Regulating Contingency: Risk, Law, and the Theory of Regulation

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The relation between law and uncertainty/risk becomes increasingly problematic. Law is viewed as the most important social tool designed to control contingency. However, regulatory actions designed to tackle contingencies may in fact increase them. Moreover, there is a question of what regulatory agents see as risk requiring reaction, and what remains hidden in the blind spot. In short: in modern society, the process of controlling the uncertain becomes itself one of the key sources of uncertainty, due to backlashes, inactions, and overreactions. The workshop intends to analyse how sociology, philosophy of law, and theory of regulation may contribute to deeper understanding of different regulatory practices aimed at dealing with risks and uncertainties. We suggest that the problem could be organized with the use of three categories: *regulation regime*, *metamorphosis*, and *reflexivity*.

Firstly, *regulation regimes* – frameworks in which risk is being handled – can be theorised. They may be defined as "the complex of institutional geography, rules, practice, and animating ideas that are associated with the regulation of a particular risk or hazard" (Hood, Rothstein, Baldwin 2001:9). Regulation regimes may be analysed both from the side of regulatory institutions (public or private), and regulatees (citizens, companies).

Key dimensions in which risk challenges and transforms regulation regimes are suggested by Ulrich Beck's (2016) concept of *metamorphosis*. Beck distinguished three dimensions in which risk may influence regulation regime: institutional (level of basic institutions), conceptual (level of conceptualisations of risk and society), and normative (level of shared principles).

Finally, while targeting risk, regimes may emphasise the interaction between regulators and regulatees *via* strategies of meta-regulation, self-regulation or reflexive regulation (eg. Ayres, Braithwaite 1992; Black 2000; Parker 2002; Perez 2011). *Reflexivity* may be defined as a self-referential coupling of cognition and action (Giddens 1990; Luhmann 1996). Thus, one may ask how both regulatory institutions and addressees of regulation learn about uncertainties they met, how they define and address risks – as well as how interactions in these processes are structured.

For the workshop, we welcome both theoretical and empirical papers revolving around the abovementioned questions, as well as referring to other problems related to intersections between law and uncertainty.

Deadline and contact:

If you are interested in presenting a paper in this workshop, please send a short abstract (max. 500 words) to the conveners by **February 28, 2019**. Decisions will be sent by March 31, 2019.

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