

1. Record Nr.	UNINA9910451080103321
Autore	Schepel Harm
Titolo	The constitution of private governance : product standards in the regulation of integrating markets // Harm Schepel
Pubbl/distr/stampa	Oxford ; ; Portland, Oregon : , : Hart Publishing, , 2005
ISBN	1-4725-6325-5 1-280-80847-0 9786610808472 1-84731-107-5
Edizione	[1st ed.]
Descrizione fisica	1 online resource (498 p.)
Collana	International studies in the theory of private law ; ; 4
Disciplina	343.087
Soggetti	Customary law Globalization Product safety - Law and legislation Product safety - Standards Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Originally presented as the author's thesis.
Nota di bibliografia	Includes bibliographical references (pages [415]-449) and index.
Nota di contenuto	Introduction -- 1 The Rise of Private Governance: Functional Differentiation and Economic Globalisation -- 2 The European Community: Market Integration and Private Transnationalism -- 3 The United States: Deregulation and Legalisation -- 4 Standards in the European Union -- 5 Standards and Codes in the United States -- 6 International Harmonisation of Standards -- 7 Private Regulation in European Public Law -- 8 Private Regulation in American Public Law -- 9 Politics and the Economy: Linking Institutions in Competition Law -- 10 Custom, Science and Law: Linking Institutions in Tort -- Conclusion The Constitution of Private Governance
Sommario/riassunto	In quantity and importance, private standards are rapidly taking over the role of public norms in the international and national regulation of product safety. This book provides a comprehensive overview of the rise, role and status of these private product safety standards in the legal regulation of integrating markets. In international and regional trade law as in European and American constitutional and

administrative law, tort law and antitrust law, the book analyses the ways in which legal systems can and do recognise private norms as 'law.' This sociological question of law's recognition of private governance is indissolubly connected with a normative question of democratic theory: can law recognize legal validity and democratic legitimacy outside the constitution, without constitutional political institutions and beyond the nation state? Or: can law 'constitute' private transnational governance? The book offers the first systematic treatment of European, American and international 'standards law' in the English language, and makes a significant contribution to the study of the processes of globalization and privatization in social and legal theory. For the thesis on which this book was based Harm Schepel was awarded the first EUI Alumni Prize for the "best interdisciplinary and/or comparative thesis on European issues" written at the EUI in recent years
