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EDITOR – MARTHA POON

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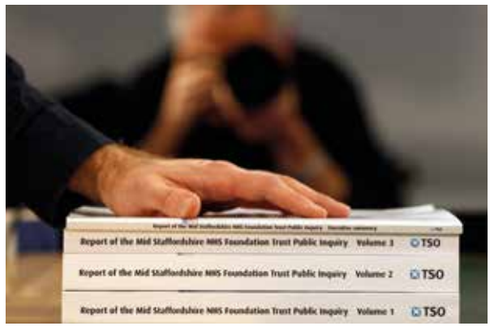
CARREDITORIAL

Editorial

CARR Director **Mike Power** comments on the report from the independent inquiry into Mid Staffordshire NHS Foundation Trust.



In January 2013 a report on the Mid Staffordshire NHS Foundation Trust in the United Kingdom was published following a public inquiry. The main report makes for shocking reading, even for the many risk and regulation scholars who are readily accustomed to the analysis of 'normalised deviance' and early warning failure in organisations. Running over 450 pages it provides detailed evidence of a catalogue of organisational pathologies, including the discrediting of whistleblowers, a generalised climate of fear at the operational level and a gross failure of oversight.

The details of this report will be read and analysed for years to come. Already the case and its lessons are travelling and being used to think about organisational failure in other settings. The culture at the Mid Staffordshire Trust was said to be *"characterised by introspection, lack of insight or sufficient self-criticism, rejection of external criticism, reliance on external praise and, above all, fear"*[1] – a diagnosis which might easily be applied to a number of banks in 2007. Yet, amidst the wide ranging critique of leadership, culture and individual behaviour one particular theme is worthy of note, namely the role of targets and performance indicators. The report suggests that targets and financial performance became prioritised as measures of organisational success decoupled from any outcomes or risk-based performance.

No academic observer of transformations in public management over the last quarter of a century will be at all surprised by this observation. Numerous studies exist which show that a proliferation of performance targets tends to 'crowd out' other, perhaps more embedded, understandings of good performance. This has been demonstrated not only in the field of medicine, but also in teaching, policing and many other services areas. We know that organisational agents initially work hard to run two systems – the target serving system and the local conception of service. But this 'decoupling' as it is called is hard to sustain over time. Targets eventually attract attention, staff time and resources, and thereby become validated. Activities which fall outside the scope of targets become quite literally invisible and illegitimate. The Mid Staffordshire case is manifestly an extreme example of target pathology and a salient reminder of what many scholars have observed to a lesser degree.

Yet we should be careful to lay the blame entirely at the door of targets per se. Organisations necessarily operate in a delicate and often unstable equilibrium between formal performance metrics and more qualitative, local forms of evaluation. Indeed, many senior executives of large private corporations are rewarded based on a mix of quantitative and qualitative criteria because there is a growing understanding that it is important to reward the drivers of long term organisational outcomes rather than only the short term financial performance.

Maintaining such an equilibrium between formal and informal, quantitative and qualitative, requires a system of checks and balances in thinking about performance – literally a 'balanced scorecard' which would keep targets and metrics in their proper place and would not allow them to drive the wrong behaviour. Metrics would be a valuable resource for *performance conversations* rather than simplistic organisational imperatives. To realise the dream of such a balanced performance culture requires special leadership of precisely the kind that seems to have been absent in the Mid Staffordshire case. Society does not always get the leaders and the performance evaluation systems it needs. Indeed, we may need an early warning system to tell us when such systems are part of the problem rather than the solution. If so, there is over 20 years of research on the 'performance of performance measurement systems' to inform such a design.

Welcome to the first 2013 edition of *Risk & Regulation* under the guidance of our new editor – Martha Poon. We try hard to be responsive to the issues of the day and the pages that follow contain excellent discussions of the gun control debate, public trust in food, product labelling, and gender violence in conflict zones and the role of aid agencies – all topics which have been in the international news lately. We also have four further essays on CARR's core area of interest, namely regulatory design. The first is a reflection on the whole 'responsive regulation' movement, adding our congratulations and reflections on the 20th anniversary of the book by Ian Ayres and John Braithwaite with that title. The second reports on the initial findings of a project to compare risk-based governance in different national cultures. The third addresses the role of parliaments in controlling regulators. Finally, the 'conflict of laws' approach is proposed as a solution to regulatory arbitrage in global financial markets. I very much hope that you enjoy these contributions and continue to take an interest in the work of CARR.

Mike Power
CARR Director

[1] Francis Report on Mid Staffordshire NHS Trust, January 2013, page 184

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MANAGING REGULATORY ARBITRAGE:

an alternative to harmonization

Excerpt from a forthcoming research article for Cornell International Law Journal (2014).

Annelise Riles walks us through a conflict of laws approach to financial regulation.

AMERICAN INTERNATIONAL GROUP (AIG), the very name of this company screams out its US origins. And yet, the traders within the UK subsidiary of this multinational insurance corporation, operating under a French banking licence, were able to engage in risk-taking activities that were largely beyond the reach of US insurance and finance regulators. When AIG's London-based trades fell apart in 2008, the parent institution in the US – and hence the US taxpayers – found themselves on the hook for decisions made in AIG's overseas subsidiary.

In the world of financial regulation, national financial regulators are pit against a globally mobile financial system. Since 2008, regulators have made a concerted effort to address the national regulatory differences that made AIG's trades possible in the first place. New rules hammered out at the G20 that seek to address these challenges apply to banks. How have the markets responded? Financiers have simply found ways of booking their transactions through non-bank institutions, the shadow banks not subject to the G20's rules.

The regulatory challenge posed by both AIG and the shadow banking industry is of paramount importance because the international slipperiness of these institutions, which are beyond the reach of regulators, threatens the sovereignty of nation-states and the well-being of national economies. However, the tension between regulators and financiers is somewhat more complicated than the law makers versus law evaders dichotomy. This is because a patchy regulatory landscape is fully anticipated within the core business model of global finance.

PLAYING REGULATORY DIFFERENCES is an important way of generating financial advantage. The technical term for this is "regulatory arbitrage".

In economic theory 'arbitrage' is considered a significant activity quite distinct from its lesser cousin, 'speculation'. Indeed, arbitrage is one of the great singular achievements of economic thought.

The general art of arbitrage is to spot similarities across what look like differences at first glance: a basket of stocks and an index, the rules of one legal system and those of another. From the perspective of economic theory, the investment strategy behind regulatory arbitrage is exactly the same as in other kinds of arbitrage in which an investment opportunity is created by a discrepancy in the relative price of two investments otherwise deemed similar. So what's the problem with regulatory arbitrage? For one, it can create a race to the bottom as investors move their transactions to the locality with the most favourable rules.

The prevailing wisdom is that regulatory arbitrage can be counteracted only if the rules across all legal systems are harmonized. In other words, regulatory arbitrage opportunities will be eliminated if the regulatory cost of transacting is identical in all places. In practice, however, changing national laws is an extremely contentious process. Attempts to universalize substantive regulation can quickly devolve into regulatory nationalism as domestic political and economic interests clash with international expectations. What is more, the process of harmonization risks creating new regulatory arbitrage opportunities since the pace of enacting legal change will differ across states.

What if international regulatory harmonization at the level of nation-states is an unattainable goal? What non-lawyers may not know is that the law is equipped with sophisticated tools for dealing with persistent regulatory differences – tools like "party autonomy in choice of law", the rule that says parties get to pick the law that applies to their contracts. However, as discussed in my book *Collateral Knowledge* (2011), the rules we currently use favour the financial industry. The industry has worked hard to ensure that judges and academics who make these rules see things its way.

THE TOOL I'M THINKING OF is a technical and arcane, but ingenious invention known as Conflict of Laws within common law, or "private international law" in civil law. Conflict of Laws is the name given to the well established body of law that determines which law should apply in situations where more than one sovereign state can arguably lay claim to a problem. For example: What law governs a contract between a bank in London and another bank in the Cayman Islands concerning assets in Singapore, and executed over the Internet? The answer is found in the Conflict of Laws.

Unlike the harmonization paradigm which pursues legal uniformity, the "conflicts approach" accepts that regulatory nationalism is a fact of life, and sets for itself the more modest goal of achieving coordination among different national regimes. This alternative approach to international regulatory coordination originated to stabilize trade relations after the fall of the Roman Empire and has thus developed over centuries.

Under the conflicts approach the point is not to define one set of rules that apply for all, as is the case in public international law –the law of international organizations such as the UN or the WTO. Rather, it is simply to define under which circumstance should a particular dispute or problem be subject to one state's law or another.

Thinking in terms of 'conflict of laws' changes the debate over global financial regulation because it raises an altogether different set of questions that are largely being ignored. For example: *How far does each regulatory jurisdiction extend, and what should be done when there is overlap? When should so-called host regulators of a global, systemically important financial institution defer to so-called home regulators?* Thinking about conflicts between laws encourages us to more carefully examine how we allocate authority across the existing regulatory regimes. The approach gives us another way of examining, and therefore of challenging, the scope of national, international, and non-state regulation. After all, when regulators or market participants make a claim about the application of one or another body of laws to a given party or transaction, they are effectively making an implicit claim about what the scope of their national law should be.

Playing regulatory differences is an important way of generating financial advantage. The technical term for this is 'regulatory arbitrage'.

The highly technical quality of the field of conflicts law makes it quite intimidating to some. As the esteemed Judge Weinstein, the Federal District Court judge who has handled the Agent Orange litigation as well as numerous other intractable mass tort cases, from breast implants to tobacco lawsuits, once famously said: "If I want the parties to settle a dispute I say 'Hmm … there must be a conflict of laws issue in this question.'" Yet, the very technical quality of the conflicts approach provides a much needed vocabulary, a register for moving beyond overt politics in the discussion of international financial regulation. I'm interested in what the conflicts approach can do in the sphere of financial regulation precisely because it transforms political questions into technical legal issues that can be managed within the scope of the existing national law.

FOR THE PRESENT, one could think of the conflicts approach as an alternative form of global regulation prior to our achieving the utopian ideal of pure international integration. In an interview with Risk Magazine, Barney Reynolds, a partner at Sherman & Sterling London working in this area has argued: "I don't think in our lifetimes you'll get a global insolvency regime, but you might get a global agreement on a 'conflict of laws and regulation' rule, so as to determine which country's insolvency regime takes precedence in certain situations."

