



Call for Papers

WINIR WORKSHOP

Regulation and the Common Good: Examining Regulatory Justifications

18 October 2023

School of Law, University of Sheffield

Bartolomé House, Winter Street, Sheffield, UK

Aim

This workshop will bring together emerging and established scholars to debate and discuss justifications for regulatory intervention. In doing so, the workshop aims to revitalise an important theme in socio-legal scholarship and establish an agenda to ensure the continuing advance of this research.

Topic

In the early 2000s, with regulation and governance thriving as modern areas of interdisciplinary research, Black observed how “lawyers, political scientists, and sociologists ... [too often surrender] ... the value debate to welfare economists” (Black 2000, p.598). Her critique strikes at the core of this research endeavour: the justifications for regulatory intervention. There are many theories of regulation (Baldwin et al. 2012), but the most influential, particularly in policy-making circles, has been provided by utilitarian welfare economics: market failure (Bator 1958). In a range of policy areas - from business and finance to the environment, as well as public services and health - justifications for regulation are framed in the language of market failure, or its counterpart, government failure.

Following on from Black's critique, in the 2000s, there was a fruitful conversation amongst socio-legal scholars, dissatisfied with the market failure approach. This literature recognises how, for a range of matters, the reference narrative of the market is inappropriate. In contrast to market failure, this socio-legal work was pluralistic, engaging with different value systems and a broader conception of the common good. Having recourse to "the public interest" (Feintuck 2004; Sunstein 1993), the role of public reason (Black 2001); and the concepts of dignity (Brownsword 2005) and social solidarity (Prosser 2006; 2010), this work proffered non-economic explanatory frameworks for regulation (see also Loader & White's "civilising model", 2017). There was also work emphasising risk management as a regulatory narrative distinct from market failure (Fisher 2007).

The extent to which the above theoretical scholarship has fed through into policy development is unclear. Alternative regulatory justifications – grounded in non-economic values (cultural, social, environmental etc.) – appear still to lack sufficiently robust frameworks. This as an area of regulatory studies that requires further (and continuing) development, and has special relevance given modern regulatory experiences and challenges - for example, relating to the UK's "levelling up" policy agenda, Covid-19 lockdowns, digital markets and the climate emergency.

The one-day workshop will revive and update this important debate in socio-legal studies.

Speakers

Professor Julia Black, London School of Economics

Professor Tony Prosser, University of Bristol

Dr Adam White, University of Sheffield

Dr Richard Craven, University of Sheffield

Participation

If you wish to present a paper at the workshop, please submit an abstract of up to 500 words to richard.craven@sheffield.ac.uk by **4 September 2023**. We will select up to six abstracts based on relevance and originality. There is funding available to support speakers' travel and accommodation expenses.