

MENDEL UNIVERSITY IN BRNO

Faculty of Regional Development and International Studies

Democratic Deficit and Legitimacy of European Institutions

Bachelor Thesis

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In Brno, the 20th of May, 2016

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Jaroslav Jetelina, m. p.

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Abstract

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This bachelor thesis is written from the position of a student of the International Territorial Studies at the Faculty of Regional Development and International Studies at the Mendel University in Brno, Czech Republic with the objective to theoretically investigate and analyse the alleged deficiencies in the democratic polity and institutions of the European Union. In order to do that, this bachelor thesis aims to introduce the main features and development of democracy, polity of the European Union and forms which the alleged democratic deficit may take. Moreover, the EU's main governing institutions (European Commission, Council of the European Union, European Parliament) are believed to cause this alleged phenomenon from its insufficient legitimacy and hence they are the very source and the reason of criticism of the EU. This thesis therefore also compares these main institutions with the main governing institutions of the USA (US Congress, the President of the USA) which are considered to be democratic and legitimate towards the electorate in order to find the differences and possibly spot the insufficiencies EU's polity.

Key words: democracy, democratic deficit, European Union, legitimacy, democratic European polity, democratic USA polity, representative democracy

Abstrakt

Jetelina, J. *Demokratický Deficit Evropských Institucí*. Bakalářská práce. Brno: Mendelova Univerzita v Brně. Fakulta Regionálního Rozvoje a Mezinárodních Studií, 2016. Vedoucí bakalářské práce: Mgr. Ondřej Mocek.

Bakalářská práce je napsána z pozice studenta oboru Mezinárodních Teritoriálních Studií na Fakultě Regionálního Rozvoje a Mezinárodních Vztahů Mendelovy Univerzity v Brně s cílem objektivního teoretického šetření a analýzy údajného výskytu nedostatků v demokratickém zřízení a fungování Evropské Unie. Aby tak mohlo být učiněno, tato bakalářská práce představí hlavní charakteristiky a vývoj demokracie, politické zřízení Evropské Unie a formy, kterých zde může demokratický deficit nabýt. Navíc je předpokládáno, že právě hlavní vládnoucí instituce EU (Evropská Komise, Rada Evropské Unie, Evropský Parlament), které jsou jejím symbolem, tento údajný jev způsobují z důsledku nedostatečné legitimacy, a proto jsou také zdrojem velké kritiky široké veřejnosti. Z tohoto důvodu budou tyto vládnoucí instituce EU srovnány s hlavními vládnoucími institucemi USA (Kongres, Prezident USA), které jsou považovány za demokratické a legitimní vůči svému elektorátu z důvodu možného odhalení nedostatků v demokratickém zřízení Evropské Unie.

Klíčová slova: demokracie, demokratický deficit, Evropská Unie, legitimita, demokratické zřízení Evropské Unie, demokratické zřízení USA, reprezentativní demokracie

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LIST OF ABBREVIATIONS

BC	-	before Christ
CEU	-	Council of the European Union
EAEC	-	European Atomic Energy Community
EC	-	European Commission
ECSC	-	European Coal and Steel Community
EDC	-	European Defence Community
EEC	-	European Economic Community
EP	-	European Parliament
EPC	-	European Political Community
EU	-	European Union
MPE	-	Member of the European Parliament
SEA	-	Single European Act
TEU	-	Treaty on the European Union
USA	-	United States of America

1 INTRODUCTION

The objective of this bachelor thesis is to theoretically investigate and analyse the alleged democratic deficiencies and legitimacy of European institutions while at the same time assuming the associated and ongoing parallel discussion—in the professional economic and political circles—about which social institution plays the primary role in the social and economic development in our civilization. Is it the unabridged development of the free market based economy and the supporting financial markets—now in the phase of the wild globalization—or the development of the truly representative democratic polity is a necessary precondition for the economic and social development to take place.

