

. . . Who is without sin cast the first stone: the EU's democratic deficit in comparison

Thomas D. Zweifel

ABSTRACT The renaissance of the EU and the introduction of the Euro have renewed concerns whether EU institutions are sufficiently accountable to the European electorate. Critics assert that the EU suffers from a 'democratic deficit.' But many democratic deficit arguments have a shortcoming: seeing the EU as *sui generis*, they treat it in a vacuum and fail to compare it to other polities. This study aims to systematically compare the European regulatory state with two federal democracies, Switzerland and the US, along seven established scales of democracy. The finding might surprise EU critics: On the whole, EU institutions compare favorably with those of the 'model democracies' the US and Switzerland. While there is much room for improvement, the EU does *not* suffer from a democratic deficit greater than that of the world's most liberal democracies.

KEY WORDS Comparison; democracy; democracy scales; democratic deficit; European Union.

The Euro, perhaps the most visible symbol of Churchill's 'US of Europe,' has renewed anxieties that economic union is ahead of political integration – that the EU pushes economic integration without the backup of European democratic government. The chairman of W.H. Smith expressed the sentiment of many when he asserted that 'large numbers of sensible citizens have deep misgivings over the authoritarian, undemocratic direction of the European Union.'¹

'Democratic deficit' allegations had originated in discussions of the European Parliament's draft treaty for a European Union (EU) in the early 1980s and debates leading up to the 1986 Single European Act, whose main objectives included to 'rectify the democratic deficit in the Community's decision-making process.'² The term resurfaced in controversies surrounding the Maastricht referenda in Denmark and France, and was made a fundamental objection by Germany's constitutional court in its Maastricht judgment (Scharpf 1997a). The 2000 Nice European Council meeting made the issue only more salient when the member states had to decide whether to transfer

even more national powers to Brussels as the Union prepares for further enlargement by as many as twelve, mostly Eastern European, states by 2005.

Much research on the EU's democratic deficit sees the EU as *sui generis* – an idiosyncratic entity that cannot be compared to national polities. The absence of systematic comparison makes for assertions made in a vacuum and rarely tested. This article uses seven established scales that measure dimensions of democracy to compare the EU with two federal democracies.³ I chose Switzerland and the US since both are federal states, both are frequently studied, and both consistently receive top marks in classifications of democracy. The US and Switzerland are arguably among the toughest cases to pit the EU against; if the EU compares favorably with these models of federal democracy, then fears of an excessive 'Eurocracy' are exaggerated; if it does not, then EU democratization must be an urgent priority. The question whether the EU is democratic or not is far from trivial, since statistical research on 138 countries over forty years showed that democracies on average outperform dictatorships significantly in providing social welfare to their people (Zweifel and Navia 2000).

COMPARING THE EU?

But aren't we comparing oranges to apples? Can the EU, obviously not a nation-state, be matched with national polities? This question is itself hotly debated, and the three entities vary widely in their cultures and institutions. In 1993, the German Bundesverfassungsgericht ruled on the Maastricht Treaty that the Community fell short of state-hood and was a mere 'union of states.' The German court argued that like all European treaties, Maastricht is merely an international agreement among sovereign states who remain the 'lords of the Treaties' and never surrendered their power to secede the Union (Majone 1998). First, compared to nation-states, the EU has more decision-making centers and access points, less authoritative control over its territorial area, and fewer powers of implementation (Peterson 1995). The European government can be seen as an additional layer to the democratic nation-state, grafted onto fully-fledged national governments. The resulting peculiar interconnectedness between national and European layers leaves implementation mostly in the hands of the member states. Second, the Community lacks the use of violence and coercion, a defining characteristic of the state in classical political theory (Wincott 1995). Finally, the EU's taxation powers are minimal relative to those of nation-states. Its limited budget allows for only modest economic and social policies (Scharpf 1997b; Majone 1998).

Nevertheless, core similarities between the three polities justify comparison. In less than fifty years, the EU has evolved from an intergovernmental treaty to an increasingly unified entity with many features of a state: territory and flag, currency and central bank, executive, legislature and court, and soon armed forces. Hix argued that 'politics in the EC is not inherently different to the practice of government in any democratic system.' He called the EU a

'quasi-federal state' whose description in terms of 'cooperative federalism'⁴ . . . allows further comparisons to be drawn from politics in other federally organized and territorially pillarized systems' (Hix 1994: 1, 20).⁵

In all three polities, the major glue of union has been a federalizing court (Goldstein 1997). All three polities, compared to parliamentary systems, have weak parties (Hix 1998: 40).⁶ And all three polities, by virtue of their independent executive, legislative and judicial branches, are characterized by checks and balances and are territorially fragmented (see Pollack 1997).

In Switzerland, much like in Europe, four national languages are spoken, not to mention the languages of immigrants. With 20 percent foreign nationals, Switzerland boasts 'the highest rate of foreign influx of refugees from all over the world' and faces continuous challenges of linguistic integration.⁷ Switzerland and the EU are both governed by collegial executives (Hix 1998: 24), and the power sharing between European states and Brussels is remarkably similar to Switzerland's structure, where canton governments enjoy vast policy-making powers and the overwhelming majority of tax revenue from their citizens. According to the constitution, 'The Cantons are sovereign as long as their sovereignty is not constrained by the federal constitution; they exercise all the rights that are not delegated to the federation' (Bundesverfassung, Title 1, Art. 3).

Like the US, the EU has been called a 'regulatory state' (Seidman and Gilmour 1986; Sunstein 1990; Rose-Ackerman 1992; Majone 1996: 55; 1998) in which budget constraints lead the government to rule by regulation rather than by taxation and spending. In short, conceptualized as a system of government, the EU resembles federal states such as Germany, Switzerland, Canada, and the US in important respects (Peterson 1995; Hix 1998: 24). Comparative research (Sbragia 1992; Greenwood *et al.* 1992; Andersen and Eliassen 1993; Majone 1996; Goldstein 1997) demonstrates the value of comparing the EU to other systems of government. Tools of comparative politics, rather than of international relations, can be gainfully deployed in explaining change in the EU (Hix 1994, 1998; Peterson 1995). Sbragia resoundingly rejected the *sui generis* view of the EU when she argued:

thinking about the Community comparatively will prove to be more fruitful analytically than simply describing the Community as 'unique' and consequently analyzing it exclusively on its own terms. Theories, concepts, and knowledge drawn from the study of other polities can in fact be illuminating when applied to the study of the Community.

(Sbragia 1992: 12–13)

DEFINING AND MEASURING DEMOCRACY

What is democracy? Of many possible definitions (see Inkeles 1990: 3–6), a few original ones suffice here. Over half a century ago, Schumpeter wrote that 'the democratic method is that institutional arrangement for arriving at

political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote' (Schumpeter [1942] 1976: 269). Similarly, Downs stated that a democracy must have periodic elections decided by majority rule with a one-person one-vote standard (Downs 1957: 23). Lipset defined democracy as 'a political system which provides regular constitutional opportunities for changing government officials . . . [and] permits the largest possible part of the population to influence decisions through their ability to choose among alternative contenders for political office' (Lipset 1960: 71).

Decades later, Huntington followed these theorists by defining

a twentieth-century political system as democratic to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote.

(Huntington 1991: 7)

That same year, Przeworski built his definition on Dahl's and Linz's: 'Democracy is a system in which parties lose elections . . . [O]ne elementary feature – contestation open to participation (Dahl 1971: 20) – is sufficient to identify a political system as democratic.' He boiled the definition down to three words: 'Democracy is, as Linz (1984) put it, government pro tempore' (Przeworski 1991: 10).

What is a good measure of democracy? The next section compares Switzerland, the US, and the EU along established democracy scales (see Table 1). I use these scales because they are accepted, prominent, and diverse. Not that alternative scales lack merit, but more scales would not produce meaningfully different findings. While democracy is measured differently by different analysts, their indicators come from a limited pool of common measures, and a high degree of agreement exists about classifying nations as democratic or not. For example, Coppedge and Reinicke use an independent model, but their scale of polyarchy correlates 0.94 with Gastil's civil liberties measure for some 170 countries in 1985. Gurr *et al.*'s measure performs similarly to Bollen's: Gurr's ratings of 118 countries circa 1965 correlate 0.83 with Bollen's measure and 0.89 with a score combining Gastil's separate measures of political and civil liberties for 113 countries in 1985. Alvarez *et al.* also find high correlations between their own and other scales: Coppedge and Reinicke's scale for 1978 predicts 0.92 of Alvarez *et al.*'s dichotomous regimes. Gurr's scales of Autocracy and Democracy 1950–1986 jointly predict 0.91, Gastil's scale of political liberties 1972–1990 predicts 0.93, the same scale of civil liberties predicts 0.92, and the two scales jointly predict 0.94 of Alvarez *et al.*'s regimes. 'Different views of democracy, including those that entail highly subjective judgments, yield a robust classification' (Alvarez *et al.* 1996: 21).