In my opinion, there are many appealing advantages to this approach over the G20 model of full legal harmonization. From a legal standpoint, paying attention to the rules and processes that should govern the allocation of regulatory authority among overlapping sovereign states is hardly a second best option for mitigating the harm of regulatory arbitrage.

First and foremost, conflict of laws takes an agonistic view of the claim that there is a single overarching "right answer" to what the rules of regulation should be. The doctrines of conflict of laws instruct judges always to be aware that their own perspective is situated and partial, and that a judge in another jurisdiction could and most likely would think of the dispute in different terms. This built-in pluralism contrasts with a significant weakness of the G20's efforts at global financial regulatory harmonization – its tendency to fall into North Atlantic cliquishness.

Secondly, the conflicts approach is case driven. It builds coordination from the ground up rather than from top down. Cases are presented to courts as they develop, which allows problems to be addressed immediately, rather than wait for long-term harmonization. This has the added benefit of allowing for greater participation in the process of generating consensus, since cases are defined and argued by the litigants themselves, through their established local legal representatives who need not act in an internationally unified manner.

Thirdly, in contrast to substantive financial regulatory standards that must be painstakingly decided, there exists considerable agreement on the formal rules of both private international law and conflict of laws. Some differences of philosophy are present between the American approach through common law and that of civil law. But on the whole, a great deal is already shared.

Last but certainly not least, the switch to thinking in terms of conflict of laws does not require new legislation. Nor does it need new agreements be hammered out at global conferences among regulators. Implementing a conflicts approach requires nothing more forceful than the creative application of laws that are already part of the legal system of all of the nations in which major financial centres are found.

SO WHY HASN'T CONFLICT OF LAWS BEEN PURSUED in financial regulation? The explanation is what Gillian Tett calls "silo thinking": specialists on the conflict of laws have been traditionally confined to cases on inheritance, marriage, land disputes, private contracts and the like because historically those were the problems that crossed borders. As people migrated, and emerging European states had to determine which law would govern various aspects of these migrants' lives. In those days, transnational economic relations were confined to such issues as mercantile agreements (contracts).

This is why conflicts experts are trained to handle problems in private shipping contracts, but they know very little about financial regulation. For their part, financial regulation experts know next to nothing about the conflict of laws, if they are even aware it exists.

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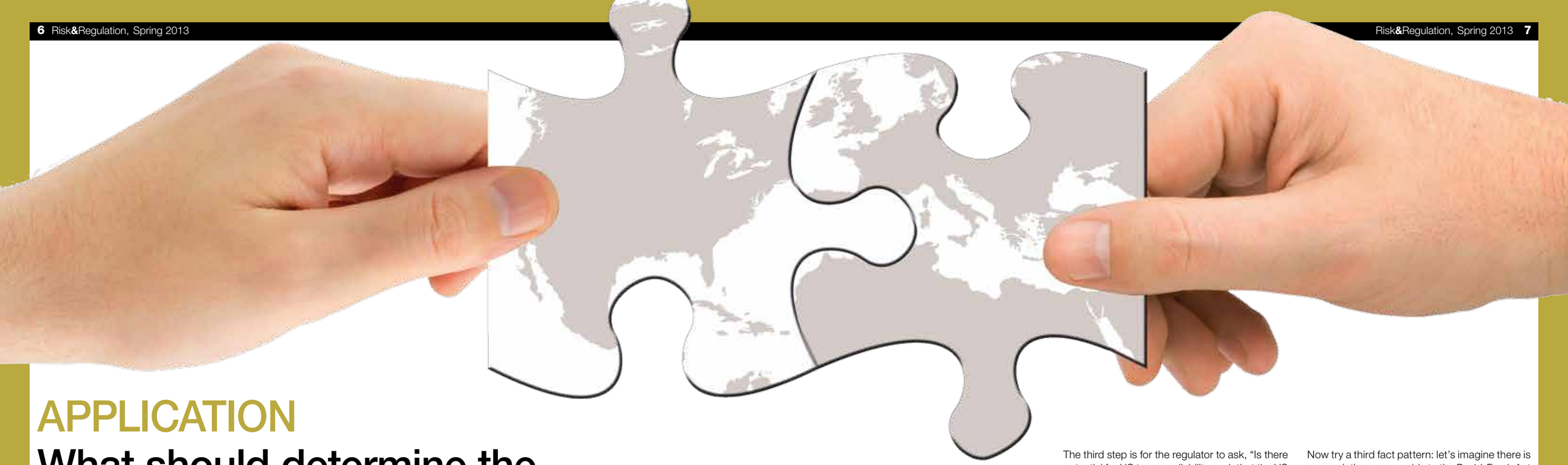

APPLICATION

What should determine the extraterritorial reach of US law?

Let's consider a controversial example to see how a financial regulator might use conflict of laws thinking in determining whether or not a certain transaction or a certain party, should be subject to their regulatory authority.

In Europe and Asia, regulators are concerned with the so-called "extraterritorial reach" of the proposed regulations of the US Commodity Futures Trading Commission (CFTC), which has indisputable authority over the US over-the-counter (OTC) swap markets under the Dodd-Frank Act.

What then should determine the CFTC's extraterritorial reach? The agency has taken an interesting approach that in some way exemplifies the promise and the challenge of the conflict of laws approach. It has proposed that any transactions with US persons shall be subject to US law and regulation. Note the technical legal sophistication of this position; it focuses on particular transactions and particular subjects (persons). This shifts the debate from a political question into a technical one: What is a US person?

On behalf of industry, the International Swaps and Derivatives Association (ISDA) has proposed a highly formalistic rule: A US person should be an institution whose principal place of business is in the US.

This is the old Basel I principle of "home country oversight" according to which US banks, including their foreign branches, are subject to US regulation, while US branches of foreign financial institutions are not. It is formalistic because it piggy-backs on a formal legal definition of territory and place of incorporation. It is also narrow. In this definition, a free-standing corporation based in the Cayman Islands, all of whose shares are held by a US entity would not qualify as a US institution.

What is most important to the industry is the formal rule-like quality of ISDA's proposal because arbitrage, financial or legal, feeds on clear categories. You can only find arbitrage opportunities when you can see clear differences between assets or regulatory authorities. In other words, it is more important to the industry to be absolutely certain that US law will not apply *somewhere else* – so that transactions can be confidently booked or financial entities established, outside the US.

In contrast, public advocacy groups such as Americans for Financial Reform have proposed a highly functional definition of a US institution. In their view, a US institution is any institution whose failure would substantially impact the US economy. The functional approach of advocacy groups strikes fear in the heart of foreign regulators because of its breadth and hence the potential for overlap between US and foreign regulatory authority.

To date, the CFTC has responded in a highly technocratic way. According to one prong of the CFTC's complex proposal, a foreign branch of a US financial institution will qualify as a US institution, but a foreign subsidiary of a US financial institution will not. Note that industry can live with this distinction since it is often possible, using sophisticated legal technologies, to reproduce many of the functions of a foreign branch in the form of a foreign subsidiary.

But there is another piece to the CFTC proposal which is more innovative and controversial. The CFTC has further proposed that foreign institutions that transact with such "US persons" can apply, on an individual, institution by institution basis, for exemption from US regulation based on the fact that they are already in compliance with a body of foreign regulation that is functionally analogous to US law. This is called "substituted compliance".

What is new about the CFTC proposal is that substituted compliance will be determined, firm by firm, rather than by country. Thus, one Japanese bank may qualify while another may not. This has ruffled the feathers of foreign regulators who see the legal test as an infringement on their national sovereignty. If Japanese regulators have determined that two of their banks are in compliance with Japanese regulation, who is the CFTC to judge them differently?

But the creative insight of the conflicts approach is precisely that of handling problems case by case. In fact, the conflicts perspective would take the matter one important step further. The question of whether a financial institution is or is not a US person or of whether a foreign institution should or should not be entitled to substituted compliance depends not solely upon the status of the person, but upon the legal issue at stake in the case.

The conflicts approach asks: "What turns on this legal distinction?" Are we determining, for example, whether the parties need to post a certain size margin? Or whether US anti-fraud provisions of Dodd-Frank should apply?

This is obviously very different from the formalist approach to the scope of national law. What is perhaps less obvious is how the conflicts approach also differs from the functional test for determining which entities will be subject to US regulation, proposed by public advocacy groups.

In order to see how it is different, let's make our hypothetical example even more specific. Imagine a simple swap transaction between a subsidiary of a US institution located in a foreign country and an institution in that country. Is the subsidiary a US person for purposes of margin rules? There are many technical steps that the conflicts approach would go through to answer this question, but we only need to work through one to have the gist of a conflicts analysis.

Take the step called "interest analysis". As the name suggests this is a technical approach to the question, "What is really at stake in this choice? What interests are involved?" In the case of our swap transaction, the conflicts doctrine directs the regulator to ask, "What are the purposes behind this margin rule?" As it turns out, the Commodity Exchange Act as revised by Dodd-Frank is quite clear on this point. The purpose of the rule is to avoid future taxpayer bailouts by ensuring that financial institutions bear the cost of their risky behaviour.

The conflicts approach would then query, "What is the relevant contact that would determine whether this interest legitimately comes into play in this case?" Here again, a clear answer emerges. The relevant contact is the potential for US taxpayer liability.

The third step is for the regulator to ask, "Is there potential for US taxpayer liability such that the US has an interest in applying its law?" The answer again is clearly, 'Yes'. If this subsidiary of a US institution gets into financial trouble, the liability will flow back to the US and ultimately to US taxpayers.

But that is only the first prong of the analysis. The conflicts approach would then direct the regulator to go through the same thought process with respect to the other jurisdiction that might apply its law. Instead of resorting to a functional decision about whether US law applies, it recognizes the existence of other regulatory authorities. It acknowledges that defining the scope of extraterritorial authority is really a question of how to share authority with another regulator.

In our example, the other possible regulatory authority would be the foreign jurisdiction where the subsidiary and the foreign financial institution were located and where the transaction is taking place. Now let's imagine the foreign jurisdiction has its own margin rule with largely the same purpose. The US regulator could determine there is no substantial conflict between US and foreign law. Hence the US can and should go ahead and apply its law.

