

Becoming exceptional? American and European exceptionalism and their critics: A Review

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“Alas, ‘Sui Generis Euro Area’ does not roll off the tongue”.
Barry Eichengreen, in *Sui Generis EMU*, 2008, p. 2

“[The] organizing principles and founding political institutions [...] are [...] qualitatively different from those of other Western nations. Hence the United States has developed as an outlier”.
Seymour Martin Lipset, in *American Exceptionalism*, 1996, p. 13

Introduction

Both the literature on American state-building and that on European market integration have suffered largely from a very myopic view.¹ Although there are many important scholarly studies on political and institutional developments, especially market-building, in the United States and in the European Union, until a decade ago very few attempts have been made to compare them systematically. Comparisons were largely discouraged in emphasizing each entity's exceptionalism and uniqueness. 'American exceptionalism' and the *sui generis* character of the European Union were taken for granted. American exceptionalism especially

1. I would like to thank Prof. Craig Parsons for commenting on the manuscript.

stressed the unusual decentralization of the US in comparison to other nation-states. The EU literature, mostly focused on comparing the EU to other international organizations, emphasized, on the other hand, the unusually centralized nature of the EU. Scholars as a result tended to overlook the potential common characteristics between an uncommonly centralized international organization and an uncommonly decentralized state.

In the last couple of years we have, however, seen some reversal of this trend. Comparisons between the EU and the US have become more frequent and accepted in the scholarly community. Indeed, it has been pointed out that while the two polities might be exceptional in comparison with the European nation-states, they are less so when compared to each other. Leading scholars talk today about 'institutional convergence' and both being examples of the same democratic model, a compound democracy, or practising the same type of 'regulatory federalism' (Fabbrini 2005 and 2007, Kelemen 2004). Others have pointed out that general expectations to the contrary that not only have EU member states acquiesced to a higher authority quicker and more calmly than the states composing the American union, but also have gone further in centralizing authority and eliminating interstate barriers to integrate a common market (Goldstein 2001, Hoffmann 2008).

This article therefore will in a first step briefly review the arguments why the EU and the United States of America have been treated as *sui generis* political entities and why scholars have emphasized that they are not comparable. The second part of the article will then survey the recent literature (Caporaso et al. 1997, Goldstein 2001, Hoffmann 2008, Kelemen 2004, McKay 2001, Linz 1999, Nicolaidis and Howse 2001; Fabbrini 2005 and 2007, Menon and Schain 2006; Stepan 1999) on why and how the EU and the US are less exceptional than has been claimed and why comparative government approaches are profitable for both scholars focusing on American as well as in European integration and state-building. The article will contend that the literature on the EU and the US integration and federalism can largely be divided into three major categories: a) authors who have treated and continue to treat the two entities as *sui generis* (e.g. Skowronek 1982; Lipset 1996; Menon 2006); b) authors who see some value in comparing the EU and the US, but note that they represent different types of federalism (e.g. Elazar 2001, Majone 2006); and c) authors who argue that the EU and the US are largely the same in specific or general aspects (Kelemen 2004, Stepan 1999, Linz 1999, Fabbrini 2005 and 2007).

American and European exceptionalism

The prevailing wisdom has been that the United States of America and the European Union are so unique that any comparison with other polities and in

particular with each other are considered a stretch at best, leading to very unique theoretical challenges. Thus, scholars making the case for the EU being *sui generis* have repeatedly pointed out that the EU is a novelty, representing a “Hegelian moment [...] that has no current analogies” and that the EU represents an n=1 because it “is unique in the world as an experiment in political and economic integration, and hence students of European integration have only a single case – the EU itself – to study” (Caporaso et al. 1997: 1 and 4). Americanists, for their part, have come repeatedly to the conclusion that the US is exceptional due to the absence of socialism and the dominance of a liberal tradition from the on-set (Hartz 1955; Lipset 1950 and 1977; Lipset and Marks 2000) as well as the country’s unique institutional features characterized by a “combination of extremes [of] a highly developed democratic politics without a concentrated governing capacity” (Skowronek 1982: 8). Thus, not only does the United States remain “the least statist Western nation [...] with its suspicion of the state and its emphasis on individual rights”, but “there can be little question that the hand of providence has been on a nation which finds a Washington, a Lincoln, or a Roosevelt when it needs him” (Lipset 1996: 14 and 289). The US in short is blessed by its extraordinary historical circumstances and the derivative set of cultural and institutional features. Given therefore that the United States was created and developed differently, even in comparison to its North American neighbour Canada, it is argued that she also needs “to be understood differently – essentially on its own terms and within its own context” (cf. Lipset 1963 and 1990; Shafer 1991: v). While the roots of the concept of ‘American exceptionalism’ gets traced back as far as 1630 and John Winthrop’s ‘city upon a hill’, it is Alexis de Tocqueville’s *Democracy in America* which receives the honour for coining the phrase and anchoring it in the American consciousness and intellectual discourse (Calibresi 2006, Lipset 1991).² Today the term ‘American exceptionalism’ largely comprises three different meanings. First, it refers to a merely descriptive, particularistic, definitional view of the United States, i.e. it concerns itself simply with describing elements that are clearly differentiating the US from other places. Secondly, the term connotes that the US does not fit the standard account or model of how societies and nations develop and progress as delineated by the earliest modernization theorists and their intellectual successors. This second view has for the most part become discarded due to the overall demolition of a single, general model of political and economic development from which the US could deviate. The third approach, which is considered as keeping the concept of American exceptionalism “alive” and maintaining “its vigour” is “described as an effort to highlight distinctively American clusters of characteristics,