The scales appear to be reliable; but are they valid for our comparison, or do they miss essential aspects of the democratic deficit debate? To answer, we

Table 1 Overview of democracy scales, emphases, and findings

| <i>Democracy scale</i> | <i>Emphasis</i> | <i>Finding</i> |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alvarez, Cheibub, Limongi and Przeworski | Dichotomous indicators: democracy or dictatorship. Minimal criteria: chief executive and effective legislature filled by elections. | EU is as democratic as Switzerland and US. |
| Bollen | Continuous scale (1–100). 2 groups of indicators (building on Dahl's 8 criteria): political liberties and democratic rule. 2 variables for media freedom. | EU scores 94 compared to Switzerland and US (both 100): equal to Finland, Greece, Malta and Portugal; and higher than Germany (89) and Spain (83). |
| Coppedge and Reinicke | Based on Dahl's 8 criteria, but contestation is unidimensional (political rights and political liberties correlated). Indicators rated from 1 to 4. Fold Dahl's 4th, 5th, and 8th criteria into one <i>FAIRELT</i> indicator. | EU is as democratic as Switzerland and the US, but <i>FAIRELT</i> indicator is ambivalent. |
| Freedom House | Minimal definition of democracy. 2 groups of indicators: political rights and liberties. Indicators rated from 1 to 4. Western bias. | In 19 of 21 indicators, all 3 polities receive top ranking. In 2 indicators (<i>Voters Able to Endow Freely Elected Representatives with Real Power?</i> and <i>Freedom from Extreme Government Indifference and Corruption?</i>) EU is less democratic but still receives top score overall. |
| Gasiorowski | Most expansive operationalization of democracy, but not implemented. Based on Dahl's criteria. Both dichotomous and continuous variables. | In 28 of 35 indicators, EU equals Switzerland and US. In 2 indicators (<i>Technocratic Leadership and State Role in Economic Planning</i>), EU is less democratic. |
| Gastil | No definition of democracy. Western bias. | In 23 of 25 indicators, EU equals Switzerland and US. In 2 indicators (<i>Fair Reflection of Voter Preference in Distribution of Power and Freedom from Gross Government Corruption</i>), EU is less democratic. |

Table 1 Continued

| <i>Democracy scale</i> | <i>Emphasis</i> | <i>Finding</i> |
|------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gurr, Jagers and Moore | No definition of democracy, but 3 criteria (political rights, constraints on power, civil liberties). | EU gets overall rating of 9, while US and Switzerland get top rating of 10. In 5 of 8 indicators, all 3 polities get top rating. In 6th (<i>Monocratism</i>), EU and Switzerland are more democratic than US. In 7th (<i>Constraints on Chief Executive</i>) and 8th (<i>Competitiveness of Recruitment of Chief Executive</i>), EU is less democratic than other polities. |

need to break the democratic deficit argument into several sets (see Sanchez de la Cuenca 1997; Majone 1997; Zweifel 2002: 11–23):

1. **Lack of transparency.** EU institutions, especially the Council of Ministers, suffer from too much secrecy (Sbragia 1992). Proceedings are concealed from scrutiny, which raises problems of trust (Hayes-Renshaw and Wallace 1995) and allows for collusion by particular interests (Franklin *et al.* 1996). The EU piles on more layers of government, removing decision-making even further from concerned citizens than the national state has already (Weiler *et al.* 1995: 2).

2. **Lack of consensus.** Prospective enlargement creates fears that new member states will reduce the voting weight of existing ones and their citizenries – just like when a company issues new voting shares and the value of each share shrinks (Weiler *et al.* 1995: 2). These fears are fueled by the declining unanimity principle. The 1966 Luxembourg Compromise gave each member state the power to veto policies by invoking its vital national interest. The informal practice was ‘the single most legitimating element’ of the Community’s constitution (Weiler 1991: 189). Qualified majority voting (QMV), by contrast, creates compliance problems when member governments are outvoted in the Council (Hayes-Renshaw and Wallace 1995). The 2000 Nice Treaty reinforced the trend toward majoritarian QMV by changing voting weights in the Council. Now countries constituting only 38 percent of the EU population can block a policy. The 38 percent rule gives Germany plus two other large member states the power to block policies under QMV.⁸

3. **Lack of redistribution.** Some claim that both globalization and the EU structure favor negative integration – taking down national barriers – and reduce the capacity and accountability of national governments for redistribution at home (Scharpf 1999). Worse, negative integration may lead to a ‘race to the bottom,’ where the most competitive member states are the ones luring

highly mobile companies and capital with the least demanding regulation and taxes, and hence minimal social policy. This 'regime erosion' in countries with high standards, unless kept in check there, will lead to further regime erosion in countries with lower standards (Streeck 1997: 658) and exacerbate the rich/poor gap in the structure of the Union (Held 1987: 289). The Single European Act recognized the danger of such a regulatory race to the bottom (Eichener 1997: 593). Since national governments are losing legitimacy not in the input but in the output – or effectiveness – dimension, redistribution tasks must be shifted from the national to the European level (Leibfried 1992; Leibfried and Pierson 1995) – but EU social policy cannot replace this drop of welfare at the national level (Scharpf 1997a, 1997b). A race to the bottom may happen not only in the economic but also in the political sphere when national parliaments lose competences that are not offset by equal gains in the European Parliament (Bogdanor and Woodcock 1991; Williams 1991; Neunreither 1994).

4. Lack of legitimacy. Eurobarometer polls and low voting turnouts indicate insufficient trust in EU institutions. But even if European institutions were democratized, the structural preconditions for authentic democratic processes are still lacking. There are no European parties or political leaders, no European media for debates on policy issues and choices, and no Europe-wide competition for government offices (Scharpf 1997b). The current EU 'constitution' is merely a system of contracts between member states, and the dominant Council of Ministers' European politics result from intergovernmental compromises. Europe consists of 'Demoi, then, rather than demos' (Weiler *et al.* 1995: 1); but 'if there is no demos, there can be no democracy.' A judicious European politics that releases itself from national interests cannot exist unless conceived from a European perspective (Sbragia 1992: 32, 271). Hence EU citizenship is a phony concept, an empty package, a brand developed by EU 'managers' to placate dissatisfied shareholders – 'Saatchi and Saatchi European citizenship' (Weiler 1997: 502).

5. Lack of accountability. The European Commission, Central Bank, agencies, and Court are agents unaccountable to their principal, the European electorate. They are staffed with non-elected officials who expand their competencies away from public scrutiny (Eichener 1995; Shapiro 1997). That a nonelective bureaucracy executes, legislates, and adjudicates raises questions of excessive power and accountability (Wood and Waterman 1994: 143). The Parliament, the only supranational institution directly elected by European voters, is still too weak, despite growing powers, to compensate for this democratic deficit of other supranational institutions.

The Commission is a 'politicized bureaucracy' (Christiansen 1997) that 'combines . . . within individual officials, the role of prosecutor and judge . . . [this] has left the Commission the master of its own procedural destiny' (Brent 1995: 278). The Commission's leadership capacity has increased because it exploited the Rome Treaty's Article 155, authorizing it to launch initiatives and debates, shape political and policy agendas, mobilize support for proposals,

and navigate proposals through the maze of EU procedures from draft to final decision-making (Nugent 1995).

The European Central Bank makes rules that become European and member states' law without involving national parliaments, the European Parliament, or other Community institutions. With minor exceptions, the Bank's status can be modified only through Treaty amendments, which require the unanimous consent of all member states. Elected officials can override its decisions only through a very arduous procedure (Majone 1998).

Finally, the Court transformed the Rome Treaty into supranational law with direct effect on member states (Weiler 1991; Volcansek 1992; Burley and Mattli 1993). Direct effect and supremacy affected policy-making significantly: for example, when the Council could not agree on a common transport regime, the Court effectively bypassed it by backing the Commission's liberalization of that sector (Héritier 1997a). Both institutions assumed lawmaking powers in politically contested areas (Scharpf 1999: 64).

Space here does not permit a full analysis of these arguments; I refer the reader to a systematic evaluation elsewhere (Zweifel 2002: 23–44). The scales do measure dimensions 1–2 (lack of transparency and consensus) above; what about dimensions 3–5 (lack of redistribution, legitimacy, accountability)? Gastil's and Gasiorowski's scales include dimension 3 ('Freedom from Gross Socioeconomic Inequality' and 'Extent of State Sponsored Social Welfare Program'), but the 'race to the bottom' is far from proven (Vogel 1995; Genschel and Plümper 1997). An analysis of over 100 countries has shown that the more open economies are to global or regional integration, the *bigger, not smaller*, are their governments (Rodrick 1996: 26).

Dimension 4, EU legitimacy, seems not to be declining but growing, according to Eurobarometers, which regularly measure EU perceptions. In 1998, only 35 percent of European citizens said they trusted the Commission; in Spring 1999, 40 percent; in July 2001, 45 percent; and in November 2001, 50 percent. Low election turnouts do not correlate with a democratic deficit (Bollen 1980); take Switzerland, where voter participation is usually lower than in European Parliament elections. And a *demos* is not a given, but historically constructed. Both Switzerland and the US have integrated their multiple *demoi* over time (note the plural 'United States'). In fact, Europe's very diversity might be a source of democratic accountability. Because European decision-making involves a consensus among different actors monitoring each other suspiciously, every policy development involves much horizontal control (Czada 1996) among knowledgeable actors. Such checks and balances are often more effective than vertical control by citizens and their elected representatives (Héritier 1997b; 1999: 26).⁹

But no scale measures dimension 5, lack of accountability, *per se* (though Gurr *et al.* imply it with 'Constraints on the Chief Executive'). The very notion of 'accountability' is muddled, and only otherwise democratic governments are also accountable (Alvarez *et al.* 1996: 18–19). At any rate, it is

doubtful that European agencies are any less accountable than national agencies: a comparison of two regulatory policies found that in merger policy, EU agencies are more accountable than Swiss and less accountable than US agencies, while in labeling biotech foods, EU and Swiss regulation are both more democratic (Zweifel 2002). Note also that the Commission can only propose, not ratify legislation; and compared to other systems of government, the agenda-setting process is relatively open (Peters 1994). But the Commission and EU agencies may profit from information asymmetries, cause agency losses, or exploit conflicting interests of multiple principals (Schmidt 1998: 171–2).¹⁰ Agencies can suffer capture by special interests; and may not be held accountable if the European legislature is weak. Wherever possible, my ratings account for this possible democratic deficit.

