-03 Over the past ten years the study of environmental harm and crimes against nature has become an increasingly popular area of research amongst criminologists This book represents the first international comprehensive and introductory text for green criminology offering a concise exposition of theory and concepts and providing extensive geographical coverage diversity and depth to the many issues pertaining to environmental harm and crime Divided into three sections the book draws on a range of international case studies and examples and looks at the conceptual and methodological foundations of green criminology before examining in detail areas of environmental crime and harm and how they are addressed including climate change and social conflict abuse and harm to animals threats to bio diversity pollution and toxic waste environmental victims environmental regulation law enforcement and courts environmental forensic studies environmental crime prevention Green Criminology is packed with pedagogical features including dialogue boxes case examples discussion questions and lists of further reading and is perfect for students around the world engaged with green criminology and crime against the environment

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