

Sustainability, Law and Public Choice

Gyula Balócz, Marcel Szabó & Akos Szalai



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Sustainability Law And Public Choice

Frank P. Grad, Joel A. Mintz



Sustainability Law And Public Choice:

Sustainability, Law and Public Choice Gyula Bándi, Marcel Szabó, Ákos Szalai, 2014-01-01 The context of sustainable development went through considerable changes since its official origins in the 1980s The original meaning referred to the right of development which must however be restricted by the interests of present and future generations After the Rio 20 summit parallel with the adoption of the 7th Environmental Action Program of the EU and many national sustainability strategies the current content and interpretation of the principle is examined in this book with a special focus on its possible implementation and the main driving forces The book provides a general survey on the contemporary ideas of interpretation focusing on sustainable development law Ethical and legal fundamentals and the possible legal substance are presented Examples of international law demonstrate that the concept is significant in international treaties However it is a question as to how this can meaningfully contribute to the preservation of the Earth's fragile ecosystem The book has a special focus on EU policy and law introducing the serious conceptual change from sustainable development to sustainable growth It also looks at the appearance of the concept in primary law secondary law and judicial practice to embrace the likelihood of implementation The book discusses the potential motivations of sustainability in governance and examines the compliance issues in international environmental law focusing on the choices made not by nations as unitary rational actors but by the individual decision maker and groups of decision makers looking at interactions among domestic interest groups The model uses the public choice theory supposing that the decision about the compliance at large depends on the benefit and cost of the projects

Sustainability, Law and Public Choice Gyula Bándi, Dr. Gyula Bándi, Marcel Szabó, Ákos Szalai, 2014 The book provides a general survey on the contemporary ideas of interpretation focusing on sustainable development law Ethical and legal fundamentals and the possible legal substance are presented

International Environmental Law and Policy in Africa B. Chaytor, K.R. Gray, 2003-06-30 C O OKID11 I welcome the opportunity to prepare a Foreword to the book on Environmental Policy and Law in Africa edited by Kevin R Gray and Beatrice Chaytor It is a pleasure to do that because the book is a contribution to the cause of capacity building for development and implementation of environmental law in Africa a goal towards which I have had an undivided focus over the last two decades There is still some belief in and outside Africa that for developing countries in general and Africa in particular development and implementation of environmental law is not a priority This belief prevails strongly in many quarters of the industrialised countries In fact the view is held either out of blatant ignorance or by some renegade industrialists who fail to appreciate Michael Royston's 1979 thesis that Pollution Prevention Pays 2 That group for obvious reasons must have their correspondent counterparts in Africa to provide hope that industries rejected as derelict in the West or inoperable due to rigorous environmental regulation can find homes to which they can escape and dump their polluting industries

The Economic Dynamics of Law David M. Driesen, 2012-06-18 This book offers a theory of law and economics focused on change over time and aimed at avoiding systemic risks

Capitalism and the Environment Shi-Ling Hsu, 2021-12-09 Humankind must harness capitalism not quash it if it wants to save itself from ecological catastrophe

Encyclopedia of Law and Society David S. Clark, 2007-07-10 This work will be very valuable for academic and public libraries supporting prelaw law social and cultural studies Summing Up Highly recommended Upper level undergraduates through professionals practitioners general readers CHOICE There are two aspects of scholarship about the legal systems of our day that are especially salient one being for the first time there is a fair amount of genuine research on legal systems and two that this research is increasingly global As soon as you cross a jurisdictional line even if it separates countries that are very similar you enter a different legal system It cannot be assumed that any particular rule doctrine or practice is the same in any two jurisdictions regardless of how close these jurisdictions are in terms of history and tradition The Encyclopedia of Law and Society is the largest comprehensive and international treatment of the law and society field With an Advisory Board of 62 members from 20 countries and six continents the three volumes of this state of the art resource represent interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics By globalizing the Encyclopedia's coverage American and international law and society will be better understood within its historical and comparative context Key Features Includes more than 700 biographical entries that are historical comparative topical thematic and methodological Presents the rich diversity of European Latin American Asian African and Australasian developments for the first time in one place to reveal the truly holistic interdisciplinary virtues of law and society Examines how and why legal systems grow and change how and why they respond or fail to respond to their environment how and why they impact the life of society and how and why the life of society impacts in turn these legal systems With borders more porous than ever before this Encyclopedia reflects the paradoxical reality of modern life including legal life This valuable resource aims to present research along with the theories on which it is grounded fairly and comprehensively and is a must have for all academic libraries