SEVEN SCALES OF DEMOCRACY

Alvarez, Cheibub, Limongi and Przeworski build on Przeworski's minimal definition of democracy.

What is essential to consider a regime as democratic is that two kinds of offices are filled, directly or indirectly, by elections – the chief executive office and the seats in the effective legislative body – and that the office holders are responsible only to the electors, not to any non-elected powers.

(Alvarez *et al.* 1996: 5–6)

Unlike others, they use a nominal classification rather than a scale. They argue that, like pregnancies, political regimes cannot be half-democratic: they are either democratic or not.

Table 2 In Alvarez *et al.*'s scale, the EU is as democratic as Switzerland and the US

Alvarez, Chieub, Limongi and Przeworski 1996

| | Switzerland | USA | EU |
|-------------------------------------|-------------|-----|-----|
| • EXSELEC (chief executive elected) | yes | yes | yes |
| • LEGSELEC (legislative elected) | yes | yes | yes |
| • PARTY (2 or more parties) | yes | yes | yes |
| • INCUMB | no | no | no |
| • Type II Error | 0 | 0 | 0 |

Alvarez *et al.*'s variables are dichotomous. EXSELEC is coded as 'yes' in all three polities, since the chief executive is elected directly in the USA and indirectly in Switzerland and the EU. PARTY is coded as 2 across the board since there are two or more parties in all three polities. There are no restrictions on the opposition in the three polities, so INCUMB is irrelevant here.

All three polities are classified identically, but the Exselec variable brings up two questions. First, which institution is the EU's executive branch? Second, is the EU executive elected? We can answer the first question by exclusion. The European Council of heads of member states is not the executive branch, since the Treaties have not endowed it with constitutional authority. Although it increasingly wields *de facto* decision-making power, as in Nice, the largely informal and intergovernmental body emerged from summit diplomacy between heads of state in the 1970s (Putnam and Bayne 1984; Nugent 1994). The Council of Ministers does help the Commission implement policies, but is not equipped for predominant executive responsibility either, because it too must balance a largely consensual process (Hayes-Renshaw and Wallace 1995). The Council is widely seen as 'co-legislature' like the US Senate or the Swiss Ständerat.

That leaves the supranational European Commission. Although scholars have disagreed whether it is the EU executive branch, the legislative branch or the bureaucracy (Hayes-Renshaw and Wallace 1995; Christiansen 1997: 80; Dehousse 1997: 249), the Commission should be regarded as the executive for four reasons. First, it exercises wide executive responsibilities, including agenda-setting and rule-making powers; the supervision and implementation of EU policies; and external representation and negotiation on behalf of the EU. Second, as a process leader with initiative monopoly, it has an overall view of the European policy-making process and can seize windows of opportunity or integrate policies into package deals (Nugent 1994: 103–21; Eichener 1995: 273). Third, its bureaucratic apparatus can execute legislation and decisions. Fourth, its collective structure makes it analogous to the seven-member Federal Council, the Swiss executive.¹¹

Now, is the Commission elected? Alvarez *et al.* clarify Exselec:

For a regime to be qualified as democratic, the executive must be directly or indirectly elected in popular election. Indirect elections qualify as popular only if the electors are themselves elected. Elections by bodies which are themselves nominated are not qualified as popular elections.

(Alvarez *et al.* 1996: 7)

While the US President is *de facto* directly elected,¹² the Swiss executive is elected indirectly. Article 175(2) of the Swiss Federal Constitution states: 'The members of the Federal Council are elected by the Federal Assembly after every comprehensive election of the National Assembly' (Bundesversammlung 1999: 42). The indirect election of the Swiss executive qualifies as popular election in Alvarez *et al.*'s definition.

Does the Commission's selection qualify as popular election, too? Maastricht and Amsterdam have overhauled the Commission's selection. First, after consulting the Parliament, the member state governments nominate the Commission President by common accord. Since Amsterdam, their nominee is subject to approval by the Parliament. Then the member states nominate the Commission members in consultation with the presidential nominee. After

individual hearings by appropriate parliamentary committees, the entire Commission is subject to approval by the Parliament.¹³ Even without Parliament approval, the election of the Commission would still qualify as indirect in Alvarez *et al.*'s definition, since the member state governments nominating Commissioners are themselves subject to popular election. In sum, all three polities are democratic in Alvarez *et al.*'s scale.

Bollen groups indicators of democracy into two sets: 'I define liberal democracy as the extent to which a political system allows political liberties and democratic rule' (Bollen 1993: 1208–9).

Table 3 The EU gets the same score as Finland, Greece, Malta, and Portugal, and higher than Germany (89) and Spain (83)

| Bollen 1993 | <i>Switzerland</i> | <i>USA</i> | <i>EU</i> |
|--------------------------------------------------------------|--------------------|--------------|---------------|
| • 4 political liberties indicators: | | | |
| (X1) freedom of broadcast media (Sussman 1980/ 81/ 82) | 10 | 10 | 10 |
| (X2) freedom of print media (Sussman 1980/ 81/ 82) | 10 | 10 | 10 |
| (X3) civil liberties (Gastil 1986/ 88) | 10 | 10 | 10 |
| (X4) freedom of group opposition (Banks 1971/ 79) | 10 | 10 | 10 |
| • 4 democratic rule indicators: | | | |
| (X5) political rights (Gastil 1986/ 88) | 10 | 10 | 10 |
| (X6) competitiveness of nomination process (Banks 1971/ 79) | 10 | 10 | 10 |
| (X7) chief executive elected (Banks 1971/ 79) | 10 | 10 | 10 |
| (X8) effectiveness/ elective legislative body (Banks) | 10(1) | 10(1) | 10(.5) |
| • Scales | 100 | 100 | 94 |

Bollen linearly transformed each variable to range from 0 to 10, with 10 being the highest degree of liberal democracy. X8 is a combined variable indicating whether the legislature is elected or not, then multiplied with an effectiveness indicator. Differences are emphasized.

Banks scores Legislative Effectiveness as (0) = *None* if no legislature exists. As (1) = *Ineffective* if the legislature is ineffective on three bases. First, legislative activity may be essentially of a 'rubber stamp' character. Second, domestic turmoil may make the implementation of legislation impossible. Third, the effective executive may prevent the legislature from meeting, or otherwise substantially impede the exercise of its functions. As (2) = *Partially Effective* if the effective executive's power substantially outweighs but does not completely dominate that of the legislature. As (3) = *Effective* if the legislature possesses significant governmental autonomy, including, typically, substantial authority with regard to taxation and disbursement and the power to override executive vetoes of legislation (Banks 1971: xvii).

Bollen gives double weight to media freedom: two of his eight indicators are 'Freedom of Broadcast' and 'Freedom of Print Media.' All three polities are equally democratic in all but one variable. The one doubtful indicator is 'effectiveness/elective legislative body.' First, what is the EU legislature? Second, is that legislature effective?

On the research and technological development (RTD) Fourth Framework Programme, Council's Reasons spoke of the Council and Parliament as 'two legislative bodies', two chambers of the EU legislature. Similarly, in the case of deposit guarantee schemes, Germany brought a case in the Court jointly against Council and Parliament as European 'co-legislature' (see Earnshaw and Judge 1995: 629, 638). The Commission now formally sends its proposals to both chambers. This point is not trivial. In assessing the relative effectiveness of the European legislature, it matters that the Council, usually seen as the European actor with teeth and made up of ministers from elected governments, is a factor in the equation.

But how effective is the European legislature? Consider each chamber in turn. The Council stands accused of three democratic deficiencies, as we already saw. First, Council proceedings lack transparency. Second, the legitimacy from its elected membership seems inadequate for legislation under the first pillar or much beyond coordination under the second and third. Third, the rise of QMV in the Council, especially since Nice, creates a compliance problem when member governments are outvoted in the Council (Hayes-Renshaw and Wallace 1995). Nevertheless, Nice lifted the threshold for QMV from 71 percent to 74 percent, in effect toward unanimity; and the Council of cabinet members from democratically elected governments is widely seen as a democracy-enhancing institution. Those who refer to a weak EU legislature typically mean not the Council but the Parliament.

The European Parliament has become a powerful actor since its humble beginnings in 1957 for several reasons: first, its procedural powers, for example its veto power; second, its appointment and dismissal powers over the Commission; and third, its budgetary powers over European agencies. Under modified Co-decision (Tsebelis and Garrett 1999) Parliament enjoys full legislative powers for the first time since the 1997 Amsterdam Treaty. Now the Council cannot overrule Parliament (not even unanimously, as under Cooperation), or present it with take-it-or-leave-it proposals anymore. For the first time in EU history, Council and Parliament are equals; the EU legislature is now truly bicameral.