2. The expression ‘American exceptionalism’ goes back to Volume II, Chapter IX of *Democracy in America*, where Tocqueville notes that “[t]he position of the Americans is therefore quite exceptional, and it may be believed that no democratic people will ever be placed in a similar one. [...] Let us cease, then, to view all democratic nations under the example of the American people, and attempt to survey them at length with their own features”.

even distinctively American ways of organizing the major realms of social life”, such as government, economy, culture, education, religion and public policy (Shafer 1991:viii; sic.; cf. Schuck and Wilson 2008).³

Perceiving the United States and the EU as respectively unique, however, has led to much navel-gazing. Even scholars who point to the fact that EU integration studies in their original focus were everything else than a “*clamor for ‘sui generis theory’*”, noting that the earliest scholars, such as Karl Deutsch (1957), Ernest Haas (1961) and Joseph Nye (1971) took a comparative approach to the study of regional integration, limit themselves largely to conceiving the EU in terms of an international organization which does not warrant much comparison with other nation-states (Caporaso et al. 1997: 1). In a series of short essays for example, well-known scholars, such as James A. Caporaso, Gary Marks, Andrew Moravcsik and Mark A. Pollack, engaged the question whether the EU represents an *n* of 1 and the fundamental theoretical challenges going along with it. Yet, in their conclusion and advice, while highly relevant for everyone wanting to escape the *n*=1 calamity, they still mostly restrict themselves to comparing the EU either to other international and regional organizations or to following King, Keohane and Verba’s methodological advice to “*generate multiple observations within the EU*” (King et al. 1994; Caporaso et al. 1997:5).⁴

One of the greatest shortcomings in the American and European literature on market and state-building, though, has traditionally been a relative lack of comparison between the two. The entire subtext of the American and European literature on market and state-building has been in many ways a dialogue of the deaf-and-dumb. This is problematic, given that even if one only buys barely into the comparability of the two polities, one should be able to accept that the logic of arguments derived from studying one polity should be applicable to the other. Thus, even if one compares only to show that the two are essentially different, the logic of the arguments should still apply. Without testing them, however, on the

3. A fourth meaning of American exceptionalism can be found in the politicization of the term. It is frequently used in the press and by politicians to evoke a sense of superiority vis-à-vis other political systems and being partakers of a divine will. The focus is here much less on an analytical understanding of comparative differences and commonalities but rather on a self-congratulatory version of American exceptionalism. Mostly, but not exclusively used by the political right in the US, American exceptionalism in this sense is the idea of being an elect nation, a beacon of hope and liberty for the rest of the world, and being at the heart of the American cultural identity (cf. Madsen 1998). Thus, President Ronald Reagan in his farewell address to the nation on January 11, 1989 spoke once again about the ‘shining city’ that is America, and former presidential candidate and Southern Baptist minister, Mike Huckabee observed that “[t]o deny American exceptionalism is in essence to deny the heart and soul of this nation” (quoted in Martin and Smith 2010).

4. Gary Marks, however, already observes that some scholars have started recently to conceptualize the EU as a polity instead of simply an international regime or an example of a process of fundamental institutional change. While raising the caveat that the “*EU is more diverse than*” Switzerland, Germany, Canada and the USA, he concedes that reconceptualizing the EU with the help of “*some meaningful underlying dimension*” allows in the end for comparison “*even assuming that the EU is unique*” (Caporaso et al. 1997: 3).

other polity, we won't actually know how valid these existing arguments actually are and whether they need to be amended or completely discarded.

Thus, the EU integration literature—which tends to compare the EU, explicitly or implicitly, to other international organizations—is largely set up to explain how the EU became so centralized. For instance, Sbragia observes, that “[t]he centralization of power in Brussels is striking if one compares the organisational capacity embedded in the EU’s institutions with those of a traditional secretariat in an international organization” (Sbragia 2006: 22). Prominent books on the US state and market, conversely, are usually set up to stress that the US is a relatively decentralized and fragmented state in comparison to more unitary states, especially European ones, and to explain why. Skworonek’s book (1982) on *Building a New American State* was written to deal with exactly this question. It was the common wisdom presumption that the US should be more centralized that made his book so forceful. Other books on the American state and market have overlapping backgrounds. Thus, Bensele argues against the ‘conventional explanations’ that ‘an unregulated national market existed in the United States, almost as a birthright of national existence’ (Bensele 2000: xxi). And Berk in *Alternative Tracks* documents multiple competing early-American industrial orders, against the widespread impression that there has long been a strong entity called the ‘US economy’ (Berk 1994). By comparing the US with other nation-states, such as France and the UK explicitly (Dobbin 1994) or implicitly (Skworonek 1982: 5), and the EU with other free trade areas and custom unions, such as ASEAN, EFTA, Mercosur, or NAFTA, both literatures reach a similar conclusion: the US and the EU are respectively one of a kind.

Part of the oversight of directly comparing the EU and US has been due to the fact that while scholars won't quite call the EU a ‘state’, no one is arguing that the US label as a ‘state’ should be questioned. As Magnette et al. argue, “*the EU is not a state, and not likely to become one in the foreseeable future*” (2003: 834). Thus, according to this view, the United States is a full-fledge nation-state and the EU simply a young, still developing political system, which makes a comparison between the two rather awkward (Sbragia 2006: 15). Besides the issue of ‘stateness’, the reasons scholars have proffered why the US and EU are different and especially why they are not comparable are multiple and can be summarized in five major categories: geography, culture of the constituent parts, shared culture, time and historical trajectory, and specific institutional features. It is not that scholars contend that one single factor *per se* makes comparison impossible, but rather that the combination of these different factors creates large hurdles for undertaking a rigorous comparison of the two political systems.