Public Choice and Environmental Policy Christopher H. Schroeder, 2009 This paper is a draft of a chapter for a forthcoming book Research Handbook in Public Law and Public Choice edited by Daniel Farber and Anne Joseph O Connell to be published by Elgar It reviews the public choice literature on environmental policy making first generally and then with respect to four fundamental environmental policy questions 1 whether or not government action is warranted 2 if it is the scope and stringency of the government action including the manner in which a bureaucracy will implement and enforce any statutory standards 3 the level of government that assumes responsibility and 4 the type of regulation or regulatory instrument that government employs The review traces how public choice writing on these problems has been influenced by two evolutionary improvements in public choice thinking 1 a shift from models that posit policy will always be dominated by concentrated economic interests to models that incorporate the possibility of broad based citizen collective action under certain conditions 2 a shift from models employing thick rationality assumptions that take the preferences of actors to be defined exclusively in

terms of their material self interest to models with thin rationality assumptions that acknowledge the possibility that principled commitments including to the general social welfare or to sound public policy can form part of the preference set of many political actors Empirical work has validated these theoretical and modeling improvements The models that are emerging from these two shifts remain faithful to public choice s fundamental orientation toward envisioning a politics without romance and they persist in analyzing public decision making by understanding the individual motives for action At the same time they acknowledge a fuller range of possibilities from government action than the simpler but less accurate rent seeking models do The simpler models predict only grim results from government decision making suggesting that government action routinely fails to address environmental problems constructively and does so primarily as a means of transferring wealth to powerful economic interests away from the rest of us Under the improved models government can be responsive to the public s interests and the general welfare when conditions are right Public choice has always traced an intellectual lineage back to neoclassical market theory which has made important contributions to environmental policy by developing a toolkit of environmental market improving measures such as fees pollution taxes subsidies and cap and trade along with analyzes of the pros and cons of each tool in light of the environmental problem to be addressed Going forward public choice research can make similar contributions to the study of how environmental policy is made if the newer public choice models are deployed to develop more systematic recommendations of feasible ways to improve the quality of governmental decision making

The Art and Craft of International Environmental Law Daniel Bodansky, Harro van Asselt, 2024 In countless ways we are affected by international environmental norms some social others legal some quite general others very specific For example the norms limiting the refrigerants used in air conditioners have been agreed upon in legal form internationally and are mandated and enforced by national governments The sustainable fishery and forestry standards used by Carrefour and Ikea were developed more informally by environmental groups and businesses and are applied to producers through supply chain contracts without any government involvement The reluctance to eat tuna fish or own elephant ivory reflects more general social norms disseminated through education and culture How and why do these norms arise In what ways do they affect behavior Do they change what states and individuals actually do and if so why How effective are they in solving international environmental problems In the second edition of *The Art and Craft of International Environmental Law* Daniel Bodansky and Harro van Asselt explore these and other questions Revisions cover the numerous developments spanning the 13 years since the first edition was published New chapters address the growing role of environmental NGOs and the increasingly complex architecture of environmental law involving multiple institutions levels of governance and actors Recent research has been incorporated on treaty design and policy implementation and effectiveness and greater attention has been given to the role of the judiciary in standard setting implementation and enforcement A sophisticated yet highly readable introduction to how international environmental law works and sometimes doesn t work

