

climate change debates which perpetuate false senses of both security and insecurity.

Furthermore, in dealing with global catastrophes like climate change, the state structure under world risk society is eventually deemed inefficient and disempowered. Hence, the reflexivity of risk becomes potentially revolutionary: the state of normalcy and state of exception overlap.²² Accordingly to Beck, "... a negligent state of exception that places state, scientific and economic authority in question ...", disempowers the state and capital and empowers other non-state actors and social movements.²³ In turn, a global 'public sphere', 'subpolitics' and 'cosmopolitan society' form in the face of the perceived climate change hazards confronting world risk society. Here, Beck views cosmopolitanism as a condition (not a choice): the advent of global hazards like climate change mark the 'end of the other' as all of humanity are affected and it is impossible to externalize the resulting problems.²⁴ Global climate change risks enforce communication and cosmopolitanization and connect actors and institutions that otherwise would remain disconnected. They also "... confuse the mechanisms of organized irresponsibility and even ... open them up for political action" and alternative forms of governance such as increased transnational cooperation and a cosmopolitan form of statehood.²⁵ In this way, the mere anticipation of climate change catastrophes can transform global politics.

In conclusion, Beck certainly accomplishes his primary aims. *World at Risk* makes more comprehensive the theoretical framework of world risk society which makes possible concrete historical-empirical analyses and case studies.²⁶ His own analyses of climate change, financial crises and terrorism are examples of how his critical theory can be made to be historically and empirically relevant. He also explicitly addresses his epistemological and ontological assumptions (e.g. the both/and position of a 'constructivist realism' (chapter 5) and the 'critical' and 'realistic' dimensions of the theory (chapter 11)). Obvious normative and 'utopian' aspects of the

theory are critiqued by Beck himself and the reader is left mostly convinced by his 'critical' and 'realistic' assurances. Like his former works, Beck's *World at Risk* is a must read for political scientists, sociologists and other disciplinary and interdisciplinary social scientists interested in risk and risk research. With important implications for global and supranational governance, state and non-state actors involved in risk assessment and management would also be well advised to contemplate Beck's *World at Risk*.

Import Safety: Regulatory Governance in the Global Economy,
edited by Cary Coglianese, Adam M. Finkel and David Zaring. Philadelphia: University of Pennsylvania Press, 2009, 224 pp., \$42.50s, Cloth.

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In a globalised world, where millions of consumers are buying millions of products, reliance on product-by-product inspection is practically impossible. Risks from imported goods in such a globalised world are a global problem, as no single national regulator can address them solely through using traditional tools of command-and-control regulation. This is the underlying hypothesis of the book *Import Safety: Regulatory Governance in the Global Economy* which represents the output of a conference dedicated to import safety held at the University of Pennsylvania Law School in May 2009.

The book addresses a growing problem of how to protect consumers in an era of expanding cross-border trade. It pays attention to new ideas for better policy-making, setting the agenda for research into new methods of delegated governance in regulating consumer product safety. The introduction by all editors and the concluding chapter by David Zaring and Cary Coglianese provide excellent overviews of policy challenges and complementary approaches to consumer safety in the global marketplace. The reader will benefit from reading the concluding chapter that explains rationales for delegated governance as a model of global consumer safety and integrates the main ideas tackled by the contributors, sketching a viable regime of consumer safety in the global economy.

With the enduring global financial crisis, some readers may be concerned that a book that advocates institutional solutions other than a traditional cen-

22 Ibid., *supra* note 2, at pp. 76–77.

23 Ibid., *supra* note 2, at p. 77.

24 Ibid., *supra* note 2, at pp. 37, 198.

25 Ibid., *supra* note 2, at pp. 41, 59.

26 Ibid., *supra* note 2, at p. 207.

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tral regulatory authority. However, the current economic crisis, attributed by many to a lack of central regulatory vigour, does not diminish the need for a book like this. The economic downturn undoubtedly leads market players to cut costs and it is likely that cost-cutting management decisions will affect internal safety control policies of the industry. Taking into account that domestic legal systems have not yet been adapted to face all the problems that might be caused by goods manufactured in other parts of the world, and also that there is no international regulatory authority to police international trade, the book calls for proactive regulation and confronts the challenge of how to alter the incentives of private actors so that they better ensure consumer safety. The book does more than set an agenda for the reforms of domestic regulatory strategy; its aims are much broader. This book does not accept the *status quo* represented by conventional forms of oversight and import inspections, but goes further in search for better solutions and identification of surrogate regulators and tools of *New Governance*.

The book consists of four sections, followed by a concluding chapter. Even before the first reading, by simply looking into the book's contents, a reader may observe its clear-cut and symmetrical structure. The first three chapters forming the first section provide a broad overview of the origins and attributes of the import safety issue, including Jonathan Baron's psychological survey of American consumers' risk perceptions. Recent problems such as melamine in milk products, dangerous toys, and counterfeit pharmaceuticals illustrate that import safety is not only a domestic problem, but as well an international problem. As consumers in a number of countries have faced a series of health crises from products imported from China, which is of course not the only source of unsafe products, Jacques deLisle sheds light on the Chinese export safety problems, examining features of China's regulatory framework and its system of civil remedies and public sanctions. He further reveals the administrative weaknesses and challenges which importers face in trying to ensure safe products from this fast developing economy.

