

# Adjudicating New Governance

Deliberative democracy in the  
European Union

Emilia Korkea-aho



# Adjudicating New Governance Deliberative Democracy In The European Union

**Wolfgang Guggemos**



## **Adjudicating New Governance Deliberative Democracy In The European Union:**

Adjudicating New Governance Emilia Korkea-aho, 2015-02-11 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

**Democracy, Federalism, the European Revolution, and Global Governance** Andrea Bosco, 2020-06-10 The European Union is facing today the greatest crisis since its creation Brexit could mean not only the reversal of its steady enlargement from 6 to 28 member states but also the beginning of an inexorable decline leading to its disintegration However few today seem to recollect that it was precisely the British who were the first to promulgate the political culture which inspired the European Union s construction democracy and federalism and the first who tried to realise in June 1940 a European federation on the basis of an Anglo French union This volume traces the fundamental stages of the European unification process placing it in relation to the wider process of world economic and political integration In particular it analyses the historical significance of the European Revolution which is identified in the overcoming of the nation state namely the modern political formula which institutionalised the political division of mankind and the birth of the first truly international state The universal historical significance of the European Revolution lies in its exportability as for the other great European revolutions and therefore its potential as progressively extensible to all the states of the planet Europe was indeed the first region of the world where the barriers between national states fell and a post national political identity emerged complementary to national political identities It is in fact in the context of the European Union that democracy beyond the borders of the nation state has first been realized constituting a guiding principle for global governance

Research Handbook on Soft Law Mariolina Eliantonio, Emilia Korkea-aho, Ulrika Mörtz, 2023-11-03 This pioneering Research Handbook provides an in depth scholarly

overview of the field of soft law exploring the scope of current thinking in the field as well as proposing future pathways for soft law research Through theoretical and empirical analyses by established voices in the field the Research Handbook offers important insights and much needed clarity into the dynamic and complex nature of soft law This title contains one or more Open Access chapters

*New Private Law Theory* Stefan Grundmann,Hans-W. Micklitz,Moritz Renner,2021-03-18 New Private Law Theory opens a new pathway to private law theory through a pluralistic approach Such a theory needs a broad and stable foundation which the authors have built here through a canon of nearly seventy texts of reference This book brings these different texts from different disciplines into conversation with each other grouping them around central questions of private law and at the same time integrating them with the legal doctrinal analysis of example cases This book will be accessible to both experienced and early career scholars working on private law

*Research Handbook on the Politics of EU Law* Paul James Cardwell,Marie-Pierre Granger,2020-07-31 Offering a wealth of thought provoking insights this topical Research Handbook analyses the interplay between the law and politics of the EU and examines the role of law and legal actors in European integration

**EU Soft Law in the Member States** Mariolina Eliantonio,Emilia Korkea-aho,Oana Stefan,2021-03-25 This volume analyses for the first time in European studies the impact that non legally binding material otherwise known as soft law has on national courts and administration The study is founded on empirical work undertaken by the European Network of Soft Law Research SoLaR across ten EU Member States in competition policy financial regulation environmental protection and social policy The book demonstrates that soft law is taken into consideration at the national level and it clarifies the extent to which soft law can have legal and practical effects for individuals and national authorities The national case studies highlight the points of convergence or divergence in the way in which judges and administrators approach soft law while reflecting on the reasons for and consequences of various national practices A series of horizontal studies connect this research to the rich literature on new modes of governance by revisiting traditional theories on soft law and by reflecting on the potential of such instruments to undermine or to foster rule of law values

**Experimentalist Competition Law and the Regulation of Markets** Yane Svetiev,2020-11-26 This book charts the emergence of experimentalist governance in the implementation of EU competition law as a response to uncertainty and the limits of hierarchical enforcement in an increasingly dynamic and heterogeneous economic environment It contributes to ongoing debates about the current state of EU competition law and provides an innovative account of emergent enforcement trends and its future direction It also argues that an experimentalist evolution of competition law and market regulation attenuates concerns about the competitive strictures of EU law on national economic and regulatory institutions Through its focus on experimentalist governance the book provides guidance on completing experimentalist infrastructures for market regulation as well as on the role of courts in triggering and sustaining experimentalist solutions As such it offers a novel perspective on implementing competition law in the EU and beyond

Private Law in the External Relations of the EU

Marise Cremona, Hans-W. Micklitz, 2016 An edited volume exploring the interaction between EU external relations law and private law examining how the relationship has affected the evolution of the EU's competence the extent of EU private law's reach beyond the boundaries of an internal market and how the EU contributes to the formation of private regulation at an international level

*Soft Law and National Courts in the European Union* Adam Eick, 2025-10-26 Soft law is a term applied to rules of conduct which have practical and legal effects but no legal binding force Whilst EU institutions have increasingly adopted soft law in recent years and national administrations frequently use such instruments little is known about the role of EU soft law in courts especially at national level Drawing on evidence from France and Germany and from multiple policy areas this book provides a systematic comparative and longitudinal analysis of the judicial use of soft law in national courts It compares the use of soft law over time and between countries revealing significant effects on law policies and European administrations These findings have important repercussions for the democratic legitimacy of EU policymaking The book will appeal to all those interested in European administrative governance political science and law

*Configurations, Dynamics and Mechanisms of Multilevel Governance* Nathalie Behnke, Jörg Broschek, Jared Sonnicksen, 2019-02-01 This edited volume provides a comprehensive overview of the diverse and multi-faceted research on governance in multilevel systems The book features a collection of cutting edge trans Atlantic contributions covering topics such as federalism decentralization as well as various forms and processes of regionalization and Europeanization While the field of multilevel governance is comparatively young research in the subject has also come of age as considerable theoretical conceptual and empirical advances have been achieved since the first influential works were published in the early noughties The present volume aims to gauge the state of the art in the different research areas as it brings together a selection of original contributions that are united by a variety of configurations dynamics and mechanisms related to governing in multilevel systems

## **Adjudicating New Governance Deliberative Democracy In The European Union** Book Review: Unveiling the Power of Words

In some sort of driven by information and connectivity, the power of words has become more evident than ever. They have the ability to inspire, provoke, and ignite change. Such is the essence of the book **Adjudicating New Governance Deliberative Democracy In The European Union**, a literary masterpiece that delves deep into the significance of words and their impact on our lives. Published by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book's key themes, examine its writing style, and analyze its overall effect on readers.

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