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The Government of Risk

Christopher Hood, Henry Rothstein, and Robert Baldwin

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Why does the regulation of risks to human health and safety vary so dramatically from one policy domain to another? Why are some risks regulated aggressively and others responded to only modestly? Is there any logic to the techniques we use in risk regulation? This book addresses these important questions by systematically examining variety amongst risk regulation regimes across policy domains, analysing the significant driving forces shaping those regimes, and identifying the causes of regulatory failure and success. In order to do so, the book develops a systems-based concept of a 'risk regulation regime', which enables comparative description and analysis of the rules, institutional arrangements, and cultures that are bound up with the handling of risk within and between regimes. Using that framework, the book analyses how regimes and their constituent components are differentially shaped by three major driving forces—namely, the pressures exerted by market failure, by public opinion, and by organized interests inside and outside the state apparatus—and blame-avoidance responses of regimes in the face of pressures for greater openness. The book applies the method to analyse a range of risk regulation regimes that cross the divide between 'natural' and 'socially created', state-created and market-created, 'voluntary' and 'involuntary', high-tech and low-tech, individually, and corporately produced risks. Those regimes include the release of paedophiles into the community, air pollution, local road safety, radon, pesticides, and dangerous dogs. The analysis reveals both variations and paradoxes that can neither be identified by single case studies, nor be easily explained by macro-oriented approaches to understanding risk regulation. The Government of Risk shows how such an approach is of high policy relevance as well as of considerable theoretical importance.

Regulating Health and Environmental Risks under WTO Law

Lukasz Gruszczynski

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The last sixty years witnessed an unprecedented expansion of international trade. The system created by the General Agreement on Tariffs and Trade and later by the World Trade Organization (WTO) has proved to be an efficient tool for the elimination of trade tariff barriers. This process also coincided with the increased national risk regulatory controls. Governments, responding to the demands of their domestic constituencies, have adopted a wide range of regulatory measures aimed at protecting the environment and human health. Although for the most part, these new regulatory initiatives served legitimate objectives, it has also turned out that internal measures might become an attractive vehicle for protectionism, taking the place that was traditionally occupied by tariff barriers. The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) is an attempt by the international community to limit possible abuses while accepting a considerable margin of regulatory discretion of WTO Members. Does it optimally strike a balance between competing objectives of international free trade and regulatory freedom in the field of risk regulation? In answering this question, the book engages in a comprehensive and critical examination of the substantive provisions of the SPS Agreement and the corresponding case law. Special attention is paid to three specific issues: the appropriateness of the disciplines established by the SPS Agreement, the consistency of their interpretation by the WTO case law, and the normative content of those requirements that have not yet been addressed by SPS jurisprudence. The book concludes that despite some failures of the SPS system, the Agreement provides an operable and efficient mechanism for the supervision of domestic SPS measures.

Thinking About Nuclear Weapons

Michael Quinlan

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This book reflects the author's experience across more than forty years in assessing and helping to shape policy about nuclear weapons, mostly at senior levels close to the centre both of British governmental decision-making and of NATO's development of plans and deployments, with

much interaction also with comparable levels of United States activity in the Pentagon and the State Department. From this exceptional background of practical experience Part I of this book seeks to distill basic conceptual ways of understanding the nuclear revolution—the transformation brought about by the existence of nuclear weapons, and their significance in preventing major war. It also surveys NATO's progressive development of thinking about nuclear deterrence, and then discusses the deep moral dilemmas posed—for all possible standpoints—by the existence of such weapons. Part II considers the risks and costs of nuclear-weapon possession, including proliferation dangers, and looks at both successful and unsuccessful ideas for risk-management. Part III illustrates specific issues by reviewing the history and current policies of one long-established possessor, the United Kingdom, and two more recent ones in South Asia. Part IV turns to the future, examines the goal of the eventual abolition of all nuclear armouries, and then discusses the practical agenda, short of such a goal, which governments can usefully tackle in reducing the risks of proliferation and other dangers while not surrendering prematurely the war-prevention benefits which nuclear weapons have brought since 1945.

Global Governance of Financial Systems

Kern Alexander, Rahul Dhumale, and John Eatwell

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This book sets forth the economic rationale for international financial regulation and what role, if any, international regulation can play in effectively managing systemic risk while providing accountability to all affected nations. The book suggests that a particular type of global governance structure is necessary to have more efficient regulation of the international financial systems. The book defines global governance of financial systems to involve three main principles: effectiveness in devising efficient regulatory standards and rules; accountability in decision-making structure and chain of command; and legitimacy, meaning that those subject to international regulatory standards have participated in some meaningful way in their development.

