

The Right to Good Administration



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Reviews

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THE RIGHT TO GOOD ADMINISTRATION

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Kluwer Law International. Hardcover. Book Condition: New. Hardcover. 328 pages. Dimensions: 9.7in. x 6.5in. x 0.9in. Among the rights conferred on the citizens of Europe by the Charter of Fundamental Rights and Freedoms is the right to good administration. It is anticipated that the new Reform Constitutional Treaty will operate to make the Charter and its rights legally binding. This is the first time that any legal system has proclaimed such a right and then sought to constitutionalise it. Whether the right to good administration under the Charter represents a new right, and, if such a right exists, whether it varies according to whether the executive is mandated to control or steward, is the subject matter of this thoughtful, unblinkered book. Grounding her exposition in a deeply-informed engagement with relevant primary and secondary sources, the author exposes the serious difficulties and contradictions in the concept of the right to good administration. She demonstrates that the features of good administration cannot be fixed or fully enunciated, but are identified only when the conduct of the administration fails to reach an acceptable standard, a standard that varies over time and context. And in the modes of the concept most often embraced such as the notion of citizen as consumer with marketplace choice, and the notion of consultation, a form of participatory democracy which privileges those individuals and communities who have the political sophistication to organise themselves and further marginalise large sectors of unorganised society she finds a virtual denial of the democratic concept of citizen as sovereign, the creator of state power who can dictate the exact limits to be placed on personal autonomy. The extraordinary clarity and conviction of the authors approach is apparent in the details of her presentation, which include analysis of the following factors among others: the enforceable content of the...



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