Geography

The geographic argument against comparing the European Union and the United States of America largely resides in the notion that due to the different geographical positions of the EU and the US at the beginning of their respective integration process, the methods and outcomes of unification necessarily must vary and make productive comparisons rather difficult. The US is seen accordingly as emerging from “*a vast undersettled*” territory while the EU has been characterized from the get-go as a “*circumscribed and bounded settled territory*” (Elazar 2001: 31).

Culture of the constituent parts

The composition and origins of each entity’s population is also frequently invoked to emphasize the incomparability of the two. Here scholars stress the overall homogeneity of the United States in contrast to a highly heterogeneous population in the EU (Elazar 2001: 31). As Samuel Huntington has pointedly argued, America is not a country of immigrants but a country of settlers from the British Isles, who “*came to America because it was a tabula rasa*”, creating and defining their own society (Huntington 2004: 40). These settlers brought with them a distinct and relatively narrow set of cultural elements, including the “*Christian religion, Protestant values and moralism, a work ethic, the English language, British traditions of law, justice, and the limits of government power and a legacy of European art, literature, philosophy, and music*” (Huntington 2004: p. 40). Yet, the American population is seen as even more homogenous than simply originating from the British Isles. Indeed, these initial settlers were “*not representative of the homeland population as a whole but rather came from particular segments or fragments [...] of that population*” and therefore “*do not have the change dynamics of [the origin society] and hence preserve the institutions and culture from their original society in their new society*” (Huntington 2004: 43). In short, despite later waves of immigration to the US, the country remains to be seen, at least for most of its history, as largely homogenous given its origins from a narrow subset of English citizens. This differs from an EU which explicitly has been founded by different small and large population groups. The demographic origins and composition of the EU and the US argument therefore ties closely in with a more cultural argument why the EU and the US might not be such good comparable cases.

Shared culture

The cultural argument against comparing the EU and the US usually comprises two elements. Scholars argue that the United States shares both a more coherent ideological consensus and has a stronger notion of a shared identity, forming a common *demos*, than the European Union.

First, the presence in the United States of a coherent, indigenous ideology, what Huntington calls “*America’s core culture*”, is the result of the US’s early settlement pattern (Huntington 2004: 40). This American core culture, created by the settlers and then absorbed by generations of immigrants, “*gave birth to the American Creed*” and is at its heart a specific form of Protestantism, a Protestantism “*which is the most averse to all implicit submission of mind and opinion*” and thus prone to a certain type of political structuring of society. (Huntington 2004:62 and 64). Similarly Elazar defines America’s core culture, America’s indigenous ideology, as “*federal democracy*”, deriving directly “*from the synthesis of the Reformed Protestant and Scottish Enlightenment experience of the colonial period*” (Elazar 2001: 31). In brief, the US was able to easily find one common cultural denominator on which its political system, federal democracy, was built. Scholars consider a similar coherent ideology in the European Union to be absent. In the EU efforts to find a common basis to overcome respective national cultures were not only too difficult, but, according to some authors, it soon became apparent that a federation is too big a step, and the member countries withdrew to a more pragmatic functionalist approach (Elazar 2001: 31–32). Thus, while a comprehensive frame of government was considered of “*utmost importance in maintaining the federation and the Member States*” in the US, “[*t*]he founders of the European Community wanted to keep all the questions of regime, philosophy of the state, political culture, and the like within the national framework of each Member State” (Elazar 2001: 40). Moreover, if one can speak of a common cultural bond in the EU at all, it is not as in the US deriving from Protestantism, but from “*the philosophic struggles [...] derived principally from the Catholic intellectual experience*” (Elazar 2001: 45).⁵

Secondly, the European Union differs from the United States in regards to its lack of a common identity and *demos*. The former is presently home to twenty-three official languages, making communication and the creation of a common identity among its citizens difficult. As Weiler observes the EU is unique in that it “*does not presuppose the supreme authority and sovereignty of its federal demos*” and therefore differs from any other federal state (Weiler 2001: 57). Thus, while the US is characterized as having a fierce sense of national identity, the existence of a common, be it economic, political or cultural, European identity is still debated (Sbragia 2006). The same goes for the EU’s democratic credentials (Follesdal and Hix 2006; Majone 1998 and 2000, Moravcsik 2002 and 2004).

5. Elazar notes that the principle of subsidiarity is in its very origins a Catholic principle (Elazar 2001: 45).

Time and historical trajectory

Comparisons between the EU and the US are also considered problematic, because they developed in different centuries with different external constraints and circumstances. Away from great power politics, the US developed in a pre-industrialized age, not having yet come to terms with the issue of slavery. Suffering “*through a bloody Civil War which still marks the country’s political geography*”, the United States is not only “*governed under the oldest written constitution in the world*”, but had two centuries to develop (Sbragia 2006: 15). The US thus “*has the status of being a very old political system*” (Sbragia 2006: 15). The EU on the other hand is considered a polity in its infancy, a product of WWII and the industrial age as well as predominantly an artifact of the Cold War. In fact, the EU’s eventual demise was predicted with the collapse of the Berlin Wall and the end of the bipolar world in which intra-EU relations were able to flourish (Mearsheimer 1990). Moreover, the historical trajectories of the individual EU member states are characterized by a greater diversity than those states composing the United States. Most of the US states, especially the original thirteen colonies largely shared and share, comparatively speaking, a much closer historical bond. Last but not least, Elazar further contends that the integration processes in the United States and the European Union are very much the reverse from each other. In Europe, European integration was seen as a valued end in itself and the question of what form of government was only raised after the first political results. In the US, conversely, “*the federal form of government was conceived to embody the fundamental republican and democratic principles which inhered in American civil society*” (Elazar 2001: 32). The type of government was front and centre in the United States and integration of the territory was going to follow given the already existing ideological cohesion.