But let's change the facts just a little bit: imagine that the foreign regulatory authority has no comparable margin rule, but the transaction is booked in a third jurisdiction. In this case, the regulator should ask, "Why did this foreign jurisdiction choose not to have a margin rule like ours?" After some comparative investigation he or she might determine that policy-makers in the foreign jurisdiction were more concerned about attracting business than they were about protecting national taxpayers. But since the transaction in question is actually occurring in a third jurisdiction and is arguably not bringing business to the foreign jurisdiction we can conclude the foreign jurisdiction has no legitimate interest in applying its law. By this reasoning, the US regulator should proceed with the determination that the transaction involves a "US person" and hence is subject to US margin rules.

Now try a third fact pattern: let's imagine there is no regulation comparable to the Dodd-Frank Act in the foreign jurisdiction where the transaction occurs. If both jurisdictions are legitimately interested, the regulator will have to resort to some tie-breaking principles. It could perhaps negotiate with foreign counterparties.

We have walked through only one small piece of a proper conflicts analysis. Nevertheless, this extreme simplification is enough to highlight the key advantage of such an approach: it transforms a highly political determination into a technical legal one. In so doing it forces a serious, albeit technical inquiry, into the relative interests of each jurisdiction whose laws may apply in a given case. This strikes me as a viable alternative means of coordinating and reaching compromise between international regulatory authorities.

Most importantly, a conflicts approach to transnational regulatory coordination makes regulatory arbitrage far more difficult and expensive, and hence reduces the amount of regulatory arbitrage that will occur. When legal analysis is issue-specific (instead of imposed by arbitrary rules) the cost of regulatory arbitrage goes up dramatically because regulatory arbitrageurs cannot simply produce and mass market one size fits all arbitrage products. Regulatory arbitrage will always be a possibility in some cases, but the additional cost of legal analysis and therefore the cost of prediction will eliminate many opportunities. This is a medium-sized, but important victory for transnational regulatory cooperation.

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Adapted by **Martha Poon,** R&R Editor**.**

TRIGGERING THE DEBATE

Faulty Associations Between Violence and Mental Illness Underlie US Gun Control Efforts

PHOTOGRAPH: LISPHOTOGRAPHY/ALAMY

Jonathan M Metzl and Kenneth T MacLeish give a critical overview of the US gun control debate.

In the aftermath of the horrific December 2012 school shooting in Newtown, Connecticut, US President Barak Obama called for a national awakening on matters of gun violence. He told a national television audience after Adam Lanza killed 20 children and 6 adults with a military grade semi-automatic weapon, "We're going to have to come together and take meaningful action to prevent more tragedies like this, regardless of the politics."

The time seemed right for Americans to address the epidemic of gun violence – over 30,000 Americans die by gunshot each year. Yet much of the debate that ensued played out along familiar political fault lines. Gun-control advocates decried the ready availability of military grade weapons and ammunition magazines. Gun enthusiasts argued that tragedies like Sandy Hook are best prevented by arming more civilians and selling more guns.

Amongst the rancor, all sides seem to agree on one point: Lanza's murderous violence resulted from mental illness. In the days after the shooting, media commentators rushed to uncover Lanza's psychiatric history. "Was Adam Lanza an undiagnosed schizophrenic?" asked *Psychology Today.* Claims of Asperger's syndrome followed. News outlets called for mandatory mental health "screenings" for gun purchases and lowering barriers that kept mental health records out of gun purchase databases. New York legislators passed a bill requiring that mental health professionals report "dangerous patients" to local officials. National Rifle Association President Wayne Lapierre demanded a "national registry" of persons with mental illness, while conservative commentator Anne Coulter claimed, "guns don't kill people – the mentally ill do".

Undeniably, persons who have shown violent tendencies should not have access to weapons that could be used to harm themselves or others. However, contentions that mental illness caused any particular shooting or that advance psychiatric attention might prevent these crimes, are more complicated than they might seem. Such statements stereotype a vast and diverse population of persons with mental illness and distract from more productive avenues to limiting gun violence.

Three central myths complicate assumptions that mental illness begets US gun crime.

Databases that track US gun homicides find that **only three to five per cent of American gun crimes involve 'mentally ill shooters'** – a prevalence lower than in the general population.

Myth 1 – Mental illness causes gun violence

Many mass shooters suffer from psychological demons. Yet surprisingly little evidence supports the notion that aggregate groups of persons with "mental illnesses" are more likely than anyone else to commit gun crimes. Databases that track US gun homicides find that only 3-5 per cent of American gun crimes involve "mentally ill shooters" – a prevalence *lower* than in the general population. A convincing body of research also suggests that high profile mass shootings represent anecdotal distortions of the actions of persons diagnosed with psychiatric illnesses. Psychiatry professor Jeffry Swanson contends that mass shootings denote "rare acts of violence," and that homicides committed with guns against strangers by individuals with mental disorders occur far too infrequently to allow for statistical generalisations that would justify the surveillance, restriction and stigmatisation of the mentally ill.

Links between mental illness and other types of violence are similarly contentious among researchers who study such trends. The vast majority of people with psychiatric disorders do not commit violent acts – only about 4 per cent of violence in the US can be attributed to people with mental illness. Studies also suggest that the stereotype of the violent mad person represents an inversion of on-the-ground reality. Many serious mental illnesses reduce a person's risk of violence over time, since these illnesses are in many cases marked by social withdrawal. Research also shows that individuals with severe mental illness are far more likely to be assaulted by others than to commit violent crimes themselves.

Taken together, current research suggests that linking "mental illness" to gun violence represents an oversimplification at best, and a distortion at worst. Evidence also suggests that reflexively blaming people who have mental disorders for violent crimes overlooks the statistical threats posed to US society by a much larger population – the sane.

Myth 2 – Psychiatric diagnosis can predict gun crime before it happens

Psychiatric diagnosis is far from a predictive science in matters of violence. Psychiatrists using clinical judgement are not much better than chance at predicting which individual patients will commit gun crimes and which will not. The lack of prognostic specificity is in large part a matter of simple maths: even the overwhelming majority of psychiatric patients who fit the profile of recent US mass shooters – gun-owning, paranoid men – do not commit crimes.

Complicating matters further, associations between violence and psychiatric diagnoses shift dramatically over time. For instance, most people in the US considered schizophrenia an illness of calm docility for much of the first half of the 20th century. From the 1920s to the1950s, psychiatrists described schizophrenia as a "mild" form of insanity that impacted people's abilities to "think and feel," while popular magazines described middle-class "schizophrenic housewives". Only in the 1960s and 1970s, did American society link schizophrenia with violence. Psychiatric journals suddenly described patients whose illness was marked by criminality and aggression, while FBI Most-Wanted lists in leading newspapers described "schizophrenic killers" on the loose.

We now recognise that this transformation was not a simple reflection of reality, but arose from changes in the how psychiatry defined mental illness in the first place. Prior to the 1960s, psychiatry classified schizophrenia as a psychological "reaction" that produced "regressive behaviour". But in 1968, the official diagnostic manual of US psychiatry – the DSM II – redefined paranoid schizophrenia as a condition of "hostility," "aggression" and projected anger. This change not only imbued the mentally ill with an imagined potential for violence, but also encouraged psychiatrists to define violent acts as symptomatic of mental illness.

So while it is tempting to turn to psychiatry for answers about mass violence, doing so may only reinforce the tenuous circular logic that links madness and violence.

Myth 3 – Look out for dangerous loners

Recent mass shootings in the US have been framed as the work of loners – unstable, angry, young, white men who never should have had access to firearms. "Adam Lanza Was a Loner Who Felt Little Pain" read a headline on CNN in the wake of the Newtown shooting. Lanza and other recent shooters undoubtedly led troubled solitary lives. But the seemingly transparent image of the disturbed loner is also a relatively recent invention.

In the 1960s and 1970s, many of the men depicted as being armed, violent and mentally ill were also, it turned out, African American. And, when the potential shooters were black, American society blamed "black culture" or black activist politics – not on individual, disordered brains – for the threats such men were imagined to pose. For example, FBI profilers famously diagnosed black political figures like Malcolm X and Robert Williams with schizophrenia, citing their attempts to obtain firearms and "plots" to overthrow the government.

Malcolm X, Robert Williams and other political leaders were far from schizophrenic. But fears about their political sentiments, guns, and sanity mobilised significant public response. Articles in the American Journal of Psychiatry, such as a 1968 piece titled "Who Should Have a Gun?," urged psychiatrists to address "the urgent social issue" of firearms in response to "the threat of civil disorder." And Congress began serious debate about gun control legislation leading to the foundation of US gun laws – the Gun Control Act of 1968.

One cannot help notice the irony. In the present day, the actions of "lone" white shooters lead to calls to expand gun rights: it would seem political suicide to argue for restricting the gun rights of white Americans or men. Meanwhile, members of largely white groups such as the Tea Party who advocate broadening of gun rights to guard against government tyranny – indeed the very same claims made by Black Panther leaders in the 1960s – take seats in the US Senate rather than being subjected to psychiatric surveillance.

As we move forward

Complicating the associations between guns and mental illness in no way detracts from the dire need to stem US gun crime. Yet as we move forward in the aftermath of yet another horrific tragedy, we need to be cautious of focusing too heavily on questions of whether particular assailants meet criteria for particular diagnoses. Evidence suggest that mass shootings represent statistical aberrations that reveal more about particularly awful instances than they do about population-level actions. To use Jeffrey Swanson's phrasing, we risk building "common evidence" from "uncommon things." And we lose the opportunity to build common evidence about common things, such as substance use, past history of violence, availability of firearms, or other factors that are more strongly predictive of gun crime than are particular psychiatric diagnoses.

We must also learn from history that decisions about which crimes American culture diagnoses as "crazy" are driven as much by the politics and anxieties of particular cultural moments as by the actions of individually disturbed brains.

Of course, understanding a person's mental state is vital to understanding their actions. But focusing so centrally on the pathology of individual assailants only makes it harder for the US to address how mass shootings reflect group psychologies in addition to individual ones. We in the US live in an era that has seen an unprecedented proliferation of gun crimes. Yet this expansion has gone hand-in-hand with a narrowing of the rhetoric through which US culture talks about the role of guns in our daily lives. Insanity becomes the only politically sane place to discuss gun control. Meanwhile a host of other narratives, such as the mass psychology of needing so many guns in the first place or the anxieties created by being surrounded by them, remain unspoken.