this book is essential reading for a wide audience **Administrative Law** Steven Cann, 2018-06-14 This title was first published in 2002 Designed to complement the first volume on administrative law which was published as part of the original series of The International Library of Essays in Law and Legal Theory the articles contained in this volume pick up on themes dealt with in the first while others reflect different concerns and new developments in administrative law scholarship It offers a representative sample of the best contemporary writing in administrative law theoretical empirical and doctrinal What ties all the essays in this volume together is not that they fall within the province of administrative law but that they are all concerned with the legal framework within which government business is conducted and government policies are pursued by executive action *Cases and Materials on Environmental Law* Roger W. Findley, Daniel A. Farber, Jody Freeman, 2003 Provides augmented coverage of RCRA the Endangered Species Act and the increasingly important issues of environmental enforcement Streamlined coverage of the basic pollution statutes to eliminate extraneous and distracting details Remains comprehensive in coverage but tightly focused in format **Law and Public Policy** Lynne L. Dallas, 2005 Law and Public Policy provides rich course materials that permit students to explore the interrelationships between law and economic social processes in a variety of contexts It draws on many economic approaches not only neoclassical economics and other social sciences such as psychology sociology anthropology and political science for the tools of public policy analysis It offers students an interdisciplinary values based approach to public policy that takes into account the power implications and distributional effects of laws and emphasizes attention to historical context philosophical beliefs culture existing institutions working rules and sources of power The textbook begins with an introductory chapter on law and socioeconomics followed by background chapters on legal regulation and cognitive psychology economic fairness and human well being legal compliance and legal socialization culture norms and legal regulation and cooperation trust and the law These chapters address such issues as the significance of the rationality assumption to legal regulations the relevance of customs and conceptions of fairness to legal political and economic decision making and the relationship of moral orientation to judicial and administrative decisions The textbook includes chapters on race gender and other forms of discrimination the domain of markets which includes the issues surrounding surrogacy contracts and egg donors the complex interrelationships between legal regulations and changing norms in the society workplace and within families corporate governance issues in the wake of Enron social responsibility issues confronting domestic and multinational corporations globalization including the impact of globalization on U S and foreign workers due to trade and capital liberalization and problems of emerging market economies Each chapter contains extensive notes that provide information and questions to serve as the basis for vigorous class discussions This book may be used as a primary textbook for law and public policy courses at law schools business schools and for public affairs political science and prelaw programs It may also be used as a primary textbook for law and economics and law and socioeconomics courses Individual chapters may enrich courses on subjects such as civil rights family

law women and the law international law and corporations Thinking Under the Box Harri Kalimo, 2016 While state level environmental policies are relatively well known and researched as complements to and gap fillers for federal environmental policy in the U S a level of government below that cities remains less well charted territory Considering the prominence of urbanization in demographic and economic developments globally this seems striking Cities not only address traditional local environmental challenges such as land use but increasingly broader issues such as climate change and sustainability more generally The developments raise an important question do cities face limitations in fulfilling such a role This paper proposes to explore the limitations that local environmental policymaking may confront by innovatively combining two strands of research public choice theory and constitutional law The public choice based theory of Paul E Peterson famously argues that informal economic limits constrain cities activities to those that further the city s economic development The Dormant Commerce Clause on the other hand defines a formal set of constitutional law limitations on city level environmental policy making The limits are analyzed using a case study of extended producer responsibility a rapidly growing form of policy that is indicative of modern approaches in environmental governance From the dual perspective of public choice theory and constitutional law cities are shown in fact to be relatively unconstrained in conducting environmental policy at the local level Moreover the study concludes that the combination of Peterson s theory and the Dormant Commerce Clause offers mutually supportive insights on the judicial and political value reconciliation conundrums that city level decision making may entail

