

CIVIL JUSTICE SYSTEMS

# Law and Corporate Behaviour

*Integrating Theories of Regulation,  
Enforcement, Compliance and Ethics*

Christopher Hodges

Hart · CH Beck · Nomos

# Law Corporate Behaviour Integrating Enforcement

**Brendan Cantwell, Hamish Coate, Roger  
King**



## **Law Corporate Behaviour Integrating Enforcement:**

*Law and Corporate Behaviour* Christopher Hodges, 2015-10-22 This book examines the theories and practice of how to control corporate behaviour through legal techniques The principal theories examined are deterrence economic rational acting responsive regulation and the findings of behavioural psychology Leading examples of the various approaches are given in order to illustrate the models private enforcement of law through litigation in the USA public enforcement of competition law by the European Commission and the recent reform of policies on public enforcement of regulatory law in the United Kingdom Noting that behavioural psychology has as yet had only limited application in legal and regulatory theory the book then analyses various European regulatory structures where behavioural techniques can be seen or could be applied Sectors examined include financial services civil aviation pharmaceuticals and workplace health safety Key findings are that enforcement has to focus on identifying the causes of non compliance so as to be able to support improved performance rather than be based on fear motivating complete compliance Systems in which reporting is essential for safety only function with a no blame culture The book concludes by proposing an holistic model for maximising compliance within large organisations combining public regulatory and criminal controls with internal corporate systems and external influences by stakeholders held together by a unified core of ethical principles Hence the book proposes a new theory of ethical regulation This title is included in Bloomsbury Professional's International Arbitration online service      **Empirics**

**and Consumer Law in Changing Markets** Gitta Veldt, Kimia Heidary, Vanessa Mak, 2025-08-11 This book evaluates the impact of empirical research on regulation in contemporary consumer markets It combines findings from a breadth of disciplines focusing on their implications for legal frameworks and policies Bringing together leading experts in the field the book translates empirical insights into policies and explores digitalization in the consumer law domain This title contains one or more Open Access chapters      **Fundamental Rights and the Legal Obligations of Business** David

Bilchitz, 2021-11-11 This book develops an analytical legal framework for determining the substantive fundamental rights obligations of corporations      *Delivering Justice* Xandra Kramer, Stefaan Voet, Lorenz Ködderitzsch, Magdalena

Tulibacka, Burkhard Hess, 2022-10-20 In this Liber Amicorum leading experts and old time friends from around the world come together to pay tribute to Christopher Hodges multifaceted career and work by exploring what can be done to deliver justice and fairness focusing on collective redress consumer dispute resolution court system reform ethical business regulation and regulatory delivery After a decade long career as a solicitor Christopher Hodges became Professor of Justice Systems at the Centre for Socio Legal Studies at the University of Oxford Throughout his academic career he worked on a variety of topics dealing with access to justice and dispute resolution from product liability procedural funding systems and collective redress to alternative dispute resolution and ethical business regulation In 2021 Christopher Hodges was awarded an OBE for services to business and law His ground breaking research not only inspired students and colleagues but also