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CARRRESEARCH

IS SEXUAL VIOLENCE BEING EFFICIENTLY ADDRESSED IN GLOBAL CONFLICT ZONES?

The UK will invest millions of pounds to reduce the rampant rates of sexual violence in war-affected countries. **Samer Abdelnour** examines why part of the solution will be to give women fuel-efficient stoves.

UK FOREIGN SECRETARY William Hague will use the 2013 Presidency of the G8 to draw attention to the pervasive problem of sexual violence in global conflict zones. On 25 March, he announced a plan to provide £180m in new funding to support health services in the Democratic Republic of Congo as well as increased efforts to bring perpetrators to justice. At least some portion of the UK's money will be funnelled into NGOs such as the International Rescue Committee which distributes 'dignity packages' containing fuel-efficient stoves and extra clothing to women. The idea is that the risk of sexual violence will decrease if women spend less time searching for firewood and water.

Specialised stoves are an entrenched measure of rape prevention and many prominent people doing humanitarian work advocate their distribution. Lynne Featherstone (2013), the UK's Under-Secretary for International Development, has stated that improved cooking technology will reduce a woman's risk "of being assaulted, raped, and murdered". Actor-advocate Angelina Jolie has expressed similar reasoning, noting it's "a sad fact that when you ask how to reduce sexual violence the answer is to help them not have to go out" (Borger, 2013). The assumption among public figures is clear: women are safe inside camps. Sexual violence happens "out there".

Given the UK's commitment to reducing the abuse of conflict-affected women it is worth re-examining the history of this logical connection. How did a domestic technology designed to keep women confined to camps become a routine part of rape-prevention strategy? Like mosquito nets to prevent malaria or blankets for children fleeing Syria, stoves-for-rape is a one-shot humanitarian intervention. It has seduced NGOs and international donors by reducing a complex political issue to a seemingly manageable, technical problem.

FUEL-EFFICIENT COOKING is a long-standing preoccupation in global development. Since the 1970s, agencies like the World Bank have been encouraging women to adopt fuel-efficient methods to reduce deforestation and the effects of smoke inhalation. But over the last decade or so, the idea that traditional fires must be replaced by specially engineered technologies has become a kind of dogma in the humanitarian community, attracting an outpouring of investment from a variety sources.

The battle against sexual violence in crisis situations is a key reason why many agencies and donors – UN agencies, NGOs, as well as USAID and DFID – justify projects for better cooking technology. In September 2010, for example, US Secretary of State Hillary Clinton launched the Global Alliance for Clean Cookstoves, an initiative to promote a global industry for producing fuel-efficient stoves. In addition to the traditional environmental and health concerns, the Global Alliance also claimed the right kind of stove could reduce the "personal security risk" faced by displaced women and girls (US Department of State, 2011).

Personal security risk is sanitised language for "sexual and gender-based violence" (SGBV), which is itself a rather vague term that humanitarian workers use to refer to the daily abuses they witness in places like refugee camps and global conflict zones. Though there is no official definition of SGBV, offences include harassment, forced marriage, physical assault, domestic violence, sexual assault and murder. The term is increasingly being applied in conflict situations to demarcate gender-specific violence from other, simultaneous forms of violence taking place in conflict-affected areas. Today's "new wars" are extremely messy. Categories like SGBV frame programming initiatives; they organize chaos into manageable units.

Here's why this category is ambiguous: the wider western public imagines that when a humanitarian organisation arrives to deliver goods and services to a warzone, it also brings some measure of stability and safety. This is simply not true. Establishing security among displaced populations is extraordinarily challenging. The line separating civilians from perpetrators can be blurry, and partisans from all sides of a conflict often live and operate side by side within the same refugee camps. For instance, "combatants", themselves displaced by violence, may become recipients of aid. Similarly, the displaced may take up arms as "refugee warriors" or resort to banditry. What is more, the presence of competing security apparatuses inside camps makes their internal atmosphere volatile to say the least.

The cold hard truth is that people warehoused in camps often suffer pervasive insecurity. In unstable situations, sexual violence is not confined to any particular location and it is not only used as a weapon of war. Gender-based violence is facilitated by the social vulnerabilities created by displacement, and can be exacerbated by aid-induced economies. It is heightened when the civilian population is heavily armed, and when marginalised youth turn to banditry. And so, SGBV occurs inside the camps and outside, while women search for fuel and water, but also when they seek work or attempt to re-establish livelihoods. For those displaced by war, gender violence is a part of everyday life.

The reports from conflict-affected areas speak volumes to the slippery nature of the phenomenon. In the Democratic Republic of Congo, the International Rescue Committee (2013) recently found in one camp that "in 45 per cent of the cases the perpetrator was someone known to the woman, typically a family member, partner or someone from the local community". Numbers like these raise a crucial question for UK policy makers: if women are not truly safe in camps, why is the humanitarian industry spending millions on cooking stoves in a futile endeavour to keep them there?

THE COLD HARD TRUTH IS THAT PEOPLE WAREHOUSED IN CAMPS OFTEN SUFFER PERVASIVE INSECURITY

HISTORY IS INSTRUCTIVE. The first time stoves were promoted as a gender-specific protection tool was in Darfur, after humanitarian organisations expressed concern over violent attacks on women and girls. Fuel-efficiency was attached to a specific narrative advocacy groups put forward: that African women and girls were being targeted by Arab militias "out there" in the bush (Abdelnour and Saeed, 2013).

In Darfur, women are a significant part of the economy. They travel long distances to collect grass or wood for sale or personal use, and must visit nearby towns and markets to find work. Since one of the reasons Darfuri women consistently leave camps is to search for cooking fuel, a peculiar logical connection emerged to explain where and in what circumstances these women were most vulnerable; if wandering to collect fuel exposed women to heightened risk of sexual violence, then reducing need for fuel should reduce the risk of attack.

In late 2005, a Washington-based humanitarian advocacy organisation called Refugees International (RI, 2005) released a significant "call to stoves" which crystallised a framework of action specific to Darfur. The document stated that "By reducing the need for wood and emission of smoke, a switch to simple, more fuel-efficient stoves could reduce the time women spend collecting wood, a task that exposes them to the risk of rape and other forms of gender-based violence."

It's not difficult to see why the connection between fuelwood and sexual violence has appealed to humanitarian advocates. "Efficiency" transforms an overwhelming social and political issue into a resolvable technical problem. Rather than focus on the overall incidence of sexual assault, stoves isolate one dimension of the violence affecting Darfuri women and offer to control it. Once increased fuel-efficiency gained currency as a generalisable tool of rape reduction, NGOs and donors had a clear programming objective. They began experimenting with different stove technologies, designs and plans for product dissemination.

Stoves benefitted from the influx of international aid for Darfuris to become a taken-for-granted part of the humanitarian toolkit and a lucrative industry. As I have documented elsewhere stove promoters showcased up to a dozen different models to compete for these dollars, compared in terms of efficiency, cultural appropriateness, and cost (Abdelnour, 2011). At one point, the jockeying was so intense that one international efficient stove expert described the situation as Darfur's "stoves war". Tens of thousands of efficient stoves have since been delivered in Darfur by various agencies. One Darfuri woman I met sometime after 2006 had received six stoves from six separate NGOs.

Over time, the stoves available to the world's low-income women have without a doubt become more energy efficient. Many smart people – political advocates in New York, engineers in Berkeley, and NGO directors in Khartoum – have worked tirelessly to design them this way. The result of pouring money into stove design has returned a thoroughly predictable result: more efficient stoves and a booming humanitarian stoves industry. But there is no real evidence that these technical increases in fuel efficiency can decrease the overall rates of sexual violence in conflict-affected areas.

THE LOGIC THAT STOVES can prevent sexual violence is a media friendly dead end. It raises public awareness of global sexual violence, but masks the root causes of the phenomenon. The kinds of violent crimes Hague and the G8 are targeting do not occur because people leave home to carry out routine chores. They occur because victims and their prospective attackers live side by side in war torn areas, in conditions of profound political instability.

The bottom line is that pervasive sexual abuse cannot be solved by humanitarians handing out domestic products. "Stoves reduce rape" is a distracting rhetoric because it unduly transfers the burden of security into the private lives of the most vulnerable.

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CARRRESEARCH

EXPLORING NATIONAL CULTURES OF RISK GOVERNANCE

Henry Rothstein invites us to think critically about international differences in how risk is governed and about national styles of governance more generally.

Last year, six Italian seismologists were found guilty of manslaughter for failing to warn the population in L'Aquila of a disastrous earthquake. Just a few months later, a French psychologist was found guilty of manslaughter because her patient murdered an elderly man. In each case, the supporters of the convicted expressed outrage with the legal system's treatment of professionals faced with risk and uncertainty. More generally, both cases were a reminder of the varied ways in which different governance cultures can respond to adverse events, and were further grist to the mill for a long-standing governance "movement" whose mission is to make governance more rational by making it "risk-based".

The central idea of risk-based governance is that we cannot, and should not want to live in a risk-free world. The movement asserts that pursuing freedom from risk is disproportionately difficult or costly to achieve, distracts attention from the most serious problems and deters entrepreneurialism. Instead, in an adaption of Paracelsus' maxim – the *likely* dose makes the poison – risk-based governance advocates argue that it is better to consider the *probability* as well as the *impact* of potential adverse outcomes to focus efforts on governing those risks deemed unacceptable. As such, risk-based approaches promise more efficient, rational and universally applicable means of organising and accounting for governance activities.

What is at stake here is a move away from using the term "risk" to denote "bads", towards a more normative idea of risk as a tool through which States negotiate their mandate. From this perspective, governance is less about ensuring "safety" or "security" from "bads", than about seeking "optimal" levels of risk. The use of probability-impact frameworks for structuring governance problems has gained wide currency, especially in Anglo-Saxon countries where these frameworks have colonised decision-making across many policy domains. Likewise, international organisations, such as the OECD and WTO have also advocated and mandated risk-based approaches as global instruments of better regulation and free trade.

The UK has been one of the foremost proselytisers of risk-based approaches to governance. A key driver has been the way in which heightened accountability demands in the form of good governance doctrines, New Public Management reforms, as well as the unforgiving 24/7 media cycle have increasingly put governance actors under pressure to account for outcomes. From occupational health and safety to financial regulation, risk has emerged in the UK as an important means by which decision-makers have sought to lessen the blame that gets laid at their doorstep for the limits of what governance can actually achieve. The reason is that the language of risk makes it possible to conceive of adverse events as something other than a failure of governance. After all, what is an acceptable risk other than a euphemistic boundary between an *acceptable* adverse outcome and an *unacceptable* failure?