Institutional features

The fact that a common defence policy in Europe has been put on the backburner since the failed 1954 ratification of the European Defence Community in the French *Assemblée Nationale*, has most frequently been cited to show that the EU is institutionally different, if not deficient, in comparison to the United States. Indeed, according to some scholars, “[p]rotection against external aggression has always been one of the defining characteristics of the nation state” (McKay 2001: 10). Consequently, a federal state or state *tout court* in this thinking equals a polity-wide, centrally controlled army, which the US has and the EU has not, and therefore the latter retains its *sui generis* status (Ehrhart 2009).

Beyond the issue of competences, other institutional elements are invoked to illustrate how the two polities differ from each other. Thus, in contrast to the United States, where the political system rests on a single constitutional docu-

ment, albeit amended on occasion, the European Union is governed by a series of treaties amending and substituting previous accords on a regular basis (Sbragia 2006). Moreover, whereas “*the American States and the US government have all interpreted republicanism within a relatively narrow range of representative and separation – of-power systems*”, the European Union encompasses a wide variety of democratic political and market systems, such as federal and unitary states, presidential and parliamentary systems, constitutional monarchies and republics, liberal market and social market economies, etc. (Elazar 2001: 40). The European Union, in welcoming federations such as Germany and Austria, into its midst, is also adding additional layers of government to its overall political system that are absent in the United States. While in the US arenas of government are limited to three (federal, state, and local), in the EU we encounter at least four (EU, federal, state, local) (Elazar 2001: 41–42). To this can be added that the *exclusive* legislative initiative rests not with the parliamentary body in the EU, as is the case in the US with the Congress, but with the executive, the European Commission. And additionally “*the legislative power at the federal level resembles an aggregation of national decision making authorities rather than a separate federal parliament representing a federation-wide constituency*” (McKay 2001: 9). The EU “*member-states designed a system in which their institutional interests are represented via the Council of Ministers*”, directly participating in the decision-making process and voicing their own interests (Menon 2006: 46; sic.). This was never the case in the United States, where, even before the 17th amendment of 1913 guaranteeing the direct election of US senators, “*the US Senate never functioned as a council of the states*” (McKay 2001: 133). Actually, “[*t*]he ‘*doctrine of instructions*’, whereby senators’ actions were bound by the directives of state legislatures was never very effective and quickly fell into disuse” (McKay 2001: 133). And for some scholars the US governors have become nowadays so marginalized in the American federal system that they are described as lobbyists, “*competing with other lobbyists rather than exercising decision-making authority*” at the federal level (Sbragia 2006: 27).

Academic focus and tools of the trade

A sixth reason why scholars have failed to systematically compare the United States and the European Union has nothing to do with the specific characteristics of the two polities, but rather with the profession itself, i.e. the research agenda and the tools of the trade. As pointed out above, scholars of the US polity have pursued a different research agenda than scholars of the European Union. The former mostly wrestled with the question of why the US is so decentralized in comparison to traditional nation-states, while the latter were focused on explicating the high level of centralization of the EU in comparison to other international organizations. As a result, scholars employed different analytical tools to en-

gage these questions. Americanists usually studied the US by employing domestic politics tools and by focusing generally on one or two institutions than the system as a whole. The EU, however, was traditionally studied by international politics tools (Sbragia 2006). Consequently, scholars didn't see right away the potential overlap between an unusually decentralized state and an unusually centralized international organization.

Becoming exceptionally comparable

Based on the differences laid out in the previous section, some scholars continue to consider the EU and the US to be both unique as snowflakes and thus largely incomparable to each other. Others on the other hand have over time undertaken comparisons between the EU and the US, but largely with the intent to demonstrate that the two polities represent different types of federal and/or confederal political systems. These authors usually contend that some gains can be made from comparing the two, but that comparisons mostly resemble comparing apples and oranges, i.e. both are similar but to a very limited extent. A third group of authors, especially arising since the late 1990s and early 2000s has started to highlight the theoretical comparability of the two polities, opening up for others a new research agenda. For this latter category of scholars the two polities turn out to be much more two peas in a pod instead of *sui generis* and thus are becoming exceptionally comparable.

Image of the EU and the US as snowflakes

Anand Menon strongly criticizes those scholars who simply assume that, because the EU performs many similar tasks carried out by national political systems, we can employ approaches “utilized in the study of American politics to the Union”. These scholars commit the error of extrapolating “from function to form and functioning” (Menon 2006: 35). To fully understand the European Union therefore, “observers must be conscious of the specific – international – nature of the politics that occurs within” the EU (Menon 2006: 36). In short, Menon defends the need of international relations approaches to the study of the EU and the need to acknowledge international factors in domestic politics, factors which are not equally present in the US. Given that the EU contains elements irreducible international, which make the character of interactions within the EU fundamentally different from those within national political systems, comparative government insights are not easily transposable from the domestic to the international. Menon accordingly emphasizes that the EU member states are motivated by factors specific to actors in the international realm, such as power and security, and that the EU is characterized not only by unequal state power but also the ever present option to defect even before the Lisbon Treaty exit clause. The EU further more

still allows members state to do venue shopping, i.e. to use different international organizations or fora for different policy issues. Besides, the organisational resources of the individual EU member states are much larger than those of the US states. Furthermore the incentive structure for political actors varies between the US and the EU due to the different nature of the two polities. Thus, “[w]hile it is reasonable to assume that employees of a US Federal Agency do not aspire to become Congressmen, officials in international organizations may well seek to prolong their careers in national administrations, or conceivably even national politics”, granting member governments a significant leverage “to ensure loyalty” (Menon 2006: 45).