influenced policymakers worldwide Delivering justice and making things better runs like a thread through his work the same thread connects the chapters in this book **The New Regulatory Framework for Consumer Dispute Resolution** Pablo Cortés,2016 This book examines the impact of the new EU law in the field of consumer redress It explores the new European legal framework and the main methods of consumer redress analyses the implementation of the ADR Directive in various Member States and evaluates new trends in consumer ADR Proportionality in Crime Control and Criminal Justice Emmanouil Billis,Nandor Knust,Jon Petter Rui,2021-04-22 This edited volume seeks to reassess the old and to analyse and develop novel approaches to the notion of proportionality in criminal matters and the new security architecture The discourse is not limited to conventional constitutional constellations and standard problems of sentencing in traditional criminal proceedings Rather the book offers an interdisciplinary and cross jurisdictional exploration of highly topical proportionality related issues pertinent to penal theory and legal philosophy criminalisation policies security and anti terrorism strategies alternative types of justice delivery and supranational enforcement as well as human rights and international criminal and humanitarian law In today s global risk society with its numerous visible and invisible enemies of the state and the individual balancing freedom and security has become nothing less than an attempt at untying a Gordian knot Against this background the proportionality of measures of crime prevention and repression is unquestionably an issue of utmost importance which basic research and legal policy in rule of law based systems are urgently called to address The timely and fascinating contributions in this book covering jurisdictions from both the common law and the civil law as well as hybrid and international jurisdictions will appeal to academics researchers policy advisers and practitioners working in the areas of national and international criminal law comparative criminal justice criminology and legal philosophy as well as constitutional and security law *Research Handbook on Corporate Liability* Martin Petrin,Christian Witting,2023-08-14 This Research Handbook considers many aspects of corporate liability beginning with a fundamental explanation of what the company is through depictions of corporate liability in theory to the key areas of liability in practice Interdisciplinary in nature the contributions cover corporate and participant liability under statutory law tort and criminal law and corporate fiduciary and securities law Specific perspectives include those on vicarious liability in tort and its application to corporations and accountability for AI labour New Accountability in Financial Services Joe McGrath,Ciaran Walker,2022-01-01 This book is a critical examination of recently introduced individual accountability regimes that apply to the financial services industry in the UK SMCR and Australia BEAR and the forthcoming FAR together with a forthcoming new individual accountability regime in particular SEAR in Ireland It provides a framework for analysing whether these regimes will achieve behavioural change in the financial services industry This book argues that whilst sanctioning individuals to deter future misconduct is an important part of any successful regulatory strategy the focus should be on ensuring that individuals in the financial services industry internalise the norms of behaviour expected under the new regimes In this regard the analysis in

this book is informed by criminological theory regulatory theory and behavioural science The work also argues for a trajectory towards professionalisation of financial services and banking in particular as an important means of positively influencing industry wide norms of behaviour which have a key influence on firms and individuals behaviours **Innovating Business for Sustainability** Sjøfjell, Beate,Liao, Carol,Argyrou, Aikaterini,2022-08-05 Challenging current attitudes to governance and regulation in business this timely book ascertains how regulatory approaches can innovate to ensure sustainable business that contributes to social justice for current and future generations within ecological limits

*Unexpected Consequences of Compensation Law* Prue Vines,Arno Akkermans,2020-09-03 This book explores the performance of compensation law in addressing the needs of the injured Compensation procedure can be dangerous to your health and may fail to compensate without aggravation creating other problems This book takes a refreshing and insightful approach to the law of compensation considering from an interdisciplinary perspective the actual effect of compensation law on people seeking compensation Tort law workers compensation medical law industrial injury law and other schemes are examined and unintended consequences for injured people are considered These include ongoing physical and mental illness failure to rehabilitate the impact on social security entitlements medical care as well as the impact on those who serve the lawyers administrators medical practitioners etc All are explored in this timely and fascinating book The contributors include lawyers psychologists and medical practitioners from multiple jurisdictions including Australia the Netherlands Canada Italy and the UK **Handbook on the Politics of Higher Education** Brendan Cantwell,Hamish Coate,Roger King,2018

Understanding the politics of Higher Education is becoming more important as the sector is increasingly recognised as a vital source of innovation skills economic prosperity and personal wellbeing Yet key political differences remain over such issues as who should pay for higher education how should it be accountable and how we measure its quality and productivity Particularly are states or markets the key in helping to address such matters The Handbook provides framing perspectives and perspectives chapters on funding governance and regulation and pieces on the political economy of higher education and on the increased role of external stakeholders and indicators [Delivering Collective Redress](#) Christopher Hodges,Stefaan Voet,2018-05-03 This book charts the transformative shifts in techniques that seek to deliver collective redress especially for mass consumer claims in Europe It shows how traditional approaches of class litigation old technology have been eclipsed by the new technology of regulatory redress techniques and consumer ombudsmen It describes a series of these techniques each illustrated by leading examples taken from a 2016 pan EU research project It then undertakes a comparative evaluation of each technique against key criteria such as effective outcomes speed and cost The book reveals major transformations in European legal systems shows the overriding need to view legal systems from fresh viewpoints and to devise a new integrated model *Outcome-Based Cooperation* Christopher Hodges,2022-09-22 How do we cooperate in social local business and state communities This book proposes an Outcome Based Cooperative Model in which all stakeholders work