In the famous book *Why Nations Fail: The Origins of Power, Prosperity and Poverty* by Acemoglu and Robinson (2012) (a compulsory text book at the Zeppelin University while studying there through the Erasmus program), Acemoglu and Robinson made a case that only stable – democratic – and thus predictable systems will cause the social and economic development of the right kind to take place. That is the participants in the economic and industrial system will work hard only if they will believe that they will retain the fruits of their work. This in fact puts the emphasis on the primary development of the democratic polity with the objective to create the preconditions for the economic and social systems to further develop, say in the right way. In fact, this puts the emphasis on developing stronger legitimate government, representing true democratic principles, which is the guarantor of the legal and ethical behaviour in any democratic polity.

In contrast, the extreme right in the rational political spectrum, the libertarians, claim the invisible hand in the marketplace (a term coined by Adam Smith), acting in an un-restricted way, is the guarantor of the social and economic development through the activities of the individual participants in the marketplace acting for their own benefit first.

Given the recurring economic recessions and, especially, the events from 2008, the crash of the financial markets (e.g., Lehman Brothers, etc.) which had a profound effect on the economy and in fact created the world-wide economic recession with the many millions of unemployed workers on their best productive years, one must logically conclude, that the present form of the globalized market-based economy cannot really self-govern itself, for with so many workers unemployed or working at the subsistence

wages cannot maximize profits for the owners and at the same time, as a default, cannot even properly consume the economic product because the workers are not being paid to consume the fruits of their own work in a decent, required way, for they are not being paid enough.

This causes bigger and bigger concentration of the extreme, fabulous wealth in the hands of the very few people who are in effect using this wealth to buy the political power (e.g., creation of the state legislature on the requisition of few wealthy for their benefit only) and to further restrain the true participative and representative democracies, democratic polity in the various states or worldwide; cf. American philosopher Noam Chomsky (Alter.net.org, 2016).

In other words, the parallel issue which is also being raised in this paper is: will the governing institutions of the EU eventually develop the democratic polity into a stage that will be instrumental in the social and economic development, setting the stage and rules for the responsible economic behaviour of the players in the economy, achieving the required sustainable economic performance? Or it will succumb to the overpowering corruption and the lack of vision of the few riches and will let the “New Roman” Empire to collapse following the example of the Old Roman Empire after the Battle of Actium in 31 BC., when the Roman Republic was subdued by the Emperor Octavian, who assume absolute power, eliminating the Senate, and the power and civilization of Rome was a history in about two hundred years. Simply put, the centre did not hold. The analogy with the present situation is in that that a very few riches are deciding through the undemocratic (economic) processes about well-being of many millions of people without enough legitimacy.

Democracy is and always has been a core and important value for the European Union (EU). The European integration has been a very difficult process. The vision of forming some sort of integrated Europe goes back very far, starting with the Holy Roman Empire, through Peace of Westphalia, Napoleon wars, and Vienna Conference. The modern concept of the European Union as the vision one cohesive group or socio-economic, political and legal alliance has started in 1951 by signing the first important supra-national agreement based on Robert Schuman’s plan. European Coal and Steel Community (ECSC) treaty or a Paris treaty was established among Belgium, Netherlands, Luxembourg, France, Italy and Germany in order to coordinate and control production of

coal and steel in the Europe and therefore to prevent various economic conflicts which have beside other reasons caused deadly and destructive conflict which has developed in the World War I (Euroskop, 2016a).

In 1952-1954 during the escalation times of Cold War and beginning of the Korean War the need of strengthening the European defence capacities emerged. A question concerning utilization of Federal Republic of Germany but not its re-armament in this matter was raised. The proposed European Defence Community (EDC) with one minister of defence, united army, budget and a weapons program supposed to be a solution. However, in spite of all of these efforts, this project never went into effect. A certain failure was also a follow-up project, the European Political Community (EPC) which was proposed in 1952. EPC was meant to be a combination of at the time already functioning ESCS and proposed EDC but all of the parties never settled on this (Euroskop 2016a.)