Similarly, by starting from an international relations perspective, and exploring whether the EU can provide lessons for developing countries, Alan Winters comes forcibly to the conclusion that “the European Union is *sui generis* in three particular ways: the relative sizes and the degrees of commitment of its members (especially the original six); its constitutional structures (especially its legal ones); and, to a lesser extent, its internal policies” (Winters 2010: 2). Indeed, akin to other scholars ascribing to the notion that the EU is *sui generis*, Wilson bases his results that “Europe’s unique outcome in terms of integration is the result of its unique political and cultural history” and therefore “other countries are not able to emulate it” on the EU’s classic field of comparison, other international organizations: the East African Union, the Union Économique et Monétaire Ouest-Africaine and the Southern African Development Community (Winters 2010: 2).

Barry Eichengreen joins the chorus of the EU being *sui generis*, not by looking at the system as a whole, but by particularly analyzing Europe’s monetary union (EMU). In contrast to many other *sui generis* adherents, however, Eichengreen doesn’t limit himself to only study international attempts at monetary unification. By comparing the EMU with the classical gold standard, multinational monetary unions in the 19th and 20th centuries, and experiences with monetary unification, including the United States, at the national level, the author contends that “there is no historical precedent for Europe’s monetary union” (Eichengreen 2008:1). The EU is unique because the “national cases lack the distinguishing feature of EMU, which is monetary union in the absence of political union” (Eichengreen 2008: 13). According to the author, in virtual all national cases, “political unification preceded monetary unification” (Eichengreen 2008: 36). Thus, while “[t]he United States and Germany have (or had) a federal government and a central bank at the level of that federation”, “Europe possesses the central bank but not the federal government” (Eichengreen 2008: 13). This, concludes Eichengreen, “is not simply EMU’s distinguishing feature but also the source of its most fundamental challenges”, because it keeps the ECB socially unaccountable “for its decisions in the absence of an equally consequential political counterweight at the level of the monetary union” (Eichengreen 2008: 13). In short, for Eichengreen, the EU is *sui generis*, because

the EMU is much more than previous multilateral monetary unions due to the centralized control of money supplies by a transnational central bank, but simultaneously much less than national monetary unions due to the absence of a political union to this day. Thus, while Eichengreen's work is strongly influenced by comparative logic, acknowledging implicitly that the EU and the US are comparable enough, he reaches the conclusion that at least as regards the EMU the EU is still *sui generis*.

Lipset (1991, 1996) and Schuck and Wilson (2008) share with the previous authors the view that their respective object of study is one of a kind. Their recent work attempts to counter any notion that due to modernity and general changes over time, especially the world-wide spread of democracy and equality, which was at the centre of Tocqueville's observation that the United States is exceptional, the US is no longer unique. Hence, these authors argue that, despite the fact that many other countries not only have "*become industrialized, urbanized, better educated*" as well as "*more democratic, egalitarian, and prosperous*" than the US, but also with the decline of the "*post-feudal elements*" in many ways "*Americanized*", America remains "*much more different from other modern democracies than those polities are from each other*" (Lipset 1991: 39; 1996: 288–289; Schuck and Wilson 2008: 627). In fact, the premise of their respective work is to show that despite arguments to the contrary the US has not become less but *even more exceptional*.

By bringing together a number of experts with the intent to "*mobilize the best, most up-to-date social science in the service of a sophisticated, fact-based understanding of the most important institutions, cultural forms, and public policies that define America's national character*", Schuck and Wilson for example conclude that "*America is indeed exceptional by any plausible definition of the term and actually has grown increasingly exceptional over time*" (Schuck and Wilson 2008: 628). This conclusion is based on their summarized findings that culturally Americans are more patriotic than the French, Germans or Japanese, exhibit greater faith in the power of individuals, in the virtues of competition and enterprise and in a transcendental being as well as that "*America is probably the most diverse society on earth*", has a "*relatively high fertility rate*", protects "*expression of all kinds*" "*more than any other country*", maintains a "*highly decentralized distribution of authority, even when the Constitution would permit a greater centralization of power*" and is "*unique among those advanced democracies in achieving a sustained record of growth, job creation, technological innovation, capital investment, and a widespread distribution of ownership*" (Schuck and Wilson 2008: 628–636 and 642). Moreover, with the exception of family, "*the most striking, and puzzling, aspect of American life is that its civil society is extraordinarily robust in every respect*", expressed particularly in "*Americans' private philanthropic giving [which] is unmatched anywhere in the world in absolute terms but also as a share of income and wealth*" (Schuck and

Wilson 2008: 638–639). Besides it is not that the US is simply a “*welfare state laggard*” in comparison with Canada and European nation-states but that “[t]he most important feature of the American welfare state is its reliance on private provision of certain benefits through policy instruments whose costs are no wholly reflected on public budgets” (Schuck and Wilson 2008: 640–641). In short, it’s not the amount but the structure of the welfare state which sets the United States apart.

Lipset reaches the same conclusion that “*America is indeed exceptional*” by observing that to “*the extent to which it [the United States] is still unique is astonishing*” (Lipset 1996: 292; Schuck and Wilson 2008: 642). By examining similar policy fields and comparing the US to the same advanced industrialized democracies, he reaffirms, albeit with greater nuance, American exceptionalism, noting that “*while statism has grown considerably in the United States, particularly since the Depression of the 1930s and the New Deal, and the country clearly can no longer be described as laissez-faire, it is still less welfare-oriented, less statist, and more laissez-faire than almost all the European nations, and more moralistic*” and thus “*continues to be qualitatively different*” (Lipset 1996: 26–27).

In continuing to compare the United States to its classic field of comparison, i.e. other (advanced) nation-states, the US remains as a result unique.

Apples and Oranges: EU – US comparisons are of limited value

A different group of scholars, such as Elazar (2001) and Majone (2006), has come forward in recent years not to argue that the EU and the US are respectively *sui generis* but rather that they are representative of different models. We can accordingly learn something from contrasting them, but in the end they are different and the value of comparison overall is rather limited.