together on the basis of trust and respect to achieve shared aims and outcomes The Outcome Based Cooperative Model is built up from an extensive analysis of behavioural and social psychology genetic anthropology research into behaviour and culture in societies organisations regulation and enforcement The starting point is acceptance that humanity is facing ever larger risks which are now systemic and even existential To overcome the challenges humans need to cooperate more rather than compete alienate or draw apart Answering how we do that requires basing ourselves our institutions and systems on relationships that are built on trust Trust is based on evidence that we can be trusted to behave well ethically built up over time We should aim to agree common goals and outcomes moderating those that conflict produce evidence that we can be trusted and examine our performance in achieving the right outcomes rather than harmful ones The implications are that we need to do more in rebasing our relationships in local groupings business organisations regulation and dispute resolution The book examines recent systems and developments in all these areas and makes proposals of profound importance for reform This is a new blueprint for liberty solidarity performance and achievement

*Regulating Investor Protection under EU Law* Antonio Marcacci, 2018-06-27 This book analyzes the legal system for the protection of retail investors under the European Union law of investment services It identifies the regulatory leitmotiv driving the EU lawmaker and ascertains whether and to what extent such a system is self sufficient using a set of EU made and EU enforced rules that is essentially different and autonomous from the domestic legal orders In this regard the book takes a double perspective comparative and intra firm Given the federal dimension of the US legal system and thus the role model it plays vis vis the EU the book compares the two systems To fully highlight the existing gaps and measure how self sufficient the EU system is against its American counterpart the Union Federal level as such is analyzed i e detached from the national in EU terms and State in US terms level *Regulating Investor Protection under EU Law* also showcases the unique intra firm perspective from a European investment firm and analyzes how EU produced public law rules become a set of compliance requirements for investment services providers This within the firm angle gauges the self sufficiency of the EU system of retail investor protection from the standpoint of an EU regulated entity The book is intended for both compliance professionals and academic scholars interested in this topic while also including illustrative sections intended to provide a broader regulatory view for less experienced readers

Regulatory Delivery Graham Russell, Christopher Hodges, 2019-10-17 This ground breaking book addresses the challenge of regulatory delivery defined as the way that regulatory agencies operate in practice to achieve the intended outcomes of regulation Regulatory reform is moving beyond the design of regulation to address what good regulatory delivery looks like The challenge in practice is to operate a regulatory regime that is both appropriate and effective Questions of how regulations are received and applied by those whose behaviour they seek to control and the way they are enforced are vital in securing desired regulatory outcomes This book written by and for practitioners of regulatory delivery explains the Regulatory Delivery Model developed by Graham Russell and his team at the UK Department for

Business Energy and Industrial Strategy The model sets out a framework to steer improvements to regulatory delivery comprising three prerequisites for regulatory agencies to be able to operate effectively Governance Frameworks Accountability and Culture and three practices for regulatory agencies to be able to deliver societal outcomes Outcome Measurement Risk based Prioritisation and Intervention Choices These elements are explored by an international group of experts in regulatory delivery reform with case studies from around the world Regulatory Delivery is the first product of members of the International Network for Delivery of Regulation The Future of High-Cost Credit Jodi

Gardner,2022-07-14 This book proposes a new way of thinking about the controversial and complex challenges associated with the regulation of high cost credit specifically payday lending These products have received significant attention in both the media and political arena The inadequacy of regulatory interventions has created ongoing problems with the provision of high cost credit particularly for consumers with lesser bargaining power and who are already financially vulnerable The book tackles two specific gaps in the existing literature The first involves inadequate analysis of the relevant philosophical concepts around high cost credit which can result in an over simplification of what are particularly complex issues The second is a lack of engagement in both the market and lived experience of borrowers resulting in limited understanding of those who use these financial products The Future of High Cost Credit explores the theoretical grounding policy initiatives and interdisciplinary perspectives associated with high cost credit making a novel and insightful contribution to the existing literature The problems with debt extend far beyond the legal sphere and the book will therefore be of interest to many other academic disciplines as well as for those working in public policy and the third sector **The Limits of Asset Confiscation**

