

Abstract

The Role of the Judiciary in the Integration Process of the United States of America and the European Union

The aim of this thesis is to describe the integration process of both the European Union and the United States of America and to depict the most crucial role the judiciary had. The thesis will explain how courts can in general substitute the other branches of power, usually when the latter are inactive or even unwilling to act. Both ways how the European Court of Justice (working together with national courts) and the Supreme Court of the United States have influenced or even enabled successful union-making policy will be compared. One of the most surprising facts might be that the Supreme Court had rather an auxiliary role in turning the Union into a strong entity, while the Court of Justice most likely was a real European integration leader.

The thesis presents number of specific examples or cases how both courts not only created legal rules but also came up with policy-making decisions, which has significantly changed the given community and lives of all citizens in it.

It can be concluded that from nowadays perspective, both courts enjoy great power and prestige. Obviously, the SCOTUS is being regarded as the stronger one from those two. However, such a view might not be entirely accurate – the second purpose of my work was to prove that the ECJ is as relevant for the ongoing of the EU as is the SCOTUS for further development of the US.

Key words: The United States of America, the European Union, judiciary.