Majone sees the EU as “*a failed federation but a successful post-modern confederation*”, i.e. an extension of mixed government to the international level (Majone 2006: 124). Mixed government is the representation of corporate groups, or estates, rather than individual interests. It is derived from Aristotle via the English tradition of mixed government instead of Polybius, Aristotle’s student, whose writings let to a separation of power system present in the United States. Thus, Majone makes the case that the EU is structurally different from the US, that there is no contemporary model for the EU and that a much better comparator for it is medieval, preabsolutist Europe. The structural difference finds its expression in the most striking feature of the EU: the Community Method. The Community Method is the rejection both of the model of parliamentary democracy and the principle of separation of powers by granting the EU Commission the monopoly of the legislative initiative with proposals only being able to be

amended by unanimity in the Council of Ministers.⁶ The reason why we, however, don't talk about the EU being a confederation rests, according to Majone, on two misguided general assumptions. First, there is an assumption in the Europeans' minds that integration must mean federation due to the statist tradition of Europe. Given that a confederation is not a state, but a state is what Europeans have known for the last 400 years, the EU as an anomaly needs to be turned into a state. Second, people assume that with increasing economic integration the national welfare state can only be rescued by an European federation.

Elazar considers the EU and the US as models for their epochs. By still treating the EU as largely an economic arrangement in the sense of NAFTA or Mercosur, Elazar sees a confederal EU. He distinguishes between federalism and subsidiarity. The latter being a hierarchical concept while the former is antihierarchical, a matrix between smaller and larger units, but not higher and lower. Similar to Majone he argues that the confederal arrangement is largely unnoticed due to the fact that confederal states were seen as historically obsolete. The EU, as a confederation, allows for asymmetry, an Europe *à la carte* and opt-outs not present in a federation. The major difference, though, between the EU and the US, and therefore between confederation and federalism is the seat of liberty in the two polities. While the focus in the confederal model is on the liberty of the constituent units, the federal model emphasizes the liberty of both the constituent units and the individuals. Indeed confederalism was made possible for the EU by removing the leading cause of federalism, collective security, thanks to NATO (Elazar 2001: 36).

In sum, for this group of scholars, the EU and the US is less unique and actually comparable, but not so much with each other. They rather can serve as analytical and conceptual tools to evaluate other polities, past and future.

Two peas in a pod: Comparing the EU and the US is logical and appropriate

Due to the emphasis on each polity's uniqueness, few attempts have been made to conduct systematic comparisons of the USA and the European Union. This has led to the formulation of very similar explanations for market integration and state-building, but which have not been tested cross-polity wise. Such short-sightedness has hampered our understanding of the developmental similarities and differences of the two polities and weakens our understanding of each polity considered on its own. If for instance the arguments we make about one polity are also logically applicable to the other, but turn out to be wrong there,

6. While in separation of power systems only legislators can introduce bills, in parliamentary systems bureaucrats tend to present legislative proposals. However, the bureaucrats have no exclusive right and the bills get frequently modified.

then this poses a problem for the polity in which they may have looked right in the first place.

The emergence in recent years of new scholarship on the comparability of the EU and the US with each other, however, has led to a reversal of this trend. Most of those who have undertaken this new work, though, are specialists of the EU. Scholars of the American body politic still rarely engage in this kind of comparison and when they do, such as Theodore Lowi, they focus on “*What can European Union learn from United States?*” (Lowi 2006). The reverse, of course, is as much applicable, but frequently gets overlooked, with some notable exceptions such as Goldstein (2001) and Hoffmann (2008). Thus, most of the efforts so far have focused on a preliminary step, i.e. to demonstrate that the EU and the US are similar and that comparing them not only makes logical sense, but is appropriate to advance the research agenda.

The starting point for the appropriateness of comparing the EU to other nation states is twofold. It focuses first on the observation that the EU has not only become more comparable because of institutional changes within the EU over the years, making it look a bit more state-like, *but* because nation states have also moved towards the type of governance having been practiced by the EU for a while. Thus nation states have been “*building citizenship regimes in which responsibility is shared with NGOs and market-based decision-makers, in which new forms of citizen involvement in and access to policy-making are initiated, in which rights are defined in general and flexible ways, to be given content in decentralized processes*” similar to the EU (Jenson & Saint-Martin 2003: 15). Second, and most importantly as relates to the United States, scholars have started to note the similar wide dispersal of power and the accompanying shunning of institutional concentration of it, compared to other advanced industrial democracies, that both the EU and the US exhibit (Sbragia 2006: 16). Consequently the observation by Europeanists that “*the EU is not a state, and not likely to become one in the foreseeable future*” appears less remarkable when juxtaposed with the observation by Americanists that “[*t*]he exceptional character of the early American state is neatly summarized in the paradox that it failed to evoke any sense of a state” (Magnette et al. 2003: 834; Skowronek 1982:5).

Similar descriptive terminology therefore has been used in recent years for the European Union and the United States. Zimmerman for instance uses the *Imperium in Imperio*, i.e. an empire within an empire, with each possessing substantial powers, concept to depict the United States, noting that “[*t*]here would be no federal system without the exercise of relatively autonomous political powers by a national legislature and subnational legislatures as political powers otherwise would be centralized in the national plane (a unitary system) or in the subnational plane (a confederate system)” (Zimmerman 2005: 97). This concept very well applies to