Johan Boucht,2017-06-01 This book provides a normative analysis of the justifications and limits of asset confiscation as a crime control measure in a comparative perspective More specifically it deals with what in this context is referred to as extended appropriation that is confiscation in cases where the causal link between the property the proceeds of crime in question and the predicate offence is less obvious Particular focus is placed on extended criminal confiscation and civil recovery These forms of confiscation give rise to a number of complex legal issues The overarching purpose of the book is to provide an analysis of the nature of extended appropriation within the criminal justice system and to discuss a normative framework that may assist in assessing the legitimacy of such confiscation schemes It also seeks to explore what a fair and reasonable balance between the interests of the state and those of the individual in this field might look like The analysis starts from an acknowledgement not only of the need for having effective confiscation regimes in place but also of the need for protecting the interests of the individual It is hoped that the book will stimulate further discussion on the legitimacy of asset recovery as a crime control measure Leniency in EU Competition Law Ingrid Margrethe Halvorsen

Barlund,2020-06-18 Leniency has emerged as one of the main enforcement instruments used by competition authorities to combat cartels Offering immunity from punishment is believed to destabilise already existing cartels and deter undertakings

from entering into such arrangements This book offers the first in depth analysis of the scope of leniency in European Union EU competition law considering three crucial ramifications ensuring a leniency applicant can self report with confidence retaining the right to compensation of those who have suffered losses due to the cartel and furthering the objective of undistorted competition within the internal market With thorough insight into the interaction between the Commission s Leniency Notice and public and private enforcement the author fully explains such aspects of the subject as the following who is eligible for leniency liability of an immunity recipient the EU fining system disclosure of leniency evidence scope of public authorities reaching out to cartel infringers the immunity recipient and follow on damages claimants the immunity recipient and subsequent leniency applicants effect of the Damages Directive and the European Economic Area dimension The author offers cogent suggestions about how the shortcomings of the Commission s leniency offer can be ameliorated and which regulatory steps should be taken to give the policy greater leverage The author calls for increased harmonisation at national level in the EU and compares leniency practice in US antitrust law As a comprehensive analysis of the practical application of current policy and procedure in EU cartel enforcement the book clearly shows the ways in which the scope of leniency is manifest in the interaction between public and private enforcement evaluating which interaction is most effective Its practical character will be recognised and welcomed by competition law practitioners and policymakers who will strengthen their grasp of leniency procedure and clearly discern implications for competition infringement cases

Strategies of Financial Regulation Junghoon Kim,2020-12-03 This book analyses different strategies and their results in implementing financial regulation in terms of rule making public enforcement and private enforcement The analysis is based on a comparative study of conduct of business regulation on mis selling of financial instruments in the UK and South Korea It extends into liquidity regulation in the banking sector and credit rating agency regulation The book concludes that in rule making purposive rules are more effective for achieving regulatory goals with minimal undesirable results but a rule making system with purposive rules can only work on a foundation of trust among rule makers enforcers and the regulates that with respect to public enforcement the enforcement strategies should combine the compliance oriented and deterrence oriented approaches and be continuously adjusted based on close monitoring of the regulatory outcomes and that in private enforcement regulation should be instituted as the minimum requirement in private law

**The Regulation of International Commercial Arbitration** João Ilhão Moreira,2024-07-25 This book addresses how the regulation of international commercial arbitrators takes place International commercial arbitrators are a unique category of service providers because they are not organised as other professionals such as accountants lawyers and doctors The book provides an overview of how and why the regulation of international commercial arbitrators diverged from that of other professions It also argues that despite these differences there is an effective regulatory environment overseeing the behaviour of international commercial arbitrators The book unpicks the different elements that contribute to the creation and enforcement



of professional norms in this field It explains how the specific characteristics of the arbitral market create strong incentives for ethical norms to be created even in the absence of the institutions that usually address these issues in other fields It also describes how market and social forces drive arbitrators to comply with these norms in most circumstances Finally the book addresses the ways in which this regulatory system also explains some of the perceived weaknesses of arbitration namely the rising costs of proceedings and the perceived unfairness of appointments

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