Disadvantage

Jonathan Wolff and Avner de-Shalit

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What does it mean to be disadvantaged? Is it possible to compare different disadvantages? What should governments do to move their societies in the direction of equality, where equality is to be understood both in distributional and social terms? Linking analytical philosophical theory with broad empirical studies, including interviews conducted for the purpose of this book, it is shown how taking theory and practice together is essential if the theory is to be rich enough to be applied to the real world, and policy systematic enough to have purpose and justification. The book is divided into three parts. Part 1 presents a pluralist analysis of disadvantage, modifying the capability theory of Sen and Nussbaum to produce the 'genuine opportunity for secure functioning' view. This emphasizes risk and insecurity as a central component of disadvantage. Part 2 shows how to identify the least advantaged in society even on a pluralist view. It is suggested that disadvantage 'clusters' in the sense that some people are disadvantaged in several different respects. Thus, it is not necessary to solve the problem of how to weigh different categories of disadvantage against each other in order to identify the least advantaged. Conversely, a society which has 'declustered disadvantaged' — in the sense that no group lacks secure functioning on a range of functionings — has made considerable progress in the direction of equality. Part 3 explores how to decluster disadvantage, by paying special attention to 'corrosive disadvantages' — those disadvantages that cause further disadvantages, and 'fertile functionings' — those which are likely to secure other functionings.

The State of the European Union

Maria Green Cowles and Michael Smith (eds)

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This book represents the relaunching of the State of the European Union series sponsored by the European Community Studies Association. It features 19 papers on the 'four Rs' that embody the EU experience: risk, reform, resistance and revival. Risk is defined in terms of the stakes attached to the European project. Reform is the attempt to shape and reshape the European project in its pursuit of efficiency, effectiveness, and avoidance of the risk of non-reform. Resistance refers to the forces that oppose reform. Revival refers to the breakthroughs precipitated by shifts in the balance between risk, reform, and resistance.

Risk

Jonathan Wolff and Avner De-Shalit

in Disadvantage

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This chapter argues the importance of examining not only what functionings a person achieves, but also his or her prospect of securing and sustaining a level of functioning should he or she attempt to do so. Key determinants of their prospects are: their probability of success, and what they have to sacrifice to achieve that probability of success. Thus, a key aspect of disadvantage is for one's functionings being or becoming insecure involuntarily, or when in order to secure certain functionings, one is forced to make other functionings insecure in a way that other people do not have to do. Accordingly, a policy of rectifying disadvantage would need to pay special attention to the question of how to secure functionings and how to avoid cross-category risk, i.e., when a risk spreads to other functionings. It is suggested that if a snapshot of a person's functioning is to be represented as a bar chart, the heights and widths of each bar should represent the functioning level achieved and the functioning's security, respectively.

Risks, Reform, Resistance, and Revival

Green Green Cowles and Michael Smith

in The State of the European Union: Risks, Reform, Resistance, and Revival

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This introductory chapter discusses the 'four Rs' that illustrate the progress of the EU project: risk, reform, resistance and revival. It defines these elements and describes the balance between them. It then presents an overview of the papers included in this volume.

Conclusion

David S. Wendler

in The Ethics of Pediatric Research

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Chapter 10 provides the conclusion for the text, arguing that the present justification satisfies the 3 conditions on an acceptable justification for nonbeneficial pediatric research. Specifically, the fact that contributing to valuable projects promotes one's interests provides justification for exposing children to some risks for the benefit of others. This is the risk allowance condition. Next, the fact that passive contributions have only minimal implications for our interests implies that this possibility can justify only minimal risks. This is the risk threshold condition. Finally, the fact that more active contributions promote our interests more provides a reason to prefer the enrollment of adults to the enrollment of children. This fact is consistent with the third condition that we should prefer the enrollment of adults to children even though it is the case that participation can be consistent with children's interests.

Social Risks and Welfare States

Gøsta Esping-Andersen

in *Social Foundations of Postindustrial Economies*

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This chapter and the previous one revisit the political economy within which post-war welfare regimes emerged, matured, and, now appear crisis-ridden. Here, an analysis is made of social risks and welfare states. The post-war welfare state was premised upon assumptions about family structure and labour market behaviour that, today, are largely invalid. Risks that in the 1950s or 1960s were assumed away are now becoming dominant, and vice versa. The post-war welfare state being the child of the 1930s Depression and the 'workers question', was moulded on a society in which the prototypical client was a male production worker, who is now rather hard to find. A first step towards an understanding of the contemporary welfare state crisis must begin with: (a) a diagnosis of the changing distribution and intensity of social risks, and (b) a comprehensive examination of how risks are pooled and distributed between state, market, and family. The different sections of the chapter are: The State in the Welfare Nexus—the misunderstood family, and the welfare triad of state, market, and family; The Foundations of Welfare Regimes: Risk Management—family and market 'failures'; and The distribution of risks and models of solidarity—class risks, life-course risks, intergenerational risks, de-commodification, and familialism and de-familialism.