Its appointment and dismissal powers give the Parliament substantial authority. Since the Single European Act, it has held hearings of prospective Commissioners before their investiture (Jacobs 1995). And it showed its fangs when it acted on its constitutional powers to force the Santer Commission out of office. The Commission has been very solicitous of the Parliament ever since.¹⁴

Lastly, while legislatures potentially control agencies more in presidential than in parliamentary systems (Shapiro 1997), European bureaus fall under the

non-compulsory part of the Community budget, where the Parliament has the last word. Parliament can demand much from agencies in terms of reporting, hearings or policy. Substantial funds earmarked for agencies are frozen until Parliament agrees that its concerns have been addressed (Brinkhorst 1996).¹⁵ As with congressional control of US agencies, this power of the purse is one of the main instruments of parliamentary control of agencies in the EU. The Parliament's rise made one observer write: 'what the European Parliament most closely resembles is that most un-European of institutions, the United States Congress.'¹⁶

However, the Parliament's effectiveness may be hampered by contextual factors. Even if its legal competencies were enlarged, the structural preconditions for its effectiveness are still lacking. The absence of a viable European party system, for example, is problematic, as weak parties cannot be good watchdogs for voters and against corruption. Given these reservations, given the Council's opacity, and despite the Parliament's increasing powers, the European legislature earns a lower mark for its legislative effectiveness than do the US Congress and the Swiss Bundesversammlung. Due to this lower coefficient, the EU earns a score of 94 compared to 100 for Switzerland and the US, putting it on a par with Finland, Greece, Malta, and Portugal, and ahead of Germany (89) and Spain (83).¹⁷

Coppedge and Reinicke, like Bollen, build their scale on Dahl's eight democracy criteria. But unlike Bollen (and Gastil below), they see contestation as unidimensional, since political rights and political liberties are highly correlated: 'Common sense dictates that a one-dimensional phenomenon be measured with a one-dimensional indicator. Once the unidimensionality of the phenomenon has been established, insisting on two-dimensional indicators is like trying to measure length in acres' (Coppedge and Reinicke 1990: 56). They combine Dahl's fourth requirement for democracy ('Eligibility for public office') with his seventh ('Free and fair elections') and eighth ('Institutions for making government policies depend on votes and other expressions of preferences'), and fold these criteria into one 'Fairelt' variable, 'elections without significant or routine fraud/coercion.'

Coppedge and Reinicke give four digits, one each for 'Fairelt' (from Dahl's criteria 4, 7, 8), 'Freorg' (Dahl's criterion 1), 'Frext' (Dahl's criterion 2), and 'Altinf' (Dahl's criterion 6). Each score ranges from 1 to 4, with 1 the most and 4 the least democratic. Their criteria for achieving the top score 1 are listed next to each indicator in Table 4. Switzerland, the US and the EU all achieve top scores in all indicators. But I am skeptical whether the EU fully meets Dahl's criterion 8, while Switzerland and the US meet it without question. My skepticism is reflected by a 'No?' and a question mark in the 'Fairelt' indicator. Nonetheless, the EU's democracy virtually equals that of Switzerland and the US.

Freedom House, likely the most well-known of the scales, gives a definition that is hard to operationalize:

Table 4 The EU is virtually as democratic as Switzerland and the US, but Fairrelt is ambivalent

| Coppedge and Reinicke 1990 | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|--------------|
| | <i>Switzerland</i> | <i>USA</i> | <i>EU</i> |
| • Polyarchy Scale (Dahl 1971): | | | |
| (1) Freedom to form and join organizations | yes | yes | yes |
| (2) Freedom of expression | yes | yes | yes |
| (3) The right to vote | yes | yes | yes |
| (4) Eligibility for public office | yes | yes | yes |
| (5) The right of political leaders to compete for support | yes | yes | yes |
| (6) Alternative sources of information | yes | yes | yes |
| (7) Free and fair elections | yes | yes | yes |
| (8) Institutions for making government policies depend on votes and other expressions of preferences | yes | yes | no? |
| • FAIRELT (Dahl 4, 7, 8): 1 = Elections without significant or routine fraud/coercion | 1 | 1 | 1? |
| • FREORG (Dahl 1): 1 = Some trade unions or interest groups may be harassed or banned but no restrictions on purely political organizations | 1 | 1 | 1 |
| • FREXT (Dahl 2): 1 = Citizens express their views on all topics without fear of punishment | 1 | 1 | 1 |
| • ALTINF (Dahl 6): 1 = Alternative sources of information exist and are protected by law. If significant government ownership of media, they are effectively controlled by truly independent or multi-party bodies | 1 | 1 | 1 |
| • SUFF (Dahl 3): 1 = Universal adult suffrage | 1 | 1 | 1 |
| • Unidimensional scales (for FAIRELT, FREORG, FREXT, and ALTINF) | 1111 | 1111 | 1?111 |
| FAIRELT, FREORG, FREXT, ALTINF, and SUFF are each scored from 1 to 4 (1 = most democratic). This scale does not code a separate variable for Dahl's guarantee 8 because in a more recent reformulation of these criteria, Dahl stipulated that officials who have 'control over government decisions about policy,' rather than the policies themselves, should depend on votes (Dahl 1982: 10–11). Differences are emphasized. | | | |

a democracy is a political system in which the people choose their authoritative leaders from among competing groups and individuals who were not

chosen by the government . . . In a free society this means the right of all adults to vote and compete for public office, and for elected representatives to have a decision vote on public policies. A system is genuinely free or democratic to the extent that the people have a choice in determining the nature of the system and its leaders.

(Freedom House 1996: 530)

In Table 5, all three polities receive the top democratic grade 4 in all but one Political Rights indicator (4). As we saw above, it is questionable whether European voters are 'able to endow their freely elected members of the European legislature with real power,' so I rate the EU at 2. However, even if we subtracted all the raw points for this lack of real power, the EU would still meet the 28-point threshold that qualifies it, like Switzerland and the US, for the top ranking of 1 across the board.¹⁸

In the Political Liberties checklist, all three polities achieve the top ranking 4 across the board in 12 of the 13 indicators. The exception is again the EU in indicator 13, 'freedom from extreme government indifference and corruption.' Given allegations of indifference in Brussels and corruption scandals during the Santer Commission, the EU again gets a 2 here, but still exceeds the 48-point threshold to qualify for the top ranking of 1.

Gasiorowski also borrows Dahl's definition. A democratic regime is

a regime in which the state is highly responsive to the preferences of society because all adult citizens are free to formulate their preferences, to signify their preferences to other citizens and to the state, and to have their preferences weighed without discrimination in the conduct of state policymaking.

(Dahl 1971: 2–3)

His indicators are the most ambitious of the scales here. No other scale includes both dichotomous and continuous variables and, for example, indicators for state intervention in the economy or for the type of parties. Gasiorowski provided only categories, no ratings. My ratings are based on subjective judgment.

The EU equals Switzerland and the US in 28 of Gasiorowski's 35 indicators. In two others, the EU compares unfavorably: a high level of technocratic leadership (indicator 5f), and a moderate role of the state in economic planning (5i). The EU differs from the US in three indicators: it allows extremist parties on the left (2f); its system is 'collegial-executive' (Hix 1998), not presidential (3c); and representative not majoritarian (3d). Finally, it differs from Switzerland because of Swiss Corporatism (5g; Katzenstein 1984) and Swiss welfare (6c).

The bottom line: Gasiorowski's 35 criteria reveal few differences between Switzerland, the US and the EU, and none shows the EU as being significantly less democratic than the other two polities.

Gastil provides no definition, since 'democracy is a moving target'; he admits to 'the use of "freedom" rather than democracy as the criterion for the

Table 5 The three polities receive equal top overall rankings, but the EU falls short on 2 of the 21 variables

| Freedom House 1996 | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|-----------|
| | <i>Switzerland</i> | <i>USA</i> | <i>EU</i> |
| • Political Rights checklist | 1 | 1 | 1 |
| (1) Is the head of state and/or head of government elected through free and fair elections? | 4 | 4 | 4 |
| (2) Are the legislative representatives elected through free and fair elections? | 4 | 4 | 4 |
| (3) Are there fair electoral laws, equal campaigning opportunities, fair polling and honest tabulation of ballots? | 4 | 4 | 4 |
| (4) Are the voters able to endow their freely elected representatives with real power? | 4 | 4 | 2 |
| (5) Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings? | 4 | 4 | 4 |
| (6) Is there a significant opposition vote, de facto opposition power, and a realistic possibility for the opposition to increase its support or gain power through elections? | 4 | 4 | 4 |
| (7) Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?* | 4 | 4 | 4 |
| (8) Do cultural, ethnic, religious and other minority groups have reasonable self-determination, self-government, autonomy or participation through informal consensus in the decision-making process? | 4 | 4 | 4 |
| • Civil Liberties checklist | 1 | 1 | 1 |
| (1) Are there free and independent media, literature and other cultural expressions? | 4 | 4 | 4 |
| (2) Is there open public discussion and free private discussion? | 4 | 4 | 4 |
| (3) Is there freedom of assembly and demonstration? | 4 | 4 | 4 |
| (4) Is there freedom of political or quasi-political organization? | 4 | 4 | 4 |
| (5) Are citizens equal under the law, with access to an independent, nondiscriminatory judiciary, and are they respected by the security forces? | 4 | 4 | 4 |

