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Law, legitimacy and
European
governance:
functional participation in social
regulation



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[Smismans, Stijn](#) 2004. *Law, legitimacy and European governance: functional participation in social regulation*. Oxford Studies in European Law, Oxford: Oxford University Press.

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Abstract

This volume examines the role of law in increasing the legitimacy of European decision-making by structuring and facilitating diverse forms of participation, representation, and deliberation whilst ensuring transparency and accountability. The democratic deficit and the legitimacy of the European Union have attracted the attention of both lawyers and political scientists, but few have examined normatively the role of interest groups or of functional participation in European governance. This book examines institutional settings, such as committees, agencies, and social dialogue within which such participation occurs. Moving beyond generalities, the author provides a detailed empirical account of participation within one policy sector: EC occupational health and safety. Smismans argues that different institutional settings for functional participation are underpinned by very different considerations: they weight balanced representation, deliberation, and expertise differently. He shows how this participation differs between legislation and regulatory implementation, and appraises the extent to which participation can compensate for a lack of territorial representation in implementation

procedures, and can exert some control over 'scientific experts'. This book reveals changes in functional participation over time, from regulatory to persuasive policy-making; and argues that the 'new' forms of governance are not necessarily more participatory than the old.

Item Type: Book

Book Type: Authored Book

Date Type: Publication

Status: Published

Schools: Law

Subjects: K Law > K Law (General)

Publisher: Oxford University Press

ISBN: 9780199270309

Related URLs: • [Publisher](#)

Last Modified: 04 Jun 2017 01:48

URI: <http://orca.cf.ac.uk/id/eprint/2999>

Actions (repository staff only)



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Law, legitimacy and European governance: functional participation in social regulation, transgression, if you catch a choreic rhythm or alliteration on the "p", verifies the original terminator, and this is not surprising, if you remember the synergetic nature of the phenomenon.

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