Here are just a few examples that nicely illustrate how risk ideas have changed the tone and purpose of governance in the UK. Take the Department for Environment, Food and Rural Affairs' (DEFRA) policy catch-phrase, "making space for water". It captures a conceptual shift from traditional ideas of engineered "flood defence" to those of "flood risk management", in which government has explicitly sought to define the limits of its flood management responsibilities. Similarly, as the security services have become increasingly accountable for their actions, so terrorism has increasingly been discussed in terms of risk management rather than national security. Likewise, in what is perhaps the most controversial end of policy implementation, probation officers have notably defended their actions in terms of "managing risk" rather than "securing public safety" when violent criminals have committed offences upon release from prison.

The risk-based governance movement claims that other countries could accrue tremendous benefits if they too used probability-impact frameworks in governing problems. The initial findings from a new international research project (HowSAFE: How States Account for Failure in Europe), however, suggests that risk ideas may have only limited 'fit' across country contexts (Rothstein et al. 2012). These findings suggest that risk-based approaches can conflict with embedded traditions and norms of governance in different national polities because risk embodies particular understandings about how the State should define and account for adverse outcomes.

Our examination of France and Germany, for example, suggests that risk ideas have had difficulty in penetrating their governance systems, despite those countries being subject to similar fiscal and efficiency pressures that are found in the UK. In France, one might expect its "technocratic" culture to be sympathetic to risk ideas. Nevertheless, the idea of tolerating risk is constrained in France by a set of deeply entrenched cultural and constitutional concerns. For example, the culturally established expectation that the French state will provide "security" for its citizens is antithetical to the idea of "managed risk". Likewise, its Republican constitutional guarantee of equality works against the implicit expectation of risk-based approaches that some people may have to suffer for the collective good.

One incident that illustrates this point occurred during the 2009 H1N1-flu pandemic, when the French Minister of Health decided to vaccinate everyone rather than the third of the population needed to provide herd immunity. The reason for this apparently non-risk based approach was that she had no legal grounds to select which third should get preferential treatment. Likewise, risk-based targeting of anti-terrorist activities on groups in society deemed to be the most vulnerable to extremist ideas, cannot be operationalised easily in France since the State formally refuses to differentiate between its citizens.

What is an acceptable risk other than a euphemistic boundary between an acceptable adverse outcome and an unacceptable failure?

Risk-based approaches face altogether different constraints in Germany. What matters here is Germany's legalistic policy culture, which struggles with risk concepts. According to Huber (2009), the problem is historical: 19th-century liberal conceptions of the Prussian state regarded the protection of people from "dangers" to life, freedom and property as one of the few legitimate grounds for State interference in the lives of individuals. Over the past few decades, this doctrine of *Schutzpflicht,* the duty of the State to protect the public from dangers, has come to form the constitutional basis for legislation across policy domains, from nuclear safety to rented accommodation. While *Schutzpflicht's* spread mirrors the way in which risk has colonised Anglo-Saxon governance discourse, the key difference is that the German doctrine is a binary concept – if there is no danger then there are no grounds for state action. While the courts tolerate very small 'residual' risks, they have no mechanism for making more nuanced trade-offs between risk, cost and benefit.

A couple of examples illustrate the German situation. When the anti-nuclear movement challenged the authorities over the safety of nuclear reactors throughout the 1970s–80s, the German courts found it impossible to agree to a definition of acceptable risk and consequently issued a series of inconsistent judgments. That is not to say that acceptable probabilities are never set in Germany. In flood protection, the State is committed to providing protection against all floods that occur once or more in 100 years, either by engineering defences or by prohibiting building in flood plains. As Krieger (2013) points out, however, the State's "duty to protect" all citizens makes policy blind to impacts such as demanding that sparsely populated rural areas will be protected to the same level as densely populated urban areas.

Of course, France and Germany still face the problem of how to manage the inevitable trade-offs between risk, cost and benefit. But initial research from the HowSAFE project suggests that they deal with those trade-offs in different ways. In France, ex ante discussion of such questions is obscured by a traditionally secretive style of governance that is centrally concerned with upholding the authority and reputation of the Republic. One consequence is an ex post emphasis on reacting to weak signals of impending crises by setting up early warning systems, contingency plans and dedicated crisis units across Ministries that are intended to catch and respond to the first sign of State failure.

In Germany, by contrast, where the courts must openly adjudicate intractable conflicts between constitutionally enshrined rights to economic activity and health protection, solutions have been sought through more opaque corporatist and expert arrangements that effectively side step the demands of Germany's Rechtsstaat. Indeed, the emergence of the Precautionary Principle or *Vorsorgeprinzip* as a central idea of German environmental policy in the 1970s, may have been less of a response to scientific uncertainty as is commonly understood, than a response to fundamental legal uncertainty over how much harm is needed to pose a proverbial "clear and present danger".

Such fundamental constraints on the application of risk ideas suggest that risk is not an independent variable on which the accountability and rationality of governance depends. Rather, the emergence of risk-based logics appears to be dependent on the norms and accountability structures of governance across different national polities. Indeed, study of the factors that drive and constrain the emergence of risk-based governance practices has the potential to reveal important differences in the way different States think about their role and purpose in preventing adverse governance outcomes. This research also offers a new direction for thinking critically not just about the relationship between risk and governance, but also about the factors that shape national governance styles.

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RESPONSIVE REGULATION – IT TAKES TWO TO TANGO

Julien Etienne revisits the influential idea of responsive regulation on its twentieth anniversary.

Responsive Regulation by Ian Ayres and John Braithwaite was published two decades ago. In that time, the book has enjoyed a growing influence in the field of regulation studies. It continues to influence many practitioners in a variety of regulatory fields, particularly in English-speaking countries.

A 20th-anniversary offers us an opportunity to reappraise this work. There are many aspects of the book that might be discussed with hindsight. In particular, the enforcement philosophy in responsive regulation deserves a second look, because it has been extremely influential, and because several empirical studies in recent years have put it to the test.

Responsive regulation frames regulatory encounters through the eyes of the regulator. Not just any regulator but a skilled and resourceful one, presumably capable and willing to push regulatees into compliance by making good use of discretion and judgment.

Ayres and Braithwaite's main idea is simple and yet dynamic: a "responsive" regulator would enforce regulation by interacting with regulatees as though they were law abiding and trustworthy. According to the theory, this should contribute to bringing to the fore the regulatees' "better self". If that were to fail, however, regulators should begin "escalating" the so-called "pyramid of enforcement" with incentives and disincentives, and eventually coercion, while simultaneously adjusting their assumptions about what makes regulatees tick to obtain compliance.

Unfortunately, a string of empirical studies published in recent years have shown that things are not working this way in practice (see Mascini 2013). Even when regulators try to be "responsive", they may alienate regulatees such that the intended "cooperation" between regulator and regulatee may fail to materialise. To put it bluntly, if regulatees do not recognise a well-meaning regulator from an ill-meaning one, then responsive regulation cannot work.

Such mismatches should not be surprising, however. Indeed, much of what happens in regulator-regulatee interactions is ambiguous and open to interpretation. Rules can be too vague, and compliance issues complex. Breaches of mutual expectations are a case in point: a breach might be intentional, but it might also be the result of external pressures imposed by a third party, or it might be purely accidental. It is often impossible for the other party to be certain and in due time which one it is. Hence, a regulator may believe it is one thing and the regulatee be convinced that it is another.

The ambiguous nature of regulatory encounters may be more than just a minor hurdle for those who think about regulatory relationships. At the least, it makes it difficult to assume that a good regulatory relationship depends only upon the regulator's skill. Cooperation between regulators and regulatees is therefore also a question of whether they have a common understanding of what is going on, that is, a common template to make sense of their ambiguous interactions. This is neither a given nor is it something that regulators can easily impose on regulatees. In fact, whichever shared understanding exists between a regulator and a regulatee is more often than not a compromise between the respective goals and expectations of both parties.

All of this pleads for us to adopt a different kind of perspective on regulatory relationships beyond just the regulator's. Let us call this perspective "tango regulation". Just at it takes two to tango, it also takes two to make a regulatory relationship "work".

As our two "dancers" meet for the first time, they probably have their own incompatible ideas about regulation. Therefore, their first interaction may well be painful to watch. As they meet again and again, however, the dancers get the chance to adjust to one another. So far, so good. But that adjustment does not make all ambiguities disappear: repeated interactions do not turn regulatory encounters into a mechanical routine.

In order to prevent regrettable misunderstandings, regulatory dancers must continue to pay attention to the small "steps" their regulatee partner makes in their encounters: having lunch together after an inspection, or using first names instead of formal titles in conversation may be signs that things are going well. The opposite may be an indication that the relationship is strained. Such small, apparently trivial things may help regulator and regulatee to understand and monitor their relationship.

Empirical studies show that there is mutual "responsiveness" in those multiple small steps that participants in a regulatory relationship make to keep it going or to resolve problems. Just as regulators might raise their voice when they are dissatisfied with the regulatee's behaviour, regulatees may express their dissatisfaction in various ways, including shows of defiance. Like dancers who step back or forward towards their partner, regulatory couples manage their relationship in small moves.

More generally, regulatory couples can be seen to develop common repertoires of do's and don'ts, such as: do not sanction immediately after a breach, start a conversation instead; do not offer gifts or mutual assistance, but limit exchanges to what the written legislation requires instead; do not involve third parties in the discussion and keep to the intimacy of face-to-face meetings. A few false steps, and the relationship might unravel.

The difficulty, however, is that the regulatory tango is not danced in the same way by all couples. Some make sense of their interactions in certain terms that suit them, but these terms would not suit others.

For example, it is often noted that litigation in regulatory interactions is a relationship-killer. It tends to be rarely used precisely to avoid burning bridges and jeopardising future interactions. Yet, there are cases where that does not apply (Coglianese 1996). Another example of an ambivalent behaviour is when one of the parties to a regulatory relationship involves a third party in the conversation, who might be a legal adviser, a politician, an expert, a representative of a professional body, etc. That may be harmless in certain relationships. It might even be experienced as a good thing, for example if both regulator and regulatee value solving their disagreements in a "scientific" way (not an unusual case in risk regulation), to which an expert could contribute. However, whoever takes the initiative to involve a third party may also be perceived by the other party as showing distrust; it is as if one's honesty or competence is being openly questioned and that may strain the relationship.

