

Sussex Research

Law's performativities: shaping the emergence of regenerative medicine though European Union legislation

Alex Faulkner

Publication date

01-09-2012

Licence

This work is made available under the Copyright not evaluated licence and should only be used in accordance with that licence. For more information on the specific terms, consult the repository record for this item.

Citation for this work (American Psychological Association 7th edition)

Faulkner, A. (2012). Law's performativities: shaping the emergence of regenerative medicine though European Union legislation (Version 1). University of Sussex. https://hdl.handle.net/10779/uos.23392448.v1

Published in

Social Studies of Science

Link to external publisher version

https://doi.org/10.1177/0306312712446694

Copyright and reuse:

This work was downloaded from Sussex Research Open (SRO). This document is made available in line with publisher policy and may differ from the published version. Please cite the published version where possible. Copyright and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners unless otherwise stated. For more information on this work, SRO or to report an issue, you can contact the repository administrators at sro@sussex.ac.uk. Discover more of the University's research at https://sussex.figshare.com/

Sussex Research Online

Law's performativities: shaping the emergence of regenerative medicine though European Union legislation

Article (Unspecified)

Faulkner, Alex (2012) Law's performativities: shaping the emergence of regenerative medicine though European Union legislation. Social Studies of Science, 42 (5). pp. 754-775. ISSN 0306-3127

This version is available from Sussex Research Online: http://sro.sussex.ac.uk/id/eprint/43101/

This document is made available in accordance with publisher policies and may differ from the published version or from the version of record. If you wish to cite this item you are advised to consult the publisher's version. Please see the URL above for details on accessing the published version.

Copyright and reuse:

Sussex Research Online is a digital repository of the research output of the University.

Copyright and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable, the material made available in SRO has been checked for eligibility before being made available.

Copies of full text items generally can be reproduced, displayed or performed and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

Abstract

The paper undertakes a textual and documentary analysis of the Advanced Therapy Medicinal Products Regulation, which was passed into law in the European Union (EU) in 2007. This law is significant for the development of regenerative medicine in the EU and globally. Regulatory texts such as this one provide significant material for addressing key concerns in recent theorising about innovative technologies in socio-legal studies, innovation studies, and science and technology studies. These concerns include expectations about future technologies and economic sectorbuilding. By revisiting philosopher J.L. Austin's well-known work on *How to Do Things with Words*, this paper deploys his concepts of performative utterances to inform its analysis. Pursuing Austin's and later commentators' analysis of performatives in language use, and drawing on Lindsay Prior's application of actor-network theory to documents, the analysis shows two different types of performativity at work in and through the document. These are termed 'generative' and 'enactive' performativity. The 'enactive' type includes 'legislative' and 'social' forms. In addition, a more conventional content analysis reveals a range of actions, both legislative and discursive, in the regulatory document. The analysis shows a tension between standardisation and imprecision in the conceptual detailing of the document. Legislative texts produced through established politicolegal conventions are a special class of document that should be accorded a more prominent place in understanding the role of political governance processes in shaping emergent technoscientific fields and sectors.

Keywords

European Union, innovation studies, law, performativity, regenerative medicine, textual/document analysis