

DISCIPLINA: <b>THEORY OF REGULATION</b>	CÓDIGO: <b>GRDDIRELE0197</b>
PROFESSOR: <b>EDUARDO FERREIRA JORDÃO</b>	CARGA HORÁRIA: <b>30h</b>
<p><b>EMENTA</b></p> <p>Conceptualizing Regulation. The regulation rationales (why regulate?). Good Regulation and Better Regulation. Different ways to assess regulatory quality and proposals for an assessment system. Explaining regulation. Analysis of different theoretical approaches toward regulation. Consumer Choice, Interest Groups and Public Interest. Analysis of the institutional approaches and of the relation between institutional design and regulation. Identifying regulatory failure. Analysis of the regulatory strategies. Command and Control strategies and its problems. Cap-ture. Issues on legalism, standard-setting and enforcement. The pros and cons of incentive-based regimes. Market-harnessing controls. Competition Law and Negotiable Licenses as regu-latory strategies. Disclosure of information as a strategy and its limits and possibilities of applica-tion. New scopes for regulation: design solutions, choice architecture and nudging. Under-standing rules and standards as regulatory strategies and the optimal balance of normative in-determinacy. Analysis of enforcement alternatives. Diffuse regulatory governance: self-regulation, meta-regulation and regulatory experimentalism. Regulation and innovation.</p>	
<p><b>OBJETIVOS GERAIS</b></p> <p>Understand the variable meanings and different theoretical foundations of regulation, being able to criticize approaches, in articles and textbooks, that do not clearly set their regulation definition and fundamentals.</p>	
<p><b>OBJETIVOS ESPECÍFICOS</b></p> <p>Identify the main advantages and problems on each regulatory strategy studied. Properly design and criticize regulatory rules, standards, principles and proceedings as related to the regulatory goals and theoretical foundations.</p>	
<p><b>BIBLIOGRAFIA OBRIGATÓRIA</b></p> <p>BALDWIN, Robert; CAVE, Martin; LODGE, Martin. Understanding Regulation. Oxford University Press, 2011.</p> <p>BALDWIN, Robert; CAVE, Martin; LODGE, Martin. (ed.) Oxford Handbook on Regulation. Oxford Handbook on Regulation. Oxford University Press, 2010.</p> <p>BLACK, Julia. Critical Reflections on Regulation. CARR Discussion Papers, LSE, 2002.</p> <p>BRAITHWAITE, John. The Limits of Economism in Controlling Harmful Corporate Conduct. Law and Society Review, vol. 16, ed. 3, 1982.</p> <p>HANTKE-DOMAS, Michael. The Public Interest Theory of Regulation: Non-Existence or Misinterpretation? European Journal of Law and Economics, 15: 165–194, 2003.</p> <p>COGLIANESE, Cary. Meta-Regulation and Self-Regulation. The Oxford Handbook on Regulation, Martin Cave, Robert Baldwin, Martin Lodge, eds., 2010.</p> <p>LEIGHT, Julia. Public Choice: A Critical Reassessment. In BALLEISEN, Edward; MOSS, David. Government and Markets: Toward a New Theory of Regulation. Cambridge University Press, 2009.</p> <p>POSNER, Richard. Theories of Economic Regulation. The Bell Journal of Economics and Management Science, Vol. 5, n. 2, 1974.</p> <p>MOSES, Lyria. How to Think about Law, Regulation and Technology: Problems with ‘Technology’ as a Regulatory Target. Law, Innovation and Technology, 2013</p> <p>MOSS, David. Reversing the Null: Regulation, Deregulation, and the Power of Ideas. Harvard Business School BGIE Unit Working Paper No. 10-080, 2010.</p> <p>BALDWIN, Robert. Why Ruled Don’t Work. The Modern Law Review, Vol. 53, No. 3, 1990.</p> <p>LODGE, Martin. The Wrong Type of Regulation? Regulatory Failure and the Railways in Britain and Germany. Journal of Public Policy, vol. 22, ed. 3, 2002.</p> <p>THALER, Richard; SUNSTEIN, Cass. Nudge. Yale University Press, 2008.</p>	

KAHNEMAN, Daniel. Maps of Bounded Rationality: Psychology for Behavioral Economics. Nobel Foundation 2002.

SABEL, Charles. SIMON, William. Minimalism and Experimentalism in the Administrative State. Georgetown Law Journal, Vol. 100, No. 1, November 2011.

SUNSTEIN, Cass. The Real World Of Cost-Benefit Analysis: Thirty-Six Questions (And Almost As Many Answers). Harvard Public Law Working Paper No. 13-11, 2013.

STIGLER, George. The Theory of Economic Regulation. Bell Journal of Economics, vol. 2, 1971.

#### **BIBLIOGRAFIA COMPLEMENTAR**

OGUS, Anthony. Regulation Revisited. Public Law, ed. 2, 2009.

SUNSTEIN, Cass. Simpler: The future of government. Editora Simon & Schuster, 2014.

WINDHOLZ, Eric; HODGE, Graeme. Conceptualising Social and Economic Regulation: Implications for Modern Regulators and Regulatory Activity. Monash University Law Review, Vol. 38, No. 2, pp. 212, 2012.

MEIER, Kenneth. Regulation: Politic, Bureaucracy and Economics. Ed. Palgrave Macmillan, 1985.

BLACK, Julia. Decentring Regulation: understanding the role of regulation and self regulation in a "post-regulatory" world. Current Legal Problems, 54 (1). pp. 103-146, 2001.

RANGONE, Nicoletta. The Quality Of Regulation The Myth And Reality Of Good Regulation Tools. Italian Journal of Public Law, vol. 4, 2012.

LEVINE, Michael; FORRENCE, Jennifer. Regulatory Capture, Public Interest, and the Public Agenda: Toward a Synthesis. Journal of Law, Economics, & Organization, Vol. 6, Special Issue: [Papers from the Organization of Political Institutions Conference, April 1990], 1990.

MCCUBBINS, Matthew; NOLL, Roger; WEINGAST, Barry. Administrative Procedures as Instruments of Political Control. Journal of Law, Economics, & Organization, Vol. 3, No. 2, 1987.

LODGE, Martin. WEGRICH, Kai; MCELROY, Gail. Dodgy kebabs everywhere? Variety of Worldviews and Regulatory Change. Public Administration, vol. 88, 2010.

MERTON, Robert. The Unanticipated Consequences of Purposive Social Action. American Sociological Review, vol. 1, ed. 6, 1936.

SALAMON, Lester. The New Governance and the Tools of Public Action: An Introduction. Fordham Urban Law Journal, Vol. 28, ed. 5, 2000.

OGUS, Anthony. Corrective Taxes and Financial Impositions as Regulatory Instruments. The Modern Law Review, Vol. 61, n. 6, 1998.

BLACK, Julia. Rules and Regulators. Clarendon Press 1997.

VERCHICK, Robert. The Case Against Cost-Benefit Analysis. Ecology L.Q., 2005.