The second section focuses on international trade institutions and examines their achievements as well as constraints on the improvement of import safety. Chapter four by Tracey Epps and Michael Trebilcock explains the international trade implications of proposed reforms to improve the safety of imported products (especially food) in the US, which are also

relevant to other countries. The next two chapters complement the Epps-Trebilcock analysis of WTO rules applicable to import safety. Tim Bütke has contributed a thorough critical analysis of international delegation of regulatory authority in the field of food safety. In chapter six, Kevin Outterson focuses on pharmaceutical import safety, particularly the problem of counterfeit medicines, arguing that intellectual property standards seem to be motivated less by a concern for safety, and more by regulatory capture even on the international level, just as is the case with regards to national regulatory institutions.

The third section contains three chapters that shift focus from international trade institutions to improvements in domestic governments' regulatory policies as a means to respond more effectively to problems that are subject to intervention. In chapter seven, Richard Berk focuses particularly on data-collection and data-driven forecasting of violations, while in a subsequent chapter Lorna Zach and Vicki Bier argue for greater reliance on the role of risk analysis in setting targets for a proactive regulatory intervention and reveal some concerns and limitations to risk-based regulation. One important contribution, which presents how a reactive approach and strengthening powers of the traditional national regulator may yield several advantages over a proactive approach, comes from the European Union. Examining a system of supranational governance which applies to both domestic and imported food and non-food products, Alberto Alemanno seems to be able to persuade the reader that European rapid alert systems, based on the coordinated and decentralised system of exchange of information and backed-up with traceability principle, could serve as a most promising approach for finding an appropriate solution at the international level.

Rather than advocating change in trade or regulatory institutions, many contributors to this book have proposed policy reforms that are more feasible from the national standpoint. In terms of this, the fourth section of the book offers three innovative proposals on how to leverage the private sector. Kenneth Bamberger and Andrew Guzman assigned a surrogate role to importers, proposing a straightforward application of the existing literature on tort law and its behavioural effects, in the form of augmented penalties which would force importers from the United States to internalise the full cost of defective or harmful products under the strict liability regime. This idea is very similar to the proposal put

forward in the next chapter by Tom Baker, as both of them strive to establish more appropriate incentives for private parties within the reach of the national regulatory system. Baker has proposed a system under which importers thought to pose a potential danger would face a statutory obligation to warrant that those products do not contain undisclosed harmful substances, breach of which triggers liability. At the same time, importers would be required to post a bond equal to the value of the goods to increase the likelihood that they will have the ability to pay any incurred penalties. The general effect of both proposals is similar, although the first as *ex post* liability would increase the imposed sanctions, while the second would rely on warranties. Finally, relying on the increasingly questioned distinction between 'public' and 'private' regulation in modern polycentric regulatory regimes,¹ Errol Meidinger contributes to this section with an evaluation of the prospects for the delegation of some regulatory responsibilities onto manufacturers, third-party certifiers, and scientific and auditing bodies.

The reader of this volume will be left with an impression that ensuring safe products in the global economy undoubtedly requires new modes of polycentric regulation that encourage the involvement of the private sector while still preserving the role of a government. *Import Safety* addresses some interest-

ing responses to risks of imported products that may fit somewhere in a broad vacuum between extremes of a local Scylla and a global Charybdis (the latter in the form of a centralised international institution). But it is limited in that the contributors have not proposed a truly global strategy that would also support local markets. What seems to be lacking is a proposal on how to reform traditional bureaucratic practices, even by inclusion of private inspectors, or how to ensure a mutual recognition and coordination at the institutional level. A delegation of responsibilities to private parties, as proposed in several chapters, is controversial and raises questions about transparency and accountability. Since the government would be blamed for the failure of a delegated governance system, more attention needs to be paid to questions of implementation and accountability. But if we interpret the subtitle of the book as '*New Governance*' instead of '*Regulatory Governance*,' the main focus of the book is still very clear; better solutions to import safety problems can come about by leveraging the private sector and encouraging the internalisation of the compliance process in the companies importing or exporting goods.²

One of the main strengths of this book lies in its interdisciplinary approach, in crossing the boundaries of law, social science, and other disciplines in order to consider regulatory solutions to the problem of unsafe imports. It provides new ideas that would promote better policy-making and reveals why current regulatory systems are failing to better address this issue. Overall, *Import Safety* is an important book for anyone who would like to understand how governments and the private sector could negotiate and jointly act in the interest of consumers.

1 J. Black, "Constructing and Contesting Legitimacy and Accountability in Polycentric Regulatory Regimes", 2 *Regulation & Governance* (2008), pp. 137–164.

2 C. Coglianese and J. Nash, *Leveraging the Private Sector: Management-Based Strategies for Improving Environmental Performance* (Washington, D.C.: Resources for the Future Press 2006).