Table 5 Continued

| Freedom House 1995–1996 | <i>Switzerland</i> | <i>USA</i> | <i>EU</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|-----------|
| (6) Is there protection from political terror, and from unjustified imprisonment, exile or torture, whether by groups that support or oppose the system, and freedom from war or insurgency situations? | 4 | 4 | 4 |
| (7) Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? | 4 | 4 | 4 |
| (8) Are there free professional and other private organizations? | 4 | 4 | 4 |
| (9) Are there free businesses or cooperatives? | 4 | 4 | 4 |
| (10) Are there free religious institutions and free private and public religious expressions? | 4 | 4 | 4 |
| (11) Are there personal social freedoms, which include such aspects as gender equality, property rights, freedom of movement, choice of residence, and choice of marriage and size of family? | 4 | 4 | 4 |
| (12) Is there equality of opportunity, which includes freedom from exploitation by or dependency on landlords, employers, union leaders, bureaucrats or any other type of denigrating obstacle to a share of legitimate economic gains? | 4 | 4 | 4 |
| (13) Is there freedom from extreme government indifference and corruption? | 4 | 4 | 2 |

Polities are rated from 1 to 7 along the two dimensions of political rights and political liberties (1 = closest to, 7 = farthest from, the ideals in checklist questions) based on countries getting 0 to 4 raw points for each checklist item. To get the top rating 1, a polity must have a total of 28–32 raw points in the 8 political rights indicators and a total of 45–52 in the 13 political liberties indicators. Switzerland and the USA each get the maximum 32 and 52 raw points, while the EU gets 30 and 50 raw points. Raw point assessments are the author's. Differences are emphasized.

* Answering 'yes' to this and other questions in the Civil Liberties checklist is, of course, a gross oversimplification. In no polity are people free from foreign powers, given globalization, or from economic oligarchies, given mergers of multinational corporations. In no polity are all media free and independent. Are all people respected by the security forces of Switzerland or the United States? Is there gender equality in Switzerland or the United States? Is there equality of opportunity? Hardly.

rating system' and to using 'a loose, intuitive rating system for levels of freedom or democracy, as defined by the traditional political rights and civil liberties of the Western democracies' (Gastil 1990: 25–6). Two problems are that his annual survey has used the same seven-point scale (1 = least, 7 = most

Table 6 The EU compares unfavorably in 3 of 35 indicators, but outperforms the US in four others

| Gasiorowski 1990 | | <i>Switzerland</i> | <i>USA</i> | <i>EU</i> |
|------------------------------------------------------------------------|--------------|--------------------|--------------|-----------|
| • (1) Exercise of Authority | | | | |
| (a) Representative Institutions and Law (yes, no; yes, no) | Y;Y | Y;Y | Y;Y | |
| (b) Existence of the Rule of Law (yes, no) | Y | Y | Y | |
| (c) Type of Official Ideology (totalists, guiding, none) | N | N | N | |
| • (2) Political Participation | | | | |
| (a) Freedom of Speech and Press (yes, moderate, low) | Y | Y | Y | |
| (b) Freedom of Association (yes, moderate, low) | Y | Y | Y | |
| (c) Freedom of Organization (yes, moderate, low) | Y | Y | Y | |
| (d) Number and Character of Political Parties (0, 1, 2, >2) | >2 | >2 | >2 | |
| (e) Party Fractionalization (index) | n/ a | n/ a | n/ a | |
| (f) Extremist Parties (left, right, left + right) | I+r | r | I+r | |
| (g) Extremist Party Vote (%) | low | 0 | low | |
| • (3) Leadership Selection | | | | |
| (a) Representative Selection Process (yes, no; yes, no) | Y;Y | Y;Y | Y;Y | |
| (b) Representative Government (yes, no) | Y | Y | Y | |
| (c) Executive-Legislative System (pres., parl., none) | parl. | pres. | N/ A* | |
| (d) Electoral System (majoritarian, representational, none) | repr. | major. | repr. | |
| • (4) Fundamental Human Rights | | | | |
| (a) Existence of Political Prisoners (high, moderate, none) | none | none | none | |
| (b) Abuse of Political Prisoners (high, moderate, none) | none | none | none | |
| (c) General Climate of Repression (high, moderate, none) | none | none | none | |
| • (5) Other Political Regime Characteristics | | | | |
| (a) Consociational Institutions (high, moderate, low) | low | low | low | |
| (b) Mobilizational Regime (high, moderate, low) | low | low | low | |
| (c) Populist Regime (high, moderate, low) | low | low | low | |
| (d) Traditionalistic Regime (high, moderate, low) | low | low | low | |
| (e) Military Leadership (high, moderate, low) | low | low | low | |
| (f) Technocratic Leadership (high, moderate, low) | low | low | high | |
| (g) Corporatist Institutions (high, moderate, low) | high | low | low | |
| (h) Personalistic Leadership (high, moderate, low) | low | low | low | |
| (i) State Role in Economic Planning (high, moderate, low) | low | low | mod | |
| (j) State Involvement in Political Socialization (high, moderate, low) | low | low | low | |

Table 6 Continued

| Gasiorowski 1990 | | | |
|-----------------------------------------------------------------------------------|-------------|------------|------------|
| | Switzerland | USA | EU |
| • (6) Miscellaneous Indicators | | | |
| (a) Level of Popular Political Activity (high, moderate, low) | mod | mod | low |
| (b) Degree of State Ownership of Means of Production (high, moderate, low) | low | low | low |
| (c) Extent of State-sponsored Social Welfare Program (high, moderate, low) | high | low | low |
| (d) International Alignment (east, west, non-aligned) | west | west | west |
| (e) Changes of Government (0, 1, 2, >2) | 0 | 0 | 0 |
| (f) Acts of Non-violent Popular Unrest (0, 1, 2, >2) | 0 | 0 | 0 |
| (g) Acts of Violent Unrest (0, 1, 2, >2) | 0 | 0 | 0 |
| (h) Extremist Guerilla Groups (left, right, left + right) | none | none | none |

*Hix categorizes the EU as neither parliamentary nor presidential, but as 'collegial-executive' (Hix 1998). Differences are emphasized.

undemocratic) for rights and liberties for years. He claims that changing his system would make comparison more difficult and confuse those who followed it over time. But too much consistency can become rigidity. Second, Gastil holds up the Western-style democracies as the standard, and his survey has been accused of right-wing bias. For example, does the US system really provide freedom from gross socioeconomic inequality? Hardly. Did a recent shift in power through elections take place in Switzerland? Not quite. But Gastil's scale shows both polities in the rosier light.

My intention is not to criticize Gastil's scale but to use it to compare. Two of Gastil's 25 indicators show a difference between the EU and the other two polities. In number 4, 'Fair reflection of voter preference in distribution of power'; and number 25, 'Freedom from gross government indifference or corruption,' the EU misses the top grade. In the other 23 indicators, the EU is as democratic as the other two polities, and once outperforms one of them (the US in 24, 'Freedom from gross socioeconomic inequality').

Gurr, Jagers and Moore, instead of giving a definition, combine the criteria of political rights, constraints on power, and civil liberties in other scales:

There are three essential, interdependent elements of democracy as it is conceived in the contemporary political culture of Western societies. One is the presence of institutions and procedures through which citizens can express effective preferences about alternative policies and leaders. Second is

Table 7 Though the EU falls short in two indicators, it gets top ranking overall

| Gastil 1990 | <i>Switzerland</i> | <i>USA</i> | <i>EU</i> |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|-----------|
| • Checklist for Political Rights | | | |
| (1) Chief executive recently elected by a meaningful process | 1 | 1 | 1 |
| (2) Legislature recently elected by a meaningful process | 1 | 1 | 1 |
| (3) Fair election laws, campaigning opportunity, polling and tabulation | 1 | 1 | 1 |
| (4) Fair reflection of voter preference in distribution of power – parliament, e.g., has effective power | 1 | 1 | 2 |
| (5) Multiple political parties | 1 | 1 | 1 |
| (6) Recent shifts in power through elections | 1 | 1 | 1 |
| (7) Significant opposition vote | 1 | 1 | 1 |
| (8) Free of military or foreign control | 1 | 1 | 1 |
| (9) Major group/groups denied reasonable self-determination | 1 | 1 | 1 |
| (10) Decentralized political power | 1 | 1 | 1 |
| (11) Informal consensus; de facto opposition power | 1 | 1 | 1 |
| • Checklist for Civil Liberties | | | |
| (12) Media/literature free of political censorship | 1 | 1 | 1 |
| (13) Open public discussion | 1 | 1 | 1 |
| (14) Freedom of assembly and demonstration | 1 | 1 | 1 |
| (15) Freedom of political or quasipolitical demonstration | 1 | 1 | 1 |
| (16) Nondiscriminatory rule of law in politically relevant cases | 1 | 1 | 1 |
| (17) Free from unjustified political terror/imprisonment | 1 | 1 | 1 |
| (18) Free trade unions, peasant organizations, or equivalents | 1 | 1 | 1 |
| (19) Free businesses or cooperatives | 1 | 1 | 1 |
| (20) Free professional or other private organizations | 1 | 1 | 1 |
| (21) Free religious institutions | 1 | 1 | 1 |
| (22) Personal societal rights: including those to property, internal and external travel, choice of residence, marriage and family | 1 | 1 | 1 |
| (23) Socioeconomic rights: including freedom from dependency on landlords, bosses, union leaders, or bureaucrats | 1 | 1 | 1 |
| (24) Freedom from gross socioeconomic inequality | 1 | 2 | 2 |
| (25) Freedom from gross government indifference or corruption | 1 | 1 | 2 |
| • Freedom Rating (= Political Rights + Civil Liberties) | 2 | 2 | 2 |

Differences are emphasized.