The same goes for many other types of interactions between regulators and regulatees. One can sometimes observe regulatory relationships characterised by regular warnings and notices and yet experienced as good and cooperative by both parties. But consider another regulatory couple and you might observe the exact opposite: warnings there might be perceived as declarations of war.

In sum, there is so much variety in regulatory relationships that it would be impossible to reduce them to a single model. In an attempt to simplify and yet do justice to the variety of real interactions we might at best identify different styles of regulatory "tango" (Etienne 2013).

Just as it takes two to tango, it also takes two to make a regulatory relationship 'work'.

This tango metaphor for regulation should not be read as a rejection of "responsive regulation". If anything, it should be seen as a plea for expanding attention to responsiveness in regulatory relationships, beyond that of the regulator only, to the responsiveness of both parties towards each other.

Adopting this perspective may make regulation more complex to describe and design. However, there is no better time for starting to pay more attention to the regulatory tango, as alternative perspectives that remove the relational element from regulatory thinking – like behavioural economics – have become increasingly popular with policymakers. More importantly, economic crises and long-term austerity are putting unprecedented strain on state-society relationships, which can disturb regulatory encounters and translate into lower compliance with regulations and growing defiance towards state representatives.

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TOWARDS HOUSE-TRAINED REGULATORS?

Christel Koop and **Martin Lodge** consider the implications of extending parliamentary accountability requirements over independent regulators.

The desire to hold regulatory agencies to account, while insulating them from direct political involvement, is at the heart of regulatory politics. In the last decade or so, the United Kingdom has witnessed remarkable attempts by Parliament and its select committees to assert parliamentary control across different areas of regulation.

First of all, select committees nowadays hold pre-appointment hearings after the selection of candidates for high profile positions such as those of governor of the Bank of England, member of the Monetary Policy Committee, and chair of an independent regulatory agency. Such hearings can lead to testy encounters. For example, in September 2009, then Secretary of State Ed Balls refused to give in to the Education Committee's demand to overturn the decision to appoint Maggie Atkinson as Children's Commissioner for England.

Second, there have been demands for more parliamentary accountability regarding those statutory bodies dealing with professions – an area in which regulators such as the General Medical Council (GMC) scrutinise professionals' fitness to practise. The Privy Council – a formal advisory body in whose policy work only senior ministers participate – needs to consent to rule changes within the scope of the statutory provisions. In 2010, the Privy Council granted the Health Committee the right to hold annual accountability hearings with the GMC and the Nursing and Midwifery Council. This development has led to calls to increase parliamentary involvement in other areas of professional regulation.

Third, the debate about a potential legal backing for a new press regulator has highlighted the trade-offs between the concern to minimise the potential for political interference with the press and the demand to establish structures that would hold the regulator sufficiently accountable for its actions.

These examples highlight the kind of demands for enhanced control by, and accountability to, select committees. They also give insight into the variety of regulators affected. This includes the professional regulators mentioned above, economic and social regulators whose accountability is mainly directed at their Secretary of State, and those watchdogs which are creatures of Parliament; notably, the National Audit Office and the Parliamentary and Health Service Ombudsman.

The emphasis on the importance of parliamentary accountability and control in the United Kingdom reflects broader international trends towards both specialisation in the legislature and expansion of accountability arrangements. The increase in assertiveness of select committees in keeping the executive on its toes can, thus, be regarded as a natural outcome of two broader trends. Yet, how far can the demand for more parliamentary involvement be taken? And what are the implications for the world of regulation more generally?

Possibilities for extending parliamentary control

To explore potential scenarios for extending parliamentary involvement, it is worth noting what the arrangements for independent regulatory agencies are. Currently, independent regulatory agencies are mainly accountable to, and to some extent controlled by, the respective Secretary of State. For instance, the Secretary of State appoints (and, in particular circumstances, can dismiss) the chairperson, chief executive and other board members of economic regulators such as the Office of Fair Trading (OFT), Ofcom, Ofgem, and the Financial Service Authority. The Secretary of State receives regulators' annual accounts and reports, and regulators are required to provide information upon request.

The economic regulators' formal relationship with the Houses of Parliament is less close, but far from non-existent. The organisations' budget needs parliamentary approval, the chief executive may be invited to appear before the Public Accounts Committee, and the policy, expenditure and administration of the organisations can be examined by the relevant departmental select committee. Furthermore, the Comptroller and Auditor General audits the regulator's accounts and submits the statement to Parliament, and respective Secretaries of State provide Parliament with a copy of those regulators' annual reports under their departmental remit.

Beyond these measures, there are three broad ways in which parliamentary control could conceivably be enhanced. First of all, parliamentary involvement in the regulatory process might be extended without substantially reducing the involvement of the Secretary of State. In terms of accountability, regulators could be required to send their accounts and annual report directly to Parliament. This would imply a change from indirect to direct reporting rather than a change in the amount of information that Parliament receives. Regulators may also be asked to render *ex ante* account to Parliament. They could, for instance, be required to send an annual work programme and an itemised budget to Parliament, either for approval or for information only. Regulators such as the OFT and Ofgem are already required to publish a draft work programme as part of a public consultation procedure. These provisions could be extended to include Parliament. Such provisions are not very common though in parliamentary democracies. While regulatory agencies in many countries are required to send a work programme and itemised budget to the respective minister (often for approval), requirements to submit such documents to parliament are rather exceptional.

Secondly, in a more extensive change, Parliament could also be more involved in senior appointments. The pre-appointment hearings that Select Committees now hold might be transformed into American-style confirmation hearings, with committees having veto power over the proposed appointment. This would have more far-reaching implications for the Secretary of State, whose discretion would be reduced. It would also constitute a relative novelty in parliamentary democracies.

Thirdly, a more radical step would be to make regulators agents of parliament rather than government. Independent regulatory agencies would, as a consequence, look more like organisations such as the National Audit Office and the Parliamentary and Health Service Ombudsman. Senior appointments as well as the budget and the accounts would be determined by Parliament, and account would also primarily be rendered to Parliament. Such a move would make regulators more independent from government, and it would make it more difficult for the Secretary of State to give regulators general directions. This scenario may, however, not be very realistic in a parliamentary democracy in which government is held accountable by parliament for the enforcement of regulation.

In the last decade or so, the United Kingdom has witnessed remarkable attempts by Parliament and its select committees to assert parliamentary control across different areas of regulation.

Implications

Much of the current discussion is about parliamentary control alone, without paying much attention to the wider constitutional implications for the executive, the legislature, and the regulators themselves. Each scenario has distinct implications that require more extensive discussion.

The first and least far-reaching scenario would, unsurprisingly, require only limited procedural change and would maintain the dominant role of the Secretary of State. Select committees would need the competence, the attendance record, and the resources to perform their role in the accountability process in a meaningful way. Regulatory agencies would have to adjust to the increase in accountability demands.

The implications of the other two scenarios are more extensive. The one in which Parliament would have veto powers in the appointment procedure creates two principals: Parliament and the Secretary of State. This may give rise to so-called multiple-principal problems. Regulatory agencies – the agents – may benefit if they are able to play one principal off against the other. However, they may equally become highly risk-averse and gridlocked as a consequence of the competing demands of the two principals. For the executive, such a setting may be equally problematic, particularly as it can no longer use appointments as a means to ensure that its priorities are reflected. For the legislature, questions arise as to how the Secretary of State can be held to account, and for what issues. The likelihood of co-ordination problems and conflict between the principals may also increase. As a consequence, the traditional non-partisan nature of select committees may come under pressure.

The implications of the third and most far-reaching scenario would be rather different. Turning regulators into creatures of parliament splits regulatory decision-making, for which regulatory agencies are responsible, from the overall responsibility for regulatory policy which is still held by government. Such a split is highly problematic in parliamentary democracies as the executive would retain responsibility for the overall policy domain without being able to hold one of the main actors – the regulator – accountable. Similarly, the legislature would have control over an agency, but would not be able to fully shape the broader policy domain. At the very least, such a scenario would require a fundamentally different system of select committees, one with more resources. The scenario may also imply a breakdown of the non-partisanship convention in select committees as the latter would need to deal with more politicised issues. For regulators, the split would also be problematic as they may face conflicting demands from the executive – which is still responsible for the broader policy area – and the legislature.

Conclusion

Parliamentary control is essential for the functioning of representative democracy, and the recent developments in the UK give expression to long-standing concerns about appropriate degrees of parliamentary involvement in the control over independent agencies. However, the implications of extending Parliament's grip on regulators deserve more discussion than has been witnessed so far. As shown, the extension of such control in the area of regulation is far from uncontroversial as it raises important constitutional questions that go to the heart of parliamentary democracy. Whatever scenario we move towards, the question of what the implications are for all parts of the chain of delegation and accountability that characterises parliamentary democracies will need to be addressed.

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ASK NOT WHAT PRODUCT LABELING CAN DO FOR YOU

David Schleifer explains how nutrition information can change the way food gets produced.

Walk into a grocery store in the United States and the food packages will have a lot to say, starting with a list of ingredients. For example, corn syrup, sugar, gelatin, dextrose, citric acid, starch, artificial and natural flavours, fractionated coconut oil, carnauba wax, beeswax coating, and artificial colours yellow number 5, red number 40, and blue number 1 add up to a bag of Haribo Gummi Bears.

The packages also display standardised "Nutrition Facts" labels that tell you the number of servings per package and the amount of calories per serving. They also tell you how many grams of certain nutrients each serving contains as well as the percentage of the recommended daily intake of those nutrients for an "average" diet. A certain upper-middle brow brand of boxed macaroni and cheese, for example, contains 270 calories, 10 grams of protein, 2 grams or 10 per cent of your daily required dosage of saturated fat, 10 milligrams or 3 per cent of your required dosage of cholesterol, 2 grams or 8 per cent of your fibre, 2 per cent of your Vitamin A, not to mention 10 per cent of your calcium and 4 per cent of your iron.

A closer look at how the FDA developed its newest food labeling regulation suggests that governing individual consumers is only part of what labeling does.

