

Book Review

Gerda Falkner, ed. (2011)

The EU's Decision Traps: Comparing Policies

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Gerda Falkner and her coauthors deliver an important contribution on different decision traps in the EU and how member states are able to overcome them. They draw on a popular concept first launched by Fritz W. Scharpf two decades ago. The “joint-decision trap” implies a situation by which interdependent government decisions are only possible at the lowest common denominator, as governments that disagree otherwise may opt to veto. The concept has since been widely adapted. Several studies, especially among those addressing the common market, have also aimed at explaining how the EU has been able to resolve collective action problems and make decisions in favor of European reform. However, what makes “The EU’s Decision Traps” specific is its unique effort to combine empirical evidence from nine differentiated policy areas, varying with regards to decision rules and negative and positive integration. In so doing, the volume brings together numerous mechanisms. In addition the book impresses with conceptual innovation, asking the questions whether Scharpf’s model still catches the empirical developments and if not, what refinements are necessary. This review will give an overview of the contents of the book and discuss its strengths and weaknesses.

There are fourteen chapters in the volume: In its introductory chapter, it sets up a framework for analysis including several interesting hypotheses. The subsequent nine chapters address different policy sectors in the following order: agriculture, services and goods, tax, finance, energy, environment, social, justice and home affairs as well as foreign and security policy. Focus changes in the last part of the book. Different sectors are no longer in focus, but rather coordinative mechanisms that pass over sector lines (chapter 11) and experiences of decision traps in different national federations and the EU (chapter 12). Thereafter, the book culminates with Scharpf himself taking account of whether the manifold of findings in this volume results in a revision of the original model (chapter 13). Finally, the editor does a good job drawing the findings together. Analysing this book by mechanisms rather than policy sectors, this review breaks with the organisation of the volume. One reason is that scholars, due to generalisability aims, tend to be more interested in mechanisms that may travel across cases than in specific sectors.

There are different categories of mechanisms that contribute to “exits” from decision traps. Both rational and social constructivist approaches are accounted for. The strongest and the most efficient category is the *supranational-hierarchical mode* by which the Commission and the European Court of Justice may impose their will on member states. Several chapters include such mechanisms. As an example, in her chapter on the single market (chapter 3), Susanne K. Schmidt argues that the Court may interpret the Treaty

provisions broadly; and Johannes Pollak and Peter Slominski claim that the Commission used its competition competence to aggressively get its will through in the energy sector (chapter 6).

Whilst such mechanisms bypass the roles of the Council and the Parliament in legislation, the Commission may also impose its will on member states by *changing the opportunity structures*. According to Schmidt, the Commission may take advantage of judicial politics to push the Council into agreement, as member states influence future litigation through secondary law. Also, in social policy (chapter 3), Dorte Sindbjerg Martinsen and Falkner argue that “voices of law” and the Commission’s right to claim annulment of legislation have been effective (chapter 8). Philipp Genschel adds that the Commission may also nudge member states to compromise through soft law communications (chapter 4). Studying agriculture, Christilla Roederer-Rynning suggests that the Commission may also use strategic partners and public opinion to unsettle the legislators and pressure through certain policies (chapter 2).

Another category of mechanisms includes *changes of decision rules and arenas*. Several contributions are concerned with improvements due to the introduction of qualified majority voting, yet a mere change of decision rules has not been sufficient. Additional mechanisms involve delegation, for example, to technocratic committees. This is crucial in Zdenek Kudrna’s chapter on financial markets (chapter 5). He argues that the separation of implementing measures from framework legislation, as introduced through comitology processes, has played an important role in improving further integration. Similarly, Miriam Hartlapp stresses arena shifting, e.g. DG hopping and bypassing of sectoral interests by avoiding coordination of the proposal with others (chapter 11).

Finally, there is a category of *consensus-promoting mechanisms*. This includes differentiation of policies as well as socialisation. Katharina Holzinger’s chapter on environmental policy (chapter 7) and Florian Trauner’s on justice and home affairs (chapter 9) show how compromise sometimes comes at the cost of clarity and coherence of regulations. Accordingly, slicing and sequencing, watering down and opt-outs to specific member states as well as vague wording have contributed to progress. With regard to socialisation, Nicole Alecu de Flers, Laura Chappell and Patrick Müller call attention to how negotiations on an everyday basis and the “shadow of the future” have contributed to compromise finding in the foreign and security policy (chapter 10). Large member states that want to be taken seriously have to demonstrate commitment in the EU. Hence, member states have been willing to go against their initial preferences.

Arthur Benz’s comparison of the EU and four federal states (Belgium, Canada, Germany and Switzerland) includes an interesting analysis on how to achieve constitutional reform, when party politics, redistributive conflicts and subnational identities play a larger role in “intergovernmental” negotiations than in the EU (chapter 12). Despite such differences the exit from decision traps is similar: watering down, involvement at different arenas and sequencing.

Considering the numerous mechanisms, Scharpf concludes that his original model stands firm, only giving in to modifications such as including the Court and the Commission as strategic actors and admitting that the inference of governments’ preferences from their underlying economic and institutional interests is deficient (chapter 13). By keeping the perspective purely rational, he simplifies the theoretical framework rather than “covering it all.” Based on this point, the editor deftly separates between the original model of the joint-decision trap and other models, thereby creating a broader and more inclusive framework.

Whilst the strength of the volume is its extensive collection of mechanisms, most chapters suffer from a lack of alternative explanations. As it stands, most contributions selectively draw on and support certain mechanisms, thereby failing to address other possible explanations. Moreover, with few exceptions, the accounts only include cases, by which the outcome of interest occurs. Another point to consider is that the authors have not explained their use of methods and research techniques. Therefore, it is impossible for the reader to assess potential biases in the data.

In summary, the volume renews and lifts a popular concept and shows it is still alive. Providing an explorative analysis, Falkner and her coauthors have created an important basis for further research. Testing the hypotheses across more cases, including cases where member states fail to exit from decision traps would be beneficial. The book is a good supplement to the bookshelf of any scholar interested in European integration.
