

Book Review

SOFT LAW IN GOVERNANCE AND REGULATION. AN INTERDISCIPLINARY ANALYSIS.

Ed by Ulrika Mörth, Cheltenham: Edward Elgar, 2004. x and 224 pp (inc index). ISBN 1 84376 571 3 (hb).

The book derives from a research programme at Score (the Stockholm Centre for Organizational Research) on 'The New Regulation' which explores how new regulatory forms (e.g. networks, non-state actors and organisations) challenge traditional state-centred and hierarchical forms of regulation.

Set within the context of widening academic interest in global and European governance, the editor encapsulates the book's approach in the first chapter by describing how "in systems of government the law is hard; in systems of governance the law is soft". Soft law can thus be regarded as a transition mode of rule-making, lying as the editor suggests, somewhere between general policy statements and legislation, and can be the preferred approach when dealing with complex and diverse problems that are characterised by uncertainty.

The book sets out to analyse the relationship between soft law and governance from an interdisciplinary perspective which encompasses law, sociology, political science, and organisational studies. It does so by considering, from an empirical standpoint, the ways in which soft law is important in various international organisations and how it is legitimised.

As the editor notes, "interdisciplinary work is both time-consuming and difficult" and the authors have varying interpretations of "soft law" depending on their disciplinary backgrounds. The concept is clearly a subject of debate amongst legal scholars – when does soft law stop being law?

The empirical chapters focus on international organisations such as the EU, UN and OECD and the book is organised according to the four themes of legal doctrine and soft law; governance through soft law; democracy and soft law; meta-organisations and soft law. The case studies discussed in these seven chapters encompass state aid; the Charter of Fundamental Rights of the European Union; the World Bank and the International Monetary Fund; EU employment policy; the governance of the OECD; the Global Compact initiative on human and social rights; the Open Method of Coordination within the EU. The penultimate chapter looks at soft law and regulation in meta-organisations of the types described in the preceding chapters. The final chapter, written by the editor, then addresses the question of what the most fruitful analytical paths are, given these different case studies.

Having raised the question of whether soft law is a form of regulation in its own right or simply a transitional mode, Ulrika Mörth suggests that generating soft law is "less a question of creating law but of creating regulations through norms, myths and ideas". Reviewing the component chapters of the book leads her to six possible conclusions about soft law: that it may precede hard law; that it has the potential for independence; that it can be disguised; that it is closely linked to politics; that it

provides room for flexibility and unintended consequences; and that it can be used by international organisations as a route to modernisation.

This is a well-structured volume that presents a number of very relevant case studies and usefully points to several areas for further study, not least the boundaries between governance, law and politics. While the book combines a number of different disciplinary perspectives, it may have benefited from a more overt discussion of the role of interdisciplinary approaches to soft law. The final chapter begins to dissect this approach but whether it is one that is truly interdisciplinary or merely multidisciplinary could have been explored further. That aside, *Soft Law in Governance and Regulation* will be a valuable resource for students of law, political science, sociology, organisational studies and others interested in the broader issues of governance and international institutions.

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