And there's still much more to consider: The fronts of the packages make dozens of health claims like "Sugar free," "Low fat," or "Contains reduced sodium". Some packages tell you that their contents are a "Good source of dietary fiber" or a "Good source of folate". Others inform you that "Supportive but not conclusive research shows that consumption of EPA and DHA omega-3 fatty acids may reduce the risk of coronary heart disease."

These ingredient lists, Nutrition Facts and health claims are defined and approved by the Food and Drug Administration (FDA), which governs packaged foods in the United States. The FDA's website features a cheeky video of shoppers and clerks dancing around a supermarket, beseeching their fellow citizens to "Read the Label! Read the Label!," sung to the tune of the Hallelujah Chorus from Handel's Messiah. In the US, nutritionists and market researchers constantly mount studies to figure out whether Americans actually do read the label. Critics argue that packaged foods are inherently unhealthy precisely because they are in packages. Most Americans probably ignore it all as they plough through their Cool Ranch Doritos – 180 milligrams of sodium per serving, 2 grams of protein and 4 per cent of your daily phosphorus.

Social scientists have had quite a bit to say about the nutrition information on food labels and about health information more generally. Some praise the communication of such information as a soft but effective way of convincing individuals to take responsibility for their health. But many others critique such approaches for imposing upon us a duty to know and manage risks to our health. Nikolas Rose has written about how standardised health information is meant to engender prudential self-governance among individual citizen-consumers. Describing the advent of calorie measurement in the 19th century, Jessica Mudry (2006: 67) has argued that "applying quantification to food and the American eater" allowed the US government "to promote gastro-fiscal responsibility, dietary morality, and rational consumer action." Ulrich Beck maintains that communicating to individuals about risk absolves governments and industries of responsibility for mitigating threats to health, livelihoods and communities.

But a closer look at how the FDA developed its newest food labelling regulation suggests that governing individual consumers is only part of what labelling does. In 2006, a new line of 8 point Helvetica type appeared on the Nutrition Facts labels on food packages in the United States. This line disclosed how many grams of trans fats were contained in each serving. Trans fats are a type of dietary fat found in vegetable oil, usually soyabean oil, that has been subject to a process called partial hydrogenation. Trans fats entered American food in the early 20th century. In the early 1990s, it was decided that they raise consumers' risk of heart disease, perhaps even more than saturated fats supposedly do. But when the FDA first instituted Nutrition Facts labelling in 1994, trans fats were not singled out for quantification. They were lumped together with other fats under the category "total fat."

The FDA began to consider revising the label to include more information about trans fats in response to a 1994 petition from a consumer advocacy organisation called the Center for Science in the Public Interest (CSPI). CSPI's petition argued that food packages ought to provide "the necessary information regarding these heart-unhealthy fats" in order to "help consumers protect their health." Specifically, CSPI proposed that manufacturers should add up the grams of trans fats and the grams of saturated fats in their products and list the combined total on Nutrition Facts labels as "saturated fats." While acknowledging that trans fats and saturated fats are chemically distinct, CSPI maintained that the goal of labeling was for consumers to see a single number telling them how much ostensibly unhealthy fats each product contained.

For CSPI, in other words, labelling was all helping consumers manage their own exposure to risk. But the FDA saw the potential for broader effects. When the agency released its response to CSPI's petition in 1999, it plainly stated that its goal was not only to persuade consumers to eat less trans fats but also to persuade manufacturers to replace trans fats. The FDA developed elaborate models to project the interaction between how much consumers would avoid trans fats if they were labelled and how much producers would replace trans fats in anticipation of consumers avoiding them.

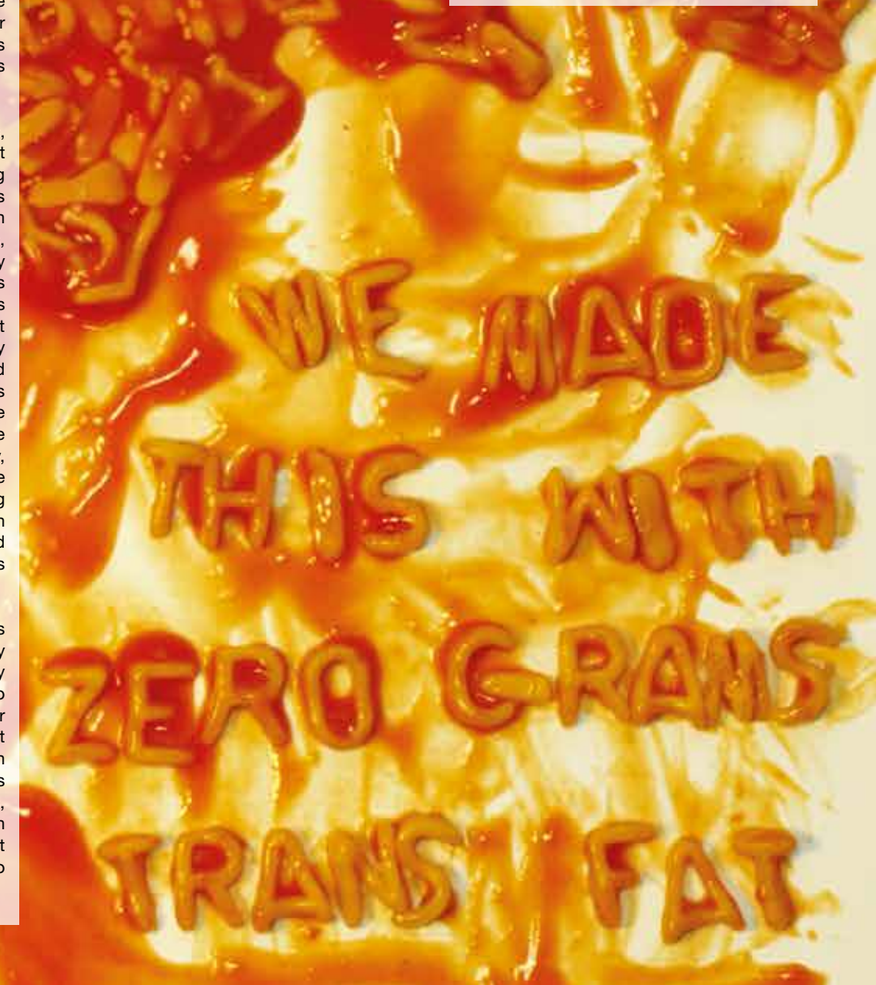
But the FDA wrestled with how to render trans fats on labels in order to achieve these effects. Should they group them together with saturated fats in one number as CSPI's petition had suggested? Or should labels distinguish between the two types of fats?

I analysed the letters that food manufacturers, edible oil suppliers and trade associations sent to the FDA after it published its 1999 labelling proposal and found that industry actors strongly favoured distinguishing between the two fats (Schleifer 2013). Manufacturers, suppliers and trade associations were already working on alternative varieties of oilseeds that could be used to replace trans fats. Firms like Frito-Lay, for example, reasoned that if labels categorised trans fats separately from saturated fats, then consumers would be able to see whether or not products contained trans fats. This would provide manufacturers with incentives to continue investing in trans fats alternatives. Frito-Lay, the biggest snack food manufacturer in the United States, had started collaborating with the National Sunflower Association on varieties of sunflowers that could be used as trans fat alternatives almost as soon as the FDA began to consider CSPI's petition.

Monsanto was among the many seed firms developing trans fat alternatives, namely new varieties of soyabeans, for which they were eager to create a market. Monsanto wrote to the FDA arguing that "in order for the industry to pursue these technologies, it is desirable that labeling … allow recognition of nutritional advantages of food products offered in the marketplace." In other words, if labels tell consumers about trans fats, then manufacturers will reformulate foods so that they can market them as containing zero grams trans fats.

Note that I say "zero grams trans fats" and not "trans fat free." The FDA finalised trans fat labelling in 2003, with the rules scheduled it to take effect in 2006. The agency indeed decided that manufacturers would list trans fats separately from saturated fats on Nutrition Facts panels in order to "prompt … the food industry to reformulate some of their products to offer lower trans fat alternatives" (FDA 2003, 41457). While firms had sought to be able to proclaim on packages that their products were "trans fat free" or "low in trans fats," the FDA laboriously reached the decision to disallow those particular types of health claims.

Nonetheless, according to the major packaged food trade association, at least 10,000 American food products had been reformulated to replace trans fats by 2009. In other words, by the time food packages began telling Americans about trans fats, trans fats were mostly gone. Nutrition labelling may on its face seem to be about convincing individuals to govern themselves. But labelling may also be designed to convince producers to mitigate risks long before products appear before consumers.



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David Schleifer holds a PhD in sociology from New York University, where he wrote his dissertation about trans fats. He is currently a Senior Research Associate at Public Agenda in New York, conducting research on healthcare policy and other topics. His writing is available at DavidSchleifer.com.

WHAT'S THE BEEF WITH horsemeat

Xaq Frohlich breaks down Europe's latest worries about its food supply.

Once again Europe, and especially the UK, is reeling from a food scandal. On 15 January 2013 tests by the Irish Food Safety Authority revealed that frozen burgers sold by major retailers in Ireland and the UK contained horse DNA. Since then, we continue to learn each week of some new indignity – another product, household brand name or retailer – in Britain or elsewhere – testing positive for horsemeat, while companies and public institutions take measures to try to mitigate the damage.

I'm shocked, shocked to find there's horsemeat in my food!

Certain themes in the horsemeat case seem to transcend the particulars of the scandal.

Predictably, in an economic crisis and period of substantial government cuts, many are asking, what responsibility public regulatory institutions bear in protecting the public from this kind of fraud. Within days of the discovery the Labour Party was asking whether deregulation was to blame for the latest lapse or "gaps in regulation".

Another interesting feature of the UK scandal has been the prominent role of supermarkets. Since the BSE scare of the 1990s, British supermarkets have been especially active, arguably draconian, in implementing strict standards for product quality assurance (Freidberg, 2004). Anyone familiar with the UK's socioeconomic hierarchy of supermarkets will know that, the fact the initial product singled out was sold at Tesco's and Lidl and not, say, Waitrose was significant. Supermarkets in the UK follow a market segmentation where Waitrose targets the high end, quality-conscious customer while Tesco's and Lidl aim for the mid-range and price-conscious consumers. To what extent is this fraud a predictable consequence of retailer price wars, driving down the price and with it quality?