Fortunately, the next new project, based on the initiatives of failed EPS was accepted by all of six states. These states have agreed on resolution that will create a common market and extend a sectoral cooperation in nuclear energy area. In 1955, these states came to a consensus about aims, goals and forms of the two new organizations known as the European Economic Community (EEC) and the European Atomic Energy Community (EAEC). These two organizations were then established according to a proposal of the Spaak Committee report (as per an idea of P. H. Spaak's). Treaties known as the Treaties of Rome were signed in 1957. The signing of this agreement set course of development of the European community which would later on evolve into European Union (Euroskop, 2016a).

The very beginnings of bringing Europe closer together by maintaining important democratic principles was without a doubt very difficult task. We have to realize that when there was a proposal that would change or adjust the political and economic (game) rules within the Europe, all of the interested parties had to agree with one voice and it was never easy to achieve because beside the idea of “common Europe”, there are always interests of individual nations which are supposed to defend interests and will of their own citizens. These agreements were rather adjustments and tools for maintenance for a peace and guarantees of cooperation among European nations, than anything else. The point is that EU institutions haven't been really touched by individual citizens of European nations (the electorate) in a direct personal way through elections.

The cooperation and integration was always based on the signed treaties between the individual states. Only relatively recently the need for supra-national EU institutions developed. The institutions that would be able to control and ensure basic operations of such a big organization like is the European Union.

The basis of the European Commission (EC), formerly known as a “High Authority” were established after signing the Merger Treaty in 1965 which came into force in 1967. Merger Treaty merged High Authority of ECSC created by Paris Treaty, the Commission of EEC created by Rome Treaty and the Commission of EAEC created by Rome Treaty into one Single Commission which would exercise the powers and responsibilities of each mentioned responsible organs. The Commission was created to represent and secure the interests of European Communities (European Union later on) independently of the member states. It has various powers and missions. Among them belong being a driving force and the guardian of the treaties, it has right to propose legislation, it is executive body and represents European Union in the area of external relations (CVCE, 2012a). Nowadays it consists of 28 commissars (one per state) who are appointed by European Council and approved by European Parliament with mandate of 5 years (Euroskop, 2016b).

The Council of the European Union (CEU) is the next essential institution from the so called institutional triangle of the EU. Council of the European Union also called Council of Ministers or just the Council represents the executive governments of the EU's state members. Its history is associated with ECSC where the “Special Council of Ministers” was set up to perform its functions as a counterbalance weight to supra-national body of High Authority and Commissions. The reason for this was that particularly smaller states wanted to establish this organ as an intergovernmental committee of a sort. Council of the European Union today takes decisions by qualified majority vote. Role of this institution evolved along with the new coming reforms over time. The reforms were supposed to entrust and ensure its greater responsibility, increase its effectiveness and transparency (CVCE, 2012b). The CEU consists of the ministers of each member state. Its main task is to bring relevant ministers of particular areas of interest to the table to seek mutual positions and attitudes and formulation of strategies of development of the European Union in the area of foreign relations, agriculture, economic and financial affairs etc. (Euroskop, 2016c).

European Parliament (EP) is the last one to fill the institutional triangle. However, it is complemented by the European Court of Justice sometimes. The triangle is in fact changed to a quadrangle. European Parliament is the only directly elected body of the EU. It serves as a forum for political debates and decision-making at the European level. The EP, like the other mentioned institutions, was not designed in its current form when it was first created and held a session. The first meeting of EP was held in 1952 under the name Common Assembly of the European Coal and Steel Community. At the time, the members of this assembly were not elected but appointed from national parliaments of member states while having no legislative powers (CVCE, 2012c).

The importance of EP has risen since the first direct elections in 1979. The election has strengthened the legitimacy EP and its assembly. Before that the EP was just a consultative body. But it has gained a bigger influence since. The Single European Act, Maastricht Treaty, Amsterdam Treaty in 90's and especially the Treaty of Lisbon adjusted and extended powers and rights of the EP. After the Treaty of Lisbon came into force, EP's powers were strengthened for example in the field of legislation, democratic control of legislation processes, budgetary functions and the control of the EU executive power – represented by the EC (CVCE, 2012c).

European Parliament represents 508 million of the citizens of the European Union (Eurostat, 2016). The structure and the function of the EP do not differ from other parliaments. However, its main task and purpose is to reflect the fundamental democratic principle of the democratic representation which is fulfilled when people take part in the exercise of power through the intermediary of representative assembly (CVCE, 2012c). EP consists of 751 members which are directly elected by the EU's citizen of its member states. Therefore, it is considered that EP is the only truly democratically accountable body on supra-national level.

The democratic deficiencies of the EU, or democratic deficit of the EU, is the subject of many discussions among public and politicians, e.g., Nigel Farage, Petr Mach, or the mass media, e.g., prof. PhDr. Václav Bělohradský, PhD., on ČT24 in TV political discussion – Otázky Václava Moravce (ČT, 2016). In fact, it is the very institutional triangle mentioned above (the EC – the CEU – the EP) that seems to be the main cause and reason of these discussions which have over the time escalated to the open criticism of the EU's democratic polity.

In concreto, these three institutions that keep European Union in operation have direct impact on directions of the EU, its policies and decision-making as well as on policies of its member states and lives of their ordinary citizens including their economic performance. These institutions went over the years, due to the various reasons caused mostly by the European integration process, through many adjustments and development – which is still flux. However, these supranational bodies – the biggest symbols of the EU and its governance – are by the broad public considered as undemocratic and not legitimate towards their electorate, particularly because of their design, structure and competences. This statement and beliefs of the European public – which is also supported by many scholars – represents the hypothesis of work.

In other words, European Commission, Council of the European Union and European Parliament may, by their very nature, provide the environment in which this alleged phenomenon – specified as the democratic deficit – according to the general public root and cause various failings of democracy on the supranational level of the European Union. Thus, the possibility of existence of such a phenomenon could harm the democratic legislative processes, violate the European core values, rights of European peoples and eventually cause lack of trust of European citizens in these institutions.

The questions concerning the democratic deficit have been raised in past, at the very beginning of the European integration processes, and are still being raised today. In other words, the question that is being raised among the scholars and the general public is – whether the current design of EU institutions truly represents the European electorate and thus is democratically legitimate or not. In addition to this, these say accusations or assumptions are serious enough to be motives to conduct this academic study in order to bring more insight into this highly controversial topic possibly bring certain answers.

This work will therefore examine the main features and characteristics of the European Parliament, the European Commission and the Council of the European Union in order to confirm or disprove their alleged lack of legitimacy and the very existence of alleged democratic deficit of any kind that may result from their institutional design and structure or the actual perception and establishment of the European Union itself. In addition to this, although the European Union is considered as organization *sui generis*, its system of governance will be compared to the system of governance of the most similar

entity in contemporary world – which happen to be the USA – with aim to reveal the possible insufficiencies of the European Union in terms of democracy.

In addition to above mentioned, this bachelor thesis is based on premise, that the modern concept of the democratic polity is based on the separation of the powers, i.e., the legislative power, the executive power, and the judicial power. These powers and their institutions shall be truly separated from each other to achieve the proper balance of powers. Only under these conditions can the EU, or any other nation, or organization of same kind, fulfil its obligations, objective and goals. That is being the deciding and guiding force behind the sustainable social and economic progress. Furthermore, the modern concept of the democratic polity is based on the true representation of the electorate by their truly democratically elected representatives.

2 METHODOLOGY

The first part of this bachelor thesis aims on description and definition of topics related to the democracy which are crucial and necessary to be introduced in order to properly get to know its main principles. The nature of these democratic principles will eventually help to set a ground for further chapters which deal with the democratic deficit and legitimacy of the institutions European Union itself. The subchapters of Chapter 3 are organised logically with respect to their importance.

Specifically, the theoretical part starts with the Chapter 3.1 which concerns the general definition of democracy and introduction to the following subchapters. The Chapter 3.1.1 describes the development of democracy throughout the history of the mankind. The topic of subchapter 3.1.2 is to distinguish among types and variations of democracies and to determine which type is in the contemporary world used the most frequently. The purpose subchapter 3.1.2 is also to serve the reader to properly understand the concept of democracy that is used in current world and moreover which is applied in the EU's member states polities. Subchapter 3.1.3 deals with the representative democracy and its development through history in more detail since this type of democracy is for the EU member states the most important. Subchapter 3.1.4 analyses the basic political concepts that emerge along with the usage of democracy as a state's polity. Subchapter 3.1.5 analyses how is democracy used on supranational level of the EU and points to some of its weaknesses.

The second part of this thesis begins with Chapter 4 and includes the academic investigation, examination and introduction of the main objectives of this thesis which are as already mentioned the democratic deficit and legitimacy of the EU and its institutions. In other words, the chapter is meant to cover the most important aspects of the EU's polity with respect to democracy. In addition, to deepen the knowledge of the studied problematic and to be able to come with objective, persuasive and the most accurate conclusion, this chapter will include a comparison of the USA and the EU.

Specifically, Chapter 4.1 deals with the democratic deficit in the terms of its definition and its very existence itself. The purpose of Chapter 4.2 is to distinguish which forms may this phenomenon within the structures and the EU itself take and what are the causes of its very existence, i.e., where it roots. On basis of the results of this Chapter, there will be chosen several forms of this phenomenon which will be further examined in

Chapter 4.3 by comparison of the USA and the EU. The main task of the Chapter 4.3 is therefore to compare the main features of both selected entities in order to distinguish their differences and similarities.

However, to be able to compare these two systems, it is needed to actually describe and introduce the main features of both entities. Subchapters 4.3.1 – 4.3.4 therefore aim on general description, main characteristics and features of the USA's system of governance and subchapters 4.3.5 – 4.3.8 aim on the same general description, main characteristics and features but in the case of the EU. It is however necessary to mention again that both systems are very elaborate thus set limitations. The scope of Chapters 4.3.1 – 4.3.4 and 4.3.5 – 4.3.8 will cover only what is necessary and relevant for this bachelor thesis – the executive branch and legislative branch and its relationship to *demos*. Other important features of both polities will be left out because they are not relevant for the purpose of this thesis.

Then the following Chapter 4.4 covers the findings of previous chapters and therefore clearly identifies the main differences and similarities among these two polities in the terms of their legislative and execution branches and relationship to the *demos*. Chapter 4.5 is dedicated to build an argument on which the hypothesis and research questions this thesis will be answered – the theoretical concepts and findings of Chapter 3 are applied on the EU's reality and other findings of previous chapters.

The very last Chapter 5 concerns the conclusion of this work. In this chapter will be summed up findings of this work as well as there will be answered all of the research questions and hypothesis in terms of proving and disproving the existence of democratic deficit with respect to studied and available sources used for elaboration of this bachelor thesis. This chapter also provides possible solutions.

It is important take into account that this bachelor thesis is written solely on the theoretical level. It is therefore a qualitative type of work that is handled as a literature research by using relevant Czech and English literature and internet sources that are available according to the nature of this thesis.

3 THEORETICAL PART

3.1 Defining democracy

According to Oxford dictionary, “democracy” is defined as: “*A system of government by the whole population or all the eligible members of a state, typically through elected representatives, e.g., a system of parliamentary democracy.*” (Oxford Dictionary, 2016a).

Democracy and proper understanding its meaning and true concept is crucial for this bachelor thesis. Without examining democracy from its origins in ancient Greece, through its historical development and adjustments