Table 8 The EU is behind Switzerland, the United States, Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Cyprus, Denmark, Finland, Germany, Ireland, Israel, Italy, Jamaica, Luxembourg, the Netherlands, New Zealand, Norway, Sweden, and the United Kingdom (all Democracy Score 10); on a par with Portugal and Spain (9); and ahead of 30 other countries, including Greece (8) and France (6)

Gurr, Jagers and Moore 1990

| | Switzerland | USA | EU |
|----------------------------------------------------------|-------------|-----------|----------|
| • Regulation of participation | 5 | 5 | 5 |
| Competitiveness of participation | 5 | 5 | 5 |
| Constraints on chief executive | 7 | 7 | 6 |
| Regulation of recruitment of chief executive | 3 | 3 | 3 |
| Competitiveness of recruitment of chief executive | 2.5 | 3 | 2 |
| Openness of recruitment | 4 | 4 | 4 |
| Monocratism: characteristics of chief executive | 5 | 3 | 5 |
| Centralization of state authority | 3 | 3 | 3 |
| • Democracy scores | 10 | 10 | 9 |
| Autocracy scores | 0 | 0 | 0 |

Regulation of participation ranges from 1 = unregulated to 5 = institutionalized. 5 = institutionalized is defined as: 'Relatively stable and enduring political groups regularly compete for political influence and position with little use of coercion. No significant groups, issues, or types of conventional political action are regularly excluded from political process.'

Competitiveness of participation ranges from 1 = suppressed to 5 = competitive. 5 = competitive means: 'Relatively stable and enduring political groups regularly compete for political influence and position with little use of violence or disruption. No significant groups are regularly excluded.'

Constraints on chief executive ranges from 1 = unlimited authority to 7 = executive parity or subordination. 7 = executive parity or subordination means: 'Accountability groups have effective authority equal to or greater than the chief executive in most areas of activity.' (6 = intermediate category.) 5 = substantial limitations means: 'The executive has more effective authority than any accountability group but is subject to substantial constraints by them.'

Regulation of recruitment of chief executive ranges from 1 = unregulated to 3 = regulated. 3 = regulated is defined as: 'Chief executives are determined by hereditary succession or in competitive elections.' 2 = designation/transitional is defined as 'Chief executives are chosen by designation within the political elite, without formal competition. Also coded for transitional arrangements intended to regularize future transitions after an initial seizure of power.'

Competitiveness of recruitment of chief executive ranges from 1 = selection to 3 = election. 3 = election means 'Chief executives are typically chosen in or through popular elections matching two or more major parties or candidates.' 2 = dual/transitional is defined as 'Dual executives in which one is chosen by hereditary succession, the other by competitive election. Also used for transitional arrangements between selection and competitive election.'

Table 8 Continued

Openness of recruitment of chief executive ranges from 1 = closed to 4 = open. 4 = open is defined as: 'Chief executives are chosen by elite designation, competitive election, or transitional arrangements between designation and election.'

Monocratism: characteristics of chief executive ranges from 1 = pure individual executive to 5 = collective executive with full power sharing.

Centralization of state authority ranges from 1 = unitary state to 3 = federal state. 3 = federal state is defined as 'most/ all regional units have substantial decision-making authority.'

Differences are emphasized.

the existence of institutionalized constraints on the exercise of power by the executive. Third is the guarantee of civil liberties to all citizens in their daily lives and in acts of political participation. Other aspects of plural democracy, such as the rule of law, systems of checks and balances, freedom of the press, and so on are means to, or specific manifestations of, these general principles.

Gurr *et al.* 1990: 83)

In five of Gurr *et al.*'s eight indicators to measure these three elements, all three polities get the top grade. In a sixth indicator, 'Monocratism: characteristics of the chief executive,' Switzerland and the EU get the highest mark, 5, while the US with its individual president gets only a 3. But in two other indicators, the EU receives a lower rating than the other two polities.

As we have seen, Switzerland's chief executive falls short of being popularly elected, but goes beyond a dual executive. I code it as 2.5. Now the EU: if a single executive (the Commission) is appointed and then approved by Parliament, then the EU should receive the same code as Switzerland: 2.5. If, on the other hand, the EU has a dual executive – the Commission and the Council of Ministers – of which one (the Council) is elected, and the other (the Commission) is selected and then approved by Parliament, the EU should receive only a 2. To be conservative, I rate the EU at 2.

Overall, Switzerland and the US receive a Democracy Score of 10 and an Autocracy Score of 0, while the EU receives a Democracy Score of 9 and an Autocracy Score of 0. This puts the EU behind nations like Australia, Israel, or Norway, but on a par with Portugal and Spain, and ahead of France (Democracy Score 6) and Greece (8). If the EU is charged with a democratic deficit, then liberal democracies such as France or Spain should be indicted as well.¹⁹

CONCLUSION

According to Alvarez *et al.*'s scale, the three polities are identical in their democracy ratings. Coppedge and Reinicke's scale also shows the three polities

as virtually identical. In Gurr's 'Monocratism' indicator, the EU and Switzerland even show a 'democratic surplus' compared to the US. Other scales show the EU as slightly less democratic than the other two polities. In Gurr's scale, the EU receives a score of 9 compared to 10 for the US and Switzerland. In Bollen's scale, the EU gets 94 compared to 100 for the other two polities. In the Freedom House scale, the EU falls short in two of 13 indicators; in Gastil's scale, in two of 25; and in Gasiorowski's, in two of 35. However important these differences are, they do not change the central finding: based on widely accepted scales for measuring democracy, the EU does *not* suffer from a democratic deficit significantly greater than that of the most liberal democracies.

Some readers might object to some of my ratings. Yes, they are subjective, but so are many established scores in the scales. Others might argue that the EU is *sui generis* and cannot be compared to other polities, and that the scales are not applicable to the EU. Aside from the rationale for comparison in the introduction above, I answer that whoever uses the term 'democratic deficit' implies that the EU is a polity that represents, or fails to represent, a *demos*, and is therefore comparable to other polities by definition. Otherwise the term would be meaningless.

If the scales of democracy show that the EU no longer suffers from a significant democratic deficit, then why do academics and politicians continue to approach many current EU problems within a democratic deficit context, as the recent Laeken Summit and European Convention demonstrate? One answer might be that the scales do not measure the real issue; but we have already dealt with that possibility above. Another explanation might be that old myths die slowly; but that cannot be the whole story. Asked differently: *cui bono?* In whose interest is it to paint the EU as an undemocratic 'Eurocracy'? We can only speculate; but since the actors that have the most to lose from continued European integration are the member states, national officials might wish to minimize the probability, or at least slow down the process, of having to surrender further powers to Brussels.²⁰ Democratic deficit arguments that shift blame from the national to the European level might come in handy.

It is worth remembering that neither Switzerland nor the US is an ideal type of democracy. Actual political conditions in both countries raise doubts whether political competition is really fair and open. Yes, Switzerland's initiative and referendum system permits direct popular policy input, and its decentralization is a model for other democracies. True, the US permits more entrepreneurial freedom than most other states. But in the US, incumbents are often favored over newcomers, Senate seats may be distributed unfairly, campaign finance rules are obsolete, and the courts are largely unchecked by other branches of government. The country's weak party system and relative lack of party discipline mean that many members of Congress are not accountable to voters for the performance of successive governments. In Switzerland, the long-established coalition of the four leading parties breeds collusion, since they protect the seven-member Federal Council as a club from

newcomers. This grand coalition functions almost as smoothly as a one-party system. The media in both countries may be governed by money and taboos protected by corporations or bureaucrats that must not enter the public debate. Both countries' institutions seem to suffer from a powerful bias toward the status quo.

But this study did not aim to scrutinize the extent of democracy in these polities. Its purpose has been a comparison between them and the EU. And its finding is unequivocal: democracy in the EU is close to being as great (or deficient, depending on one's viewpoint) as democracy in most liberal democracies. If the EU suffers from a democratic deficit, it is hardly alone.

Address for correspondence: Thomas D. Zweifel, Swiss Consulting Group, 101 West 23 Street, New York, NY 10011, USA. email: tdz@swissconsultinggroup.com or tdz2@columbia.edu

ACKNOWLEDGEMENTS

The author is grateful to Adam Przeworski, Walter Mattli, Bernard Manin, Mike Gilligan, Lawrence Broz, and two anonymous reviewers for helpful suggestions and comments. He thanks Chris Matthews of the European Commission for countless interviews, phone calls, and correspondence on EU institutions; Robert Weissman for guidance through the labyrinths of US regulation; and Felix Heusler and Valentin Zellweger for help in understanding Swiss law. But as always, any mistakes are the author's alone.