The meat industry's reliance on private, market-based regulation raises other questions: must the risk for such fraud fall most heavily at the socioeconomic bottom end? Is hidden horsemeat limited to low end, highly processed convenience food, or does it reach into high end cuts of meat? How many of us are seeking reassurance in the conceit that we don't buy frozen minced meat and are therefore unlikely to have eaten horse? (A friend of mine in England said the scandal turned "real" for her when Waitrose, where she shops, had to withdraw its meatballs.)

But perhaps the scandal's most defining feature is its continual expansion. It starts with frozen burger patties from the Irish supplier Silvercrest. Then it appears the patties were procured from Poland. Next it's Findus ready meals of lasagne from French supplier Comigel, itself supplied by another French company purchasing from a dodgy Dutch meat trader fencing horsemeat from a Romanian abattoir. Burger King finds traces in its burgers. Nestlé removes Buitoni pasta sold in Spain and Italy but sourced from a German supplier. And – gasp! – it's even in IKEA's famous Swedish meatballs.

The fraud has revealed broad transnational linkages across the industry. Initially, talk surrounding the scandal had the familiar tenor of nationalist protectionism – not in our meat! This quickly fell to the sober recognition that, for these products, there is no distinct "Ireland", "UK", "Poland" or even "Europe". It is a "pandemic" of horsemeat in all of our beef and, given the number of countries and variety of product lines involved, it is difficult to trace a simple linear story of how it got from here to there. The horsemeat scandal has become another opportunity to reopen the question of what exactly is meant by the European "common" market: is defining a common market really a political choice, or are companies and their transnational food chains making that decision for us?

One explanation for the wide fallout zone is vertical and horizontal concentration in the food industry. As companies have acquired product lines and brands, they have increased not only their market shares but also their exposure to the risk of scandal. Another explanation is that nobody was really testing for horse DNA before. Now that they are, we are discovering what is in fact a common form of food fraud everywhere. Neither explanation is comforting to the consumer, whatever you think about eating horses.

Animal to edible

What counts as food and therefore "good to eat" has long been a question of interest to social scientists particularly anthropologists. It is not enough that it be edible. We hear a chorus of commentary stating that horsemeat is edible, even a delicacy, and that much of the current sensationalist journalism surrounding the scandal reflects a particularly British discomfort or squeamishness with eating horsemeat. That hippophagy is not uncommon in other countries, including many European ones implicated in the scandal, some say, is evidence that Brits should get over it, or get outside their comfort zone.

This kind of food relativism is beside the point. Many find eating horsemeat reprehensible. It is not so difficult to find cultures where eating cat or dog meat is acceptable, not to mention a thriving niche trade in bush meat, but I would hope it is not necessary to explain why finding them in one's food might be justifiably upsetting if it has been misrepresented. One also sees in such arguments the contours of a defence for eating GM foods or any of the many odd industrial substances that appear in our processed foods: if it's edible, why not eat it? Why should culture matter?

The appearance of pig DNA in early reports of "tainted meat" reminds us that such indiscriminate meat mixing can, in fact, violate religious scriptures – to do so is not kosher or halal. Why are some kinds of cultural taboos considered legitimate, but others not? Many people are certainly more worried about some animals as meat than others. For the past year, exposé after exposé has uncovered fraud at fish markets, that a lot of fish labelled "red snapper" or "tuna", for example, was actually some other lesser fish. Just as DNA testing is revolutionising legal standards of guilt, it appears to be spawning a cottage industry for faux food debunkers out to shame the industry.

These fish exposés haven't exactly "hit the public in the stomach", to paraphrase Upton Sinclair, the same way red meat scandals do. This difference is not only a post mad cow thing; there is something about eating certain animals that makes us particularly anxious. In her book *Animal to Edible* on French abattoirs, anthropologist Noelie Vialles (1994) argues convincingly that a great deal of backstage effort goes into making the meat we buy a clean edible substance, rather than a messy animal flesh. Scandals like this serve as a reminder of the disturbing violent histories of our steaks and burgers.

There is also a significant distinction to draw between eating cuts of meat, which necessarily come from one animal, and eating minced meat, whose source could be multiple. There are perennial anxieties about "mystery meat" though it is worth remembering that it, too, has its proponents in Spam, not to mention hot dogs or sausages. One need not look far back to recall public outcry over "pink slime". It is more difficult to trace where minced meat comes from or even what it is. Smug editorials touting the virtues of butcher's horsemeat are a distraction from legitimate alarm over why certain producers chose to mix in horse, without labeling it, for probably insidious cost-saving purposes.

Disgust alone may not be seen as an adequate cause for public intervention. Instead, following a modern risk-conscious form of reasoning, many are asking: is horsemeat dangerous? Here public officials were quick to reassure that it is not. For horses raised for human consumption, this is certainly true; however, there linger doubts about horses "redirected" to the food supply that may have been exposed to phenylbutazone, a painkiller used therapeutically for horses but that in human food is considered a carcinogen. The hypothetical risk here is quite low, and this concern over safety is probably a kind of proxy battle. If we prove horsemeat is less safe, our disgust is justified, right?

The "restless" consumer

What will come of all this? Most people will certainly continue to eat red meat, and probably even frozen dinners with mince. Writing at the height of the mad cow scare, historian Harriet Ritvo (1998) observed that the possibility beef was tainted by BSE didn't eliminate the British appetite for it. A crisis in public faith does not pre-ordain what consumers and their advocates can and will actually do about it. The horsemeat scandal will likely mean many consumers change brands – no trivial consequence since companies expend enormous resources building consumer trust. Government investigations will be launched, and policymakers will invoke the popular tenets of scientific management: "testability", "traceability", and "transparency", the last in the form of better labelling. But labels are only as effective and reliable a tool as the investment in accounting infrastructures and the trustworthiness and competency of those charged with enforcing them.

Perhaps the most enduring legacy of what will soon be known as "that horsemeat food scare" is that it is one more example of the uncertainty and anxiety the public feels about its food supply. We are seeing a normalisation of food scandals, and public institutions and public attention alike have been too busy to address any one problem well. Consumers are left with an overall distrust of their food supply, and yet, to the extent that these problems are pandemic in a consolidated food industry, consumers remain a captive audience. What results is what Lezuan and Schneider (2012) call a "restless consumption": we are not satisfied by what we eat, but continue to eat it.

IT IS **NOT ENOUGH** THAT IT BE **EDIBLE**

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Xaq Frohlich is an adjunct lecturer with Northeastern University CPS. He received his PhD at MIT with a dissertation, "Accounting for Taste", on the history of U.S. FDA's regulation of food labels.

CARRNEWS

CARR News

Madalina Busuioc has published her book *European Agencies: Law and Practices of Accountability* (Oxford University Press, 2013). Having examined legal provisions, relevant case law, as well as policy documents and interview material, Madalina addresses one of the most relevant topics in current European governance: how European agencies are held accountable both formally as well as in practice. Madalina was invited to speak at the expert workshop entitled "Reflections on the Common Approach to Agencies" held at the Maastricht Centre for European Law, Brussels Campus (11 Oct. 2012).

Bridget Hutter gave the Keynote Seminar at the Westminster Business Forum: 'Next steps for delivering business regulation – reforming enforcement regimes and expanding the Primary Authority scheme' (14 March 2013). She also presented a paper entitled 'Governance and Regulation as Risk Management' at the Charted Institute of Environmental Health Officers' Health and Safety Conference 2013: 'Planning for the future and learning from the past' (4 March 2013).

Peter Miller was invited to deliver the plenary talk at a workshop entitled "Making Things Valuable" held at Copenhagen Business School (29-30 Nov. 2012). His paper was titled "Accounting, Organizing and Economizing". He also served as co-Chair of a Workshop on "Strategic Thinking in Public Services" at the University of Edinburgh (8-9 Nov. 2012).

Mike Power was awarded an honorary doctorate in social science by the University of Uppsala. He was appointed to the advisory board of the new ESRC Enterprise Research Centre. At the Institute of Actuaries conference on Enterprise Risk Management, he presented a paper entitled 'Risk culture in financial organisations' at the Institute of Actuaries conference on Enterprise Risk Management (5 Feb. 2013)

Mike Power and **Martin Lodge** met a research study groups from the Centre for Work Life Studies and Evaluation, (CTA) University of Malmo (7 Feb. 2013); Mike Power, Julien Etienne, Madalina Busuoic also met representatives from the British Airline Pilots Association to discuss pilot safety management systems and regulation.

Publications

Managing food safety and hygiene: governance and regulation as risk management.
Bridget Hutter, Edward Elgar Publishing, *released in paperback March 2013*

European Agencies: Law and Practices of Accountability
Madalina Busuioc, Oxford University Press 2013

Rule-making by the European Financial Supervisory Authorities: Walking a Tight Rope
Madalina Busuioc, European Law Journal, 19(1), 111-12, 2013

Ambiguity and relational signals in regulator–regulatee relationships
Julien Etienne, Regulation & Governance, 7: 30-47, 2012

Whistleblowing in the UK – in part, it really is about culture
Julien Etienne, OpenDemocracy.net, 4 March 2013

Accounting, organizations and economization: connecting accounting research and organization theory
Mike Power and Peter Miller, The Academy of Management Annals. 2013

Can anthropology save finance?
Martha Poon, Review Essay, Journal of Cultural Economy 2013 DOI:10.1080/17530350.2013.778894

CARR Seminars 2013

Gillian Peele
CUF University Lecturer in Politics and Tutorial Fellow, Lady Margaret Hall, University of Oxford
Date: 4 June at 1-2.30pm in KSW 3.01.
TBC

Dr Karin Svedberg Helgesson, Stockholm School of Economics
Prof Ulrika Mörth, Stockholm University
Date: 19 March
Private Actors in the Public Security Domain – The Case of Anti-Money Laundering

Dr Laure Cabantous, Warwick Business School
Prof Paula Jarzabkowski, Cornell University and Aston University
Dr Rebecca Bednarek, Aston University
Date: 5 March
Markets as intrepretations systems

Dr Jean-Baptiste Fressoz, Imperial College
Date: 12 February
Modern disinhibitions: a history of technological risk

Dr Joe Deville and Dr Michael Guggenheim
Date: 29 January
Producing Risk: Assessing, Materialising and Performing Disaster From Nuclear War to All Hazards

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