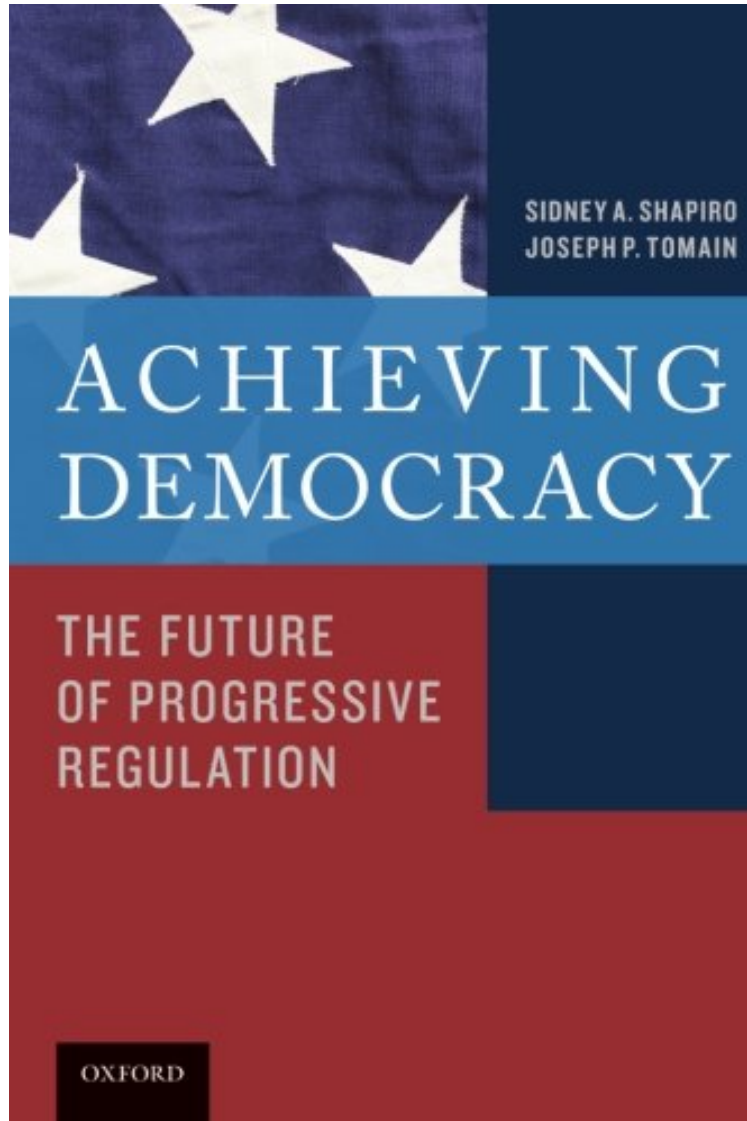


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Achieving Democracy: The Future of Progressive Regulation

Sidney A. Shapiro, Joseph P. Tomain

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Democracy is the ability to participate freely and equally in the political and economic affairs of the country. Americans have relied on philosophical pragmatism and on the impulse of political progressivism to express those creedal democratic values. *Achieving Democracy* argues that, in the last 30 years, however, by focusing on free markets and small government, America has since lost its grasp on these crucial democratic values. Economically, the vast majority of Americans have been made worse off due to a historically unprecedented redistribution of wealth from the lower and middle classes to the top one percent. Politically, partisan gridlock has hampered efforts to seek fairer taxes, responsive and effective regulation, reliable health care, and better education, among other needs. *Achieving Democracy* critiques the history of the last 30 years of neoliberal government in the United States, and enables an understanding of the dynamic and changing nature of contemporary government and the future of the regulatory state. Sidney A. Shapiro and Joseph P. Tomain demonstrate how lessons from the past can be applied today to regain essential democratic losses within the successful framework of a progressive government to ultimately construct a good society for all citizens.

"*Achieving Democracy* is a richly textured and beautifully argued account of the pragmatic capacity of administrative government, emphasizing the importance of understanding that capacity, and why we have failed to understand it. This book provides a solid foundation upon which to construct a more intelligent and sophisticated conversation about the potential of the US administrative state and how we should comprehend the interrelationship between markets and government." -Dr. Liz Fisher, Reader in Environmental Law, Faculty of Law, University of Oxford

"*Achieving Democracy* offers a sweeping portrait of and compelling brief for government regulation in the United States, from a philosophical, historical, political, economic, and ethical perspective. Shapiro and Tomain remind us that government regulation can be the friend of justice, liberty, and prosperity alike, and that the public ends of government are not adequately captured in the economic marketplace. Their call for a renewed and reshaped commitment to positive government could not come at a better time." -Lisa Heinzerling, Professor of Law, Georgetown University Law Center

"In *Achieving Democracy*, Professors Shapiro and Tomain provide a powerful critique of laissez faire economic liberalism and pragmatic defense of government programs aimed at protecting the public from the perils of unconstrained markets." -Tom McGarity, Joe R. and Teresa Lozano Long Chair in Administrative Law, University of Texas School of Law

"Our current situation of political disenchantment and deadlock is a potential teaching moment, and Shapiro and Tomain are just the teachers we need. Drawing on a remarkable range of thinking in philosophy, political science, and law, they advance a revised conception of democracy, and a revised administrative practice to accompany it. *Achieving Democracy* is a great introduction to the most adventurous recent thinking about politics." -William H. Simon, Arthur Levitt Professor of Law, Columbia Law School

About the Author Sidney A. Shapiro is Professor of Law at Wake Forest University School of Law. Before beginning his teaching career, he served as an attorney with the Federal Trade Commission and the Department of Health, Education and Welfare. Professor Shapiro is a founding member and now Vice-President of the Center for Progressive Reform (CPR), a nonprofit research and educational organization of sixty scholars dedicated to protecting health, safety, and the environment through analysis and commentary. He has been a consultant to the Occupational Safety and Health Administration (OSHA) and the Administrative Conference of the United States (ACUS), and he has testified in Congress on regulatory policy and process issues. He is the co-author of *The People's Agents and the Battle to Protect the American Public* and co-author of *Risk Regulation at Risk: Restoring a Pragmatic Approach*. In addition, Professor Shapiro has published over 85 articles on regulatory policy and process topics, including a book on occupational safety and health law and policy. Joseph P. Tomain is Dean Emeritus and the Wilbert Helen Ziegler Professor of Law at the University of Cincinnati College of Law. He has held positions as Visiting Environmental Scholar at Lewis Clark Law School; a Distinguished Visiting Energy Professor at the Vermont Law School; a Visiting Scholar in the Program of Liberal Studies at the University of Notre Dame; a Visiting Fellow at the Harris Manchester College, Oxford University; and a Fulbright Senior Specialist in law in Cambodia. Dean Tomain serves on a number of civic organizations including Chair of the Board of the Knowledge Works Education Foundation; founder and principal of the Justice Institute for the Legal Profession; Board Member of the Greater Cincinnati Foundation. He has written extensively in the energy law field, and his publications include: *Regulatory Law and Policy*; *Energy Law and Policy for the 21st Century*; *Nuclear Power Transformation*, among others. He authored *Creon's Ghost: Law, Justice, and the Humanities* (Oxford University Press, 2009); *Ending Dirty Energy Policy: Prelude to Climate Change*.