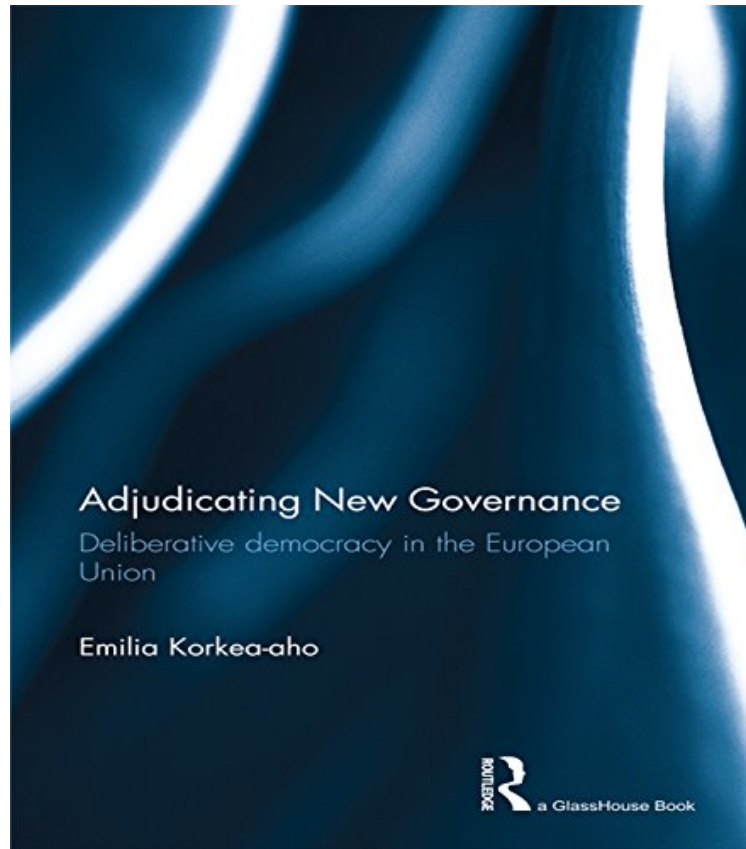


Adjudicating New Governance: Deliberative Democracy in the European Union

Von Emilia Korkea-aho

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Von Emilia Korkea-aho : Adjudicating New Governance: Deliberative Democracy in the European Union before purchasing it in order to gauge whether or not it would be worth my time, and all praised Adjudicating New Governance: Deliberative Democracy in the European Union:

Kundenrezensionen Hilfreichste Kundenrezensionen 0 von 0 Kunden fanden die folgende Rezension hilfreich. Good governance Von Phillip Taylor MBEGOOD GOVERNANCE IN THE EUROPEAN UNION: ADJUDICATION IN A NEW LEGAL ERA An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers Examining the legal landscape of the European Union from a decidedly panoramic standpoint, this remarkable piece of scholarship and analysis by author Emilia Korkea-aho offers international lawyers, political scientists and certainly policy makers a new account of the role of the EU courts in new governance, connecting it at the same time, with the concept of deliberative democracy. Deliberative democracy and new governance are of course, terms that are subject to a number of interpretations and therefore defy any impulsive attempts at precise definition. In fact the author admits that no commonly accepted definition exists of the meaning of the term new governance. But do not despair. She does add helpfully (and we summarize here) that the concept is not a legal notion and that originally it

was popularly known as good governance, as advocated, she adds, by the World Bank and the Organisation for Economic Co-operation and Development (OECD) from the 1980s onwards. By the turn of this century however, new governance has come to be regarded as possessing certain salient characteristics, too numerous to list here, but which include participation and power-sharing co-operation and dialogue (between different levels of government) diversity and decentralization. and -- flexibility, experimentation and knowledge creation. The latter emphasizes the new knowledge created from deliberative processes and peer review. New governance then, is an evolving concept which in turn connects with the concept of deliberative democracy. Discursive, closely argued and thorough, this book -- recently published by Routledge -- is nothing if not forward-looking. The author in short, has offered at least a partial view or a vision possibly, of the way in which the EU can, or might, or will be governed. She alludes to the extensive experimentation going on in the attempt to formulate new ways in which the EU might conduct its business when, for example, conflicts arise between member states. However, do such situations -- including environmental conflicts -- call for an adjudicative stance that is legally determined by the judges of the supreme courts of the individual EU member states? Or should the basic principles of deliberative democracy (which features the ascendancy of elected officials rather than un-elected judges) reign supreme? These and a multiplicity of related issues are examined and discussed in this book, which helpfully draws on a series of illustrative case studies to argue, among other things, that collaborative frameworks can and do condition judicial decision making. Thus the book supports the view that, far from undermining the power of the courts, governance regimes actually assist them. This is a formidable work of scholarship (note the 30 page bibliography) -- which has taken the author five years to write -- at academic institutions in at least five cities, from Helsinki to London to New York (at Columbia Law School), Florence and Amsterdam. The book's intriguing international perspective will make it useful for a range of academics and legal professionals concerned with one of the most interesting phenomena of our times: the really quite exciting evolution of European Union as a fully-fledged political entity. The publication date is cited as at 2015.

Kurzbeschreibung This book engages with and advances the current debate on new governance by providing a much-needed analysis of its relationship with the courts. New modes of governance have produced a plethora of instruments and actors at various levels that present a challenge to more traditional forms of command-and-control regulation. In this respect, it is commonly maintained that new governance generally and political experimentation more broadly weakens the power of the courts, producing a legitimacy problem for new forms of governance and, perhaps more fundamentally, for law itself. Focusing on the European Union, this book offers a new account of the role of the courts in new governance. Connecting new governance with the conception of deliberative democracy, this book demonstrates how the role of courts has been transformed by the legal and political experimentation currently taking place in the European Union. Drawing on a series of case studies, it is argued that, although deliberations in governance frameworks provide little by way of hard, binding law, these collaborative frameworks nevertheless condition judicial decision making. With far-reaching implications for how we understand the justiciability of soft law, participation rights, the legitimacy of governance measures, and the role of courts beyond the nation-state, this book argues that, far from undermining the power of the courts, governance regimes assist their functioning. Its analysis will therefore be of considerable interest for lawyers, political scientists and anyone interested in the transformation of the judiciary in the era of new governance. *Pressestimmen* "Discursive, closely argued and thorough, this book... is nothing if not forward-looking." - Phillip Taylor MBE and Elizabeth Taylor of Richmond Green

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