



The Constitution of Private Governance: Product Standards in the Regulation of Integrating Markets (International Studies in the Theory of Private Law)

Harm Schepel

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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 analyzes the ways in which legal systems can and do recognize 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.

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