NOTES

- 1 Martin Taylor, *Financial Times*, Personal View, 19 October 2000, p. 17.
- 2 http://www.europarl.eu.int/factsheets/1_1_2_en.htm
- 3 Note that this article compares the democracy of the European, Swiss and US federal levels, not the democracy of each polity's subunits.
- 4 'In "cooperative federalism" . . . most policy areas are the joint responsibility of both levels, and the central level is usually responsible for setting policy frameworks whereas the local level is responsible for policy details and implementation. Moreover, the holders of executive office at the lower level are directly involved in the making of legislation at the central level – usually in the second chamber of the legislature. This is often referred to as "executive federalism" ' (Hix 1998: 23).
- 5 Seeing the EU as both unique *and* comparable to federal entities is not mutually exclusive. Just as the German federal government shares authority with the *Länder* through the need to secure a majority in the Bundesrat, so the EU shares authority with national governments through the pivotal decision-making role of the Council of Ministers (Scharpf 1988: 42).
- 6 'One could hence conclude that [European Parliament parties are] in fact more similar to the dynamics of party organization in the Swiss parliament or in the US Congress than in parliamentary systems' (Hix 1998: 40).
- 7 *Swiss Review*, June 2000, p. xiv.
- 8 Post-Nice, 35 new issues require QMV, but taxation and social security, aspects of immigration and border controls, health and education, culture, audiovisual services and broadcasting still require unanimity.

- 9 This idea is not new. Madison wrote in the *Federalist* that the diversification of society is important for fair democratic government, because the variety of parties and interests in the large republic makes it less likely that factions '[w]ill have a common motive to invade the rights of the other citizens; . . . where there is consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number of those whose concurrence is necessary' (Madison [1787] 1981: 22).
- 10 The Nice rules slow down the Commission's activism. The member states granted the Commission more scope in international trade by moving trade agreements from unanimity to QMV, but other important areas (see footnote 8) still require unanimity.
- 11 Treating the Commission as EU executive is also more conservative for our inquiry. If the European Council or the Council of Ministers were the executive instead of the Commission, this would lessen the democratic deficit, since both are made up of politicians from elected governments.
- 12 The US executive is *de iure* indirectly elected through an Electoral College; but only twice, in 1876 and 2000, did the College elect a President who had not won the popular vote.
- 13 This democracy-enhancing practice developed under the Delors Presidency and became a constitutional requirement since Maastricht. The Parliament approved the Santer College by 417 votes to 104 in 1995 and the Prodi Commission by 404 to 153 in 1999.
- 14 Interview with Commission, 14 December 2000.
- 15 But note that Parliament votes on the budget as a whole, not on line items.
- 16 *New York Times*, 22 March, 1999.
- 17 In earlier scales (1980, 1990), Bollen constructed a composite variable 'Poldem' from 6 Political Liberties and Popular Sovereignty indicators. In these scales, the EU would receive an overall 'Poldem' score of 91.7 – significantly lower than Switzerland (99.7) and slightly lower than the US (92.4).
- 18 Even if the EU were rated 2 in political rights, its combined rating of 1.5 (2 in political rights + 1 in political liberties / 2 = 1.5) would still put it in respectable company with France, Germany, Italy, Japan, Spain, and the United Kingdom.
- 19 Another scale, by Vanhanen (1990), calculates the Index of Democratization $ID = x / y / 100$, where x is the share of all smaller parties subtracted from 100, y is election turnout. Vanhanen rates Switzerland at 22.9 and the US at 16.7. Since a center-right party grouping won the June 1999 European Parliament elections, winning 35 percent of the vote (219 of 626 Parliament seats), the share of the smaller parties is 65 percent. With a voter turnout of 52.8 percent, the EU's $ID = (65) (52.8) / 100 = 34.32$. This puts the EU ahead of Switzerland and the US. But Vanhanen's index measures *democratization* (it is entitled *The Process of Democratization*), which of course proceeds much more rapidly in the EU than in Switzerland or the US. Since we are interested in the democratic deficit, not in democratization, we must dismiss the Vanhanen scale. Also, Vanhanen's variable for voter participation is questionable, since countries with low voting levels are not necessarily less democratic than countries with high turnout (Bollen 1980: 373).
- 20 I owe this insight to an anonymous reviewer.

REFERENCES

- Alvarez, Mike, Cheibub, José Antonio, Limongi, Fernando and Przeworski, Adam (1996) 'Classifying political regimes', *Studies in Comparative International Development* 31(2): 3–36.

- Andersen, Svein S. and Eliassen, Kjell A. (1993) *Making Policy in Europe: The Europeification of National Policy-Making*, London and Thousand Oaks: Sage.
- Banks, Arthur S. (1971) *Cross-Polity Time-Series Data*, Cambridge: MIT Press.
- Banks, Arthur S. (1979) *Cross-National Time Series Data Archive User's Manual*, Binghamton: State University of New York at Binghamton.
- Bogdanor, Vernon and Woodcock, Geoffrey (1991) 'The European Community and sovereignty', *Parliamentary Affairs* 44(4): 481–92.
- Bollen, Kenneth A. (1980) 'Issues in the comparative measurement of political democracy', *American Sociological Review* 45: 370–90.
- Bollen, Kenneth A. (1990) 'Political democracy: conceptual and measurement traps', *Studies in Comparative International Development* 25(1): 7–24.
- Bollen, Kenneth A. (1993) 'Liberal democracy: validity and method factors in cross-national measures', *American Journal of Political Science* 37: 1207–30.
- Brent, Richard (1995) 'The binding of Leviathan – the changing role of the European Commission in competition cases', *International and Comparative Law Quarterly* 44(2): 255–79.
- Brinkhorst, Laurens Jan (1996) 'The future of European agencies: a budgetary perspective from the European Parliament', in *The New European Agencies*, EUI Working Paper RSC, No. 96/49, edited by Alexander Kreher, Florence: European University Institute, pp. 75–81.
- Bundesversammlung der Schweizerischen Eidgenossenschaft (1998) *Bundesverfassung der Schweizerischen Eidgenossenschaft*, Bern, Switzerland.
- Burley, Anne-Marie and Mattli, Walter (1993) 'Europe before the Court: a political theory of legal integration', *International Organization* 47: 41–76.
- Christiansen, Thomas (1997) 'Tensions of European governance: politicized bureaucracy and multiple accountability in the European Commission', *Journal of European Public Policy* 4(1): 73–90.
- Coppedge, Michael and Reinicke, Wolfgang H. (1990) 'Measuring polyarchy', *Studies in Comparative International Development* 25: 51–72.
- Czada, Roland (1996) 'Vertretung und Verhandlung, Aspekte politischer Konfliktregelung in Mehrebenensystemen', in Arthur Benz and Wolfgang Seibel (eds), *Theorieentwicklungen in der Politikwissenschaft*, Baden-Baden: Nomos.
- Dahl, Robert A. (1971) *Polyarchy: Participation and Opposition*, New Haven: Yale University Press.
- Dahl, Robert A. (1982) *Dilemmas of Pluralist Democracy*, New Haven: Yale University Press.
- Dehousse, Renaud (1997) 'Regulation by networks in the European Community: the role of European agencies', *Journal of European Public Policy* 4(2): 246–61.
- Downs, Anthony (1957) *An Economic Theory of Democracy*, New York: Harper & Brothers.
- Earnshaw, David and Judge, David (1995) 'Early days: the European Parliament, co-decision and the European Union legislative process post-Maastricht', *Journal of European Public Policy* 2(4): 624–49.
- Eichener, Volker (1995) 'Die Rückwirkungen der europäischen Integration auf nationale Politikmuster', in Markus Jachtenfuchs and Beate Kohler-Koch (eds), *Europäische Integration*, Opladen: Leske & Budrich.
- Eichener, Volker (1997) 'Effective European problem-solving: lessons from the regulation of occupational safety and environmental protection', *Journal of European Public Policy* 4(4): 591–608.
- Franklin, Mark, van der Eijk, Cees and Marsh, Michael (1996) 'Conclusions: The electoral connection and the democratic deficit', in Cees van der Eijk and Mark Franklin (eds), *Choosing Europe? The European Electorate and National Politics in the Face of Union*, Ann Arbor, MI: University of Michigan Press.

- Freedom House (1996) *Freedom in the World. Political Rights and Civil Liberties*, New York: Freedom House.
- Gasiorowski, Mark J. (1990) 'The political regimes project', *Studies in Comparative International Development* 25: 109–25.
- Gastil, Raymond D. (1986) *Freedom in the World: Political Rights and Civil Liberties, 1985–1986*, Westport CT: Greenwood Press.
- Gastil, Raymond D. (1988) *Freedom in the World: Political Rights and Civil Liberties, 1987–1988*, New York: Freedom House.
- Gastil, Raymond D. (1990) 'The comparative survey of freedom: experiences and suggestions', *Studies in Comparative International Development* 25: 25–30.
- Genschel, Philipp and Plümper, Thomas (1997) 'Regulatory competition and international co-operation', *Journal of European Public Policy* 4(4): 626–42.
- Goldstein, Leslie Friedman (1997) 'State resistance to authority in federal unions: the early United States (1790–1860) and the European Community (1958–94)', *Studies in American Political Development* 11: 149–89.
- Greenwood, Justin, Grote, Jürgen and Ronit, Karsten (eds) (1992) *Organized Interests and the European Community*, London and Beverly Hills: Sage.
- Gurr, Ted Robert, Jagers, Keith and Moore, Will H. (1990) 'The transformation of the western state: the growth of democracy, autocracy, and state power since 1880', *Studies in Comparative International Development* 25: 73–108.
- Hayes-Renshaw, Fiona and Wallace, Helen (1995) 'Executive power in the European Union: the functions and limits of the Council of Ministers', *Journal of European Public Policy* 2(4): 559–82.
- Held, David (1987) *Models of Democracy*, Cambridge: Polity Press.
- Héritier, Adrienne (1997a) 'Market-making policy in Europe: its impact on member state policies. The case of road haulage in Britain, the Netherlands, Germany and Italy', *Journal of European Public Policy* 4(4): 539–55.
- Héritier, Adrienne (1997b) 'Policy-making by subterfuge: interest accommodation, innovation and substitute democratic legitimation in Europe – perspectives from distinct policy areas', *Journal of European Public Policy* 4(2): 171–89.
- Héritier, Adrienne (1999) *Policy-Making and Diversity in Europe: Escape from Deadlock*, Cambridge: Cambridge University Press.
- Hix, Simon (1994) 'The study of the European Community: the challenge to comparative politics', *West European Politics* 17(1): 1–30.
- Hix, Simon (1998) 'Elections, parties and institutional design: a comparative perspective on European Union democracy', *West European Politics* 21(3): 19–52.
- Huntington, Samuel P. (1991) *The Third Wave: Democratization in the Late Twentieth Century*, Norman: University of Oklahoma Press.
- Inkeles, Alex (1990) 'Introduction', *Studies in Comparative International Development* 25: 3–6.
- Jacobs, F. (1995) 'The European Parliament's role in nominating the members of the Commission: first steps towards parliamentary government of US Senate type confirmation hearings?'. Paper prepared for the Fourth Biennial International ESCA Conference, Charleston, SC.
- Katzenstein, Peter J. (1984) *Corporatism and Change: Austria, Switzerland and the Politics of Industry*, Ithaca/London: Cornell University Press.
- Leibfried, Stephan (1992) 'Towards a European welfare state?', in Walter R. Heinz (ed.), *Status Passages and the Life Course Volume III: Institutions and Gatekeeping in the Life Course*, Weinheim: Deutscher Studien Verlag.
- Leibfried, Stephan and Pierson, Paul (1995) *European Social Policy: Between Fragmentation and Integration*, Washington, DC: Brookings Institution.
- Linz, Juan (1984) 'Democracy: presidential or parliamentary. Does it make a difference?'. Manuscript, Yale University.
- Lipset, Seymour Martin (1960) *Political Man*, Garden City, NY: Doubleday.

- Madison, James [1787] (1981) 'The federalist, No. 10', in R.E. Fairfield (ed.), from the 1787 original texts by Alexander Hamilton, James Madison and John Jay, *The Federalist Papers*, 2nd edn, Baltimore: Johns Hopkins University Press.
- Majone, Giandomenico (1996) *Regulating Europe*, London: Routledge.
- Majone, Giandomenico (1997) 'From the positive to the regulatory state: causes and consequences of changes in the mode of governance', Working Paper 93, Madrid: Instituto Juan March de Estudios e Investigaciones.
- Majone, Giandomenico (1998) 'The regulatory state and its legitimacy problems', Vienna: Institut für Höhere Studien.
- Neunreither, Karl-Heinz (1994) 'The democratic deficit of the European Union: towards closer cooperation between the European Parliament and the national parliaments', *Government and Opposition* 29(3): 299–314.
- Nugent, Neill (1994) *The Government and Politics of the European Union*, Durham, NC: Duke University Press.
- Nugent, Neill (1995) 'The leadership capacity of the European Commission', *Journal of European Public Policy* 2(4): 603–23.
- Peters, B. Guy (1994) 'Agenda-setting in the European Community', *Journal of European Public Policy* 1(1): 9–26.
- Peterson, John (1995) 'Decision-making in the European Union: towards a framework for analysis', *Journal of European Public Policy* 2(1): 69–93.
- Pollack, Mark A. (1997) 'Representing diffuse interests in EC policy-making', *Journal of European Public Policy* 4(4): 572–90.
- Przeworski, Adam (1991) *Democracy and the Market*, Cambridge: Cambridge University Press.
- Putnam, Robert D. and Bayne, Nicholas (1984) *Hanging Together: Cooperation and Conflict in the Seven-Power Summits*, Cambridge, MA: Harvard University Press.
- Rodrick, Dani (1996) 'Why do more open economies have bigger governments?', NBER Working Paper No. 5537.
- Rose-Ackerman, Susan (1992) *Rethinking the Progressive Agenda: The Reform of the American Regulatory State*, New York: The Free Press.
- Sanchez de la Cuenca, Ignacio (1997) 'The democratic dilemmas of the European Union'. Manuscript.
- Sbragia, Alberta M. (ed.) (1992) *Euro-Politics: Institutions and Policy-Making in the New European Community*, Washington, DC: Brookings Institution.
- Scharpf, Fritz W. (1988) 'The joint decision trap: lessons from German federalism and European integration', *Public Administration* 66: 239–78.
- Scharpf, Fritz W. (1997a) 'Economic integration, democracy and the welfare state', *Journal of European Public Policy* 4(1): 18–36.
- Scharpf, Fritz W. (1997b) 'Introduction: the problem-solving capacity of multi-level governance', *Journal of European Public Policy* 4(4): 520–38.
- Scharpf, Fritz W. (1999) *Governing Europe*, Oxford: Oxford University Press.
- Schmidt, Susanne K. (1998) 'Commission activism: subsuming telecommunications and electricity under European competition law', *Journal of European Public Policy* 5(1): 169–84.
- Schumpeter, Joseph A. [1942] (1976) *Capitalism, Socialism, and Democracy*, London: George Allen & Unwin.
- Seidman, Harold and Gilmour, Robert (1986) *Politics, Position, and Power*, 4th edn, New York: Oxford University Press.
- Shapiro, Martin (1997) 'The problems of independent agencies in the United States and the European Union', *Journal of European Public Policy* 4(2): 276–91.
- Streeck, Wolfgang (1997) 'Industrial citizenship under regime competition: the case of the European works councils', *Journal of European Public Policy* 4(4): 643–64.
- Sunstein, Cass R. (1990) *After the Rights Revolution: Reconceiving the Regulatory State*, Cambridge, MA: Harvard University Press.

- Sussman, Leonard R. (1980) 'Freedom of the press: problems in restructuring the flow of international news', in Raymond D. Gastil (ed.) *Freedom in the World, 1980*, Westport, CT: Greenwood Press.
- Sussman, Leonard R. (1981) 'Freedom of the press: a personal account of the continuing struggle', in Raymond D. Gastil (ed.) *Freedom in the World, 1981*, Westport, CT: Greenwood Press.
- Sussman, Leonard R. (1982) 'The continuing struggle for freedom of information', in Raymond D. Gastil (ed.) *Freedom in the World, 1982*, Westport, CT: Greenwood Press.
- Tsebelis, George and Garrett, Geoffrey (1999) 'Legislative politics in the European Union'. Manuscript, UCLA and Yale University.
- Vanhanen, Tatu (1990) *The Process of Democratization*, New York: Crane Russack.
- Vogel, David (1995) *Trading Up: Consumer and Environmental Regulation in a Global Economy*, Cambridge, MA: Harvard University Press.
- Volcansek, Mary L. (1992) 'The European Court of Justice: supranational policy-making', *West European Politics* 15(3): 109–21.
- Weiler, Joseph H.H. (1991) 'Problems of legitimacy in post 1992 Europe', *Aussenwirtschaft* 46: 411–37.
- Weiler, Joseph H.H. (1997) 'To be a European citizen – eros and civilisation', *Journal of European Public Policy* 4(4): 495–519.
- Weiler, Joseph H.H., Haltern, Ulrich and Mayer, Franz (1995) 'European democracy and its critique', *West European Politics* 18(3): 4–39.
- Williams, Shirley (1991) 'Sovereignty and accountability in the European Community', in Robert O'Keohane and Stanley Hoffman (eds), *The New European Community. Decision-Making and Institutional Change*, Boulder: Westview Press.
- Wincott, Daniel (1995) 'The role of law or the rule of the Court of Justice? An "institutional" account of judicial politics in the European Community', *Journal of European Public Policy* 2(4): 583–602.
- Wood, B. Dan and Waterman, Richard (1994) *Bureaucratic Dynamics: The Role of Bureaucracy in a Democracy*, Boulder, CO: Westview Press, from chapter 5.
- Zweifel, Thomas D. (2002) *Institutions and Regulation in the European Union, Switzerland and the United States*, Lanham, MD: Rowman & Littlefield/Lexington Books.
- Zweifel, Thomas D. and Navia, Patricio (2000) 'Democracy, dictatorship, and infant mortality', *Journal of Democracy* 11(2): 99–114.