the European Union today, where “[t]here is no issue area that was the exclusive domain of national policy in 1950 and has not somehow and to some degree been incorporated within the authoritative purview of the EC/EU” (Schmitter 1996: 124). Thus, the European Union “resembles nothing so much as the American conception of ‘marble cake federalism’, in which there exists no rigid delineation of authority among the federal and state levels of government” and where depictions of the EU as “‘a quasi-federal’, ‘multilevel’ or ‘multi-tiered’ political system” have become more and more common (Donahue and Pollack 2001: 108; Pierson 1998: 28, cf. Stone Sweet and Sandholtz 1998: 1). Sergio Fabbrini summarizes these perceptions in reasoning that the EU and the US “are two different species of the same political genus: the compound democracy” (Fabbrini 2007:3; sic). With the exception of Switzerland, both, the US and the EU, are the only two polities characterized by a multiple separation of power, both vertical and horizontal (Fabbrini 2005; Fabbrini 2007). Sbragia concurs in observing that in contrast to the EU’s member states as well as other parliamentary systems, such as Canada and Australia, the United States and the European Union are characterized “by the collective exercise of public authority rather than by a ‘government’ which, as the executive, possess asymmetrical power vis-à-vis the legislature” (Sbragia 2006: 17). Consequently, according to these authors, “[t]he EU is unique vis-à-vis the European nation-states, but not in comparison with another continental federal experience like the American one” (Fabbrini 2005: 3). Indeed, given that the “institutional web of the EU governmental/governance system appears to be a species of a genus of democratic polities which are compound rather than unified – as is the case of the US, [...] it does not seem convincing to claim that the EU is a polity without any precedent, in the modalities of both its formation and its functioning, in the history of the democratic world” (Fabbrini 2005: 6).

The European Union and the United States share another very important theoretical similarity with each other as well as with Switzerland and Germany. They are all examples of the ‘coming-together’ type of federalism. Very simply put, we can differentiate between federations that came into existence by the devolution of an unitary state and those that came about as a result of the unification of existing states (Friedrich 1968). Most of the modern federal entities, such as Belgium, Canada, India, Australia, and Spain, have to be characterized as ‘holding-together’ federalisms, while the EU represents with the ‘older’ federations, like United States, Germany and Switzerland, the ‘coming-together’ type (Linz 1999; Stepan 1999, Lowi 2006: 95).⁷ While Germany is not a compound democracy with multiple separations of power, but has power fused at the fede-

7. Also it can be questioned how much modern Germany actually represents the ‘coming-together’ type of federalism given that the post-Third Reich Germany “arose from the disaggregation of a previously centralized state and not, as in the case of America, from the aggregation of previously independent units” (Fabbrini 2007: 88; Watts 1987; 1988).

ral level, Switzerland does not. Yet, size and complexity can matter significantly, making the United States a better comparator to the EU and vice versa (Dahl and Tufte 1973). Thus, the limited demographic, geographic, economic size and international role reduces the value of Switzerland as comparator.

Moreover, it is generally the United States, not Switzerland or Germany, which serves as a point of reference for many politicians and scholars from the very onset of European integration. Using American imagery, Sir Winston Churchill called for ‘United States of Europe’,⁸ Jean Monnet founded the ‘Action Committee for the United States of Europe’ in 1955 and Piero Malvestiti, the former president of the High Authority, invoked the American motto of *e pluribus unum* in front of the European Parliament not as a “mere literary tag” but as an “admonition, a precept, an aspiration” for the European Community and as “an eloquent and irrefutable example to confound any who may still imagine that federations or confederations must inevitably be weaker than unitary, centralized States” (Malvestiti 1960: 29). The European Commission in its market analyses tends also to use the US as the benchmark and comparator. Thus, Dierx and Ilkovitz from the European Commission write that “[a] priori, the US is an appropriate benchmark for this exercise given that it is a well integrated market of a size comparable to the EU” and that “[g]iven the other structural similarities, namely in terms of factor endowments, the US is a direct competitor to the EU for many products in the world market” (Dierx and Ilkovitz 2008: 16). And during the run up to the 1992 single market, not only did the EU commissioned Cecchini report compare the market conditions, such as public procurement, with the US, but the team around the Internal Market Commissioner Lord Cockfield actively studied the US at the time, among other things as regards VAT, adapting their arguments for market integration strategically based on the situation they found in the US (WS Atkins 1988; interviews with former EU officials in 2009).

Additionally, in contrast to some scholars, big business did not and do not perceive the European Community as some “would-be polity” (Cowles 1994: 48). For them “relations with Community officials and their involvement in the regulatory process is not some international regime comprised of states in an anarchic world, but a system of governance that embodies the rules, institutions and norms found in Member States” (Cowles 1994: 48). In short, the EU is seen and treated as a domestic political system.

Other arguments which have been traditionally brought up, and listed above, to illustrate the EU or the US’s uniqueness have also been challenged in recent years. The EU’s democratic deficit and lack of a common *demos*, when looked

8. While it is Churchill’s speech in Zürich in 1946, which made the term ‘United States of Europe’ famous, it has longer antecedents. Churchill himself already employed the term in a *Saturday Evening Post* article on February 15th 1930 (cf. Lénárt 2003).

at comparatively, for instance appear much less exceptional. Thus, while some authors expect that such a *demos* will develop over time (Hurrelmann 2005), others argue that empirical observations of existing federalist entities actually undermine the claim of a fundamental difference with other existing federal polities and the necessity of a federal *demos*. Trechsel remarks that “*in Switzerland institutional procedures have emerged [...] allowing for the co-existence of a number of sub-national demoi, speaking different languages, belonging to different religious and cultural groups, in the absence of a real federal demos*” (Trechsel 2005: 405). Fabbrini also disagrees with Weiler’s position in stating that the debate on the importance of a common *demos* in the EU is largely based on the experiences of the individual European nation-states and not the American experience. The former “*have tended to assume the historical correlation*” that “*democracy came after the nation, or better after the nation-state was fully recognized*” as “*a logical necessity*” (Fabbrini 2007: 49).⁹ In the United States, on the other hand, “*nationality has been the product of the democratic process, not its precondition*” (Fabbrini 2007: 49).