Governing the Global Environment Carlo Carraro, 2003 The governance of the global environment is one of the major policy issues of the new century Global environmental problems are increasingly important because of their impact on industrial activities infrastructures ecosystems natural resources biodiversity and human health These problems can be managed and solved only through international co operation policy co ordination voluntary widespread and equitable participation in the decision making process This authoritative new collection analyses these issues from several different viewpoints Political scientists economists and lawyers provide ideas and analytical frameworks to deal with global environmental problems Applications to climate changes biodiversity acid rains and ozone layer depletion are also discussed thus providing inputs to both academic researchers and policymakers *The Political Economy of Environmental Regulation* Robert N. Stavins, 2004 This new authoritative collection comprises previously published papers on the political economy of environmental regulation economic analyses of the processes through which political decisions regarding environmental regulation are made principally in the institutional context found in the United States Despite this geographic focus many of the papers contain analytical models that are methodologically of interest and or have lessons that are relevant in other parts of the world In the environmental realm questions of political economy emerge along three fundamental dimensions which are closely interrelated but conceptually distinct 1 the degrees of government activity 2 the form of government activity and 3 the level of government that has responsibility The first three parts of the book deal respectively with these three

fundamental dimensions of inquiry The fourth part of the book examines the use of economic analysis in contemporary environmental policy The Political Economy of Environmental Regulation will be of significant interest to environmental scholars students and policy makers alike

Cases and Materials on Environmental Law Daniel A. Farber, Jody Freeman, Ann E. Carlson, 2010 The Eighth Edition provides up to date treatment of climate change issues This classic casebook provides students with a thorough understanding of all major federal environmental regulatory schemes as well as insight into current policy controversies Particular attention is given to the proper role of cost benefit analysis the appropriate judicial role in reviewing agency decisions and the impact of constitutional decisions relating to federalism standing and takings It also covers the latest Supreme Court cases on subjects from Superfund to water pollution as well as the major regulatory changes in the first year of the Obama Administration

New York University Environmental Law Journal, 2005

Environmental Economics and Public Policy Robert N. Stavins, 2000 Robert N Stavins has emerged as one of the most influential voices in environmental economics over the last decade and a half These 23 essays on environmental economics and policy written by Professor Stavins and his co authors over the period 1988 1999 originally appeared in a diverse set of leading scholarly periodicals and are here collected for the first time The book is divided into seven parts overview benefits and costs of environmental regulation normative analysis of policy instruments positive analysis of policy instruments environmental technology innovation and diffusion causes and consequences of land use changes and global climate policy The book begins with an introductory essay in which Stavins reflects on the professional path that led to his research and writing and identifies common themes that emerge from this period of research Students scholars practitioners and policymakers will find this volume a valuable and very useful addition to their collection

William and Mary Environmental Law and Policy Review, 1997 [Virginia Environmental Law Journal](#), 2002

Environmental Law Frank P. Grad, Joel A. Mintz, 2000 The Fourth Edition of Environmental Law provides a contemporary treatment of the current environmental law issues while retaining the classic environmental law cases In the tradition of prior editions the authors sparingly edit judicial opinions to provide not only the substance of the case but also the court's mode of expression and the full ambience of the decision in its original legal context Notes and questions interspersed throughout the text stimulate classroom discussions of significant issues and topics The doctrinally balanced treatment and organization of the materials promote optimal teaching flexibility The authors have purposely avoided casting the work in any particular doctrinal or theoretical perspective The primary objective is to familiarize students with the major areas of the law and to provide them with a sound basis for analyzing the complex legislation and legal materials of the field To accommodate individual course structures the chapter sequence allows faculty to rearrange major topics and chapters in whatever way is most useful Topics frequently cross reference Grad's Treatise on Environmental Law for those wishing to pursue some topics in greater detail However this book remains very comprehensive in its treatment of each of the subject

areas This Fourth Edition includes significant developments on standing to sue citizen suits the application of NEPA land use controls application of the Fifth Amendment to regulatory takings Superfund law the new field of environmental justice and new modes of environmental enforcement not relying entirely on command and control This book also addresses new environmental concerns such as the control of ozone layer depleting gases the control of acid depositions and other emerging problems in the control of air toxins A Teacher s Manual is available to professors

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