Likewise, the argument that the “*the integration process of post-Second World War Europe was made possible by a sort of European isolationism - an isolationism protected by US military forces within NATO*”, overlooks that the US was able to enjoy a similar isolationist experience in the nineteenth century thanks to the British navy (Fabbrini 2005: 19).

A closer look at the historical trajectory of the US indeed reveals that the historical experiences of the EU and the US are not altogether different. Thus, even after having replaced the Articles of Confederation with the US Constitution, US defence remained in the hands of state-controlled militias until 1812, a national police force, the FBI, wasn’t created until the 1920s and a real Central Banking System until 1913 (McKay 2001). Furthermore, early commentators saw an American people as a “*chimera*” in the first half of the nineteenth century, and states remained the key providers of transfer payments to the needy until 1930, 140 years after the ratification of the US constitution (McKay 2001).

In addition, once we admit the present exception of welfare and defence not only does the US and the EU look very similar as regards the allocation of policy functions, but we are even led to some interesting findings when taking a comparative approach. Goldstein thus came across the puzzle that the nominally sovereign government of the US experienced several decades of overt and

9. The notion common across Europe that a democratic regime requires a pre-identified *demos* was highlighted in the case *Manfred Brunner and Others v. The European Treaty of 1994* before the German Constitutional Court (Bundesverfassungsgericht). The court decided that the EU can only “*claim superior legitimacy over its member states only if its decisions are the democratic expression of the will of European demos, a condition ‘does not yet exist’*” (Fabbrini 2007: 31). This decision, as correctly pointed out by Fabbrini, is largely the by-product of Germany’s own path towards modern democracy (cf. Fabbrini 2007: 30 – 31).

occasionally even violent official defiance of its authority¹⁰ while the nominally sovereign member states of the EU considered as legitimate the higher authority of the EU from the start. This he notes is even more puzzling when one looks at the respective founding documents of the two polities. The US Constitution is explicit whereas the Treaty of Rome is a far cry from what the European Court of Justice and later developments managed it to become. The US states accordingly “*should have known what they were getting into [while] the six EC states signed up for a weaker union*” (Goldstein 2001: 18). McKay further observes that “[i]n central controls over fiscal matters, [...] including minimum value added tax (VAT) rates and controls over national borrowing, the EU is actually more centralized than Canada, the US and Switzerland” (McKay 2001:3). Hoffmann comes to the same result when looking at the organization of the respective public procurement markets in the US and the EU, arguing “*that in terms of regulations for public procurement [...] the European Union [...] has gone further than the United States in centralizing authority and eliminating interstate barriers*” and that “[t]he EU regulatory regime appears to be more integrated and centralized in a free market way while the US, conversely, looks as if it is largely settled in certain decentralized, fairly protectionist rules” (Hoffmann 2008: 2). And Kelemen, while not going as far as Fabbrini in arguing that the EU is overall a federal polity, makes the case that the EU and the US represent the same regulatory type, a fragmented power federal system in the domain of regulatory policy, especially environmental regulation (Kelemen 2004). This, he contends, cannot be easily explained by the standard intergovernmentalist or supranationalist approaches.

Conclusion

For most of their respective history the literatures of American state-building and European market integration were, with rare exceptions, closed disciplines into themselves. As Parsons has remarked earlier, “[s]cholars with deep expertise on both sides of the Atlantic are few and far between” (Parsons 2003: 1). Thus, most Europeanists concentrated their research efforts on comparing the EU to its classic field of comparison, other international organizations, while Americanists, when doing comparative work at all, focused their attention on other nation-states. Both group of scholars just ended up declaring their *objet d'étude* as exceptional. In recent years, though, scholars have started to challenge the long-held notion that the United States and the European Union are *sui generis*, formulating, testing or revising theoretical propositions through direct comparative analyses. This new approach has already led to a qualification of several elements

10. This defiance was widespread involving states from every region and concerning a wide variety of topics and not simply, as some assume, slavery (Goldstein 2001: 24 – 29).

of each polity's uniqueness and to some new, exciting research results. These scholars have not only shown that “*it is much more productive to compare [the EU] with domestic political systems*”, but that “*analysts who reject comparison of the EU with other federal states have thrown the baby out with the bath water*” (Fabbrini 2005:9; Kelemen 2004: 7). The same goes for those who have neglected to draw on the EU's experience to better understand the American polity.

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Abstract

Systematic comparisons between the EU and the US have largely been discouraged due to the fact that American exceptionalism and the European Union being *sui generis* were taken for granted. A reversal of this trend, however, has recently taken place with comparisons between both polities having become more common and accepted in the scholarly community. More scholars have noted that while the two po-

lities might be exceptional in comparison with the European nation-states, they are less so when compared to each other. This article therefore reviews the arguments why the EU and the United States America have been treated as *sui generis* in the past and the emergent literature on the comparability of the two polities and some of the new research results developing from it.

Résumé

Pendant des décennies des comparaisons systématiques entre l'UE et les États-Unis ont largement été découragées par le fait que l'exceptionnalisme américain et le caractère *sui generis* de l'Union européenne ont été considérés comme allant de soi. Un renversement de cette tendance, cependant, a eu lieu récemment. La comparaison entre les deux régimes politiques est devenue plus courante et acceptée dans la communauté savante. De nouveaux chercheurs ont noté que si les deux entités politiques pourraient être exceptionnelles en comparaison avec les États-nations européens, elles le sont moins l'une par rapport à l'autre. Cet article passe donc d'abord en revue les arguments pourquoi l'UE et les États-Unis d'Amérique ont été traités comme *sui generis* dans le passé avant de présenter la littérature émergente sur la comparabilité des deux régimes et les nouveaux résultats de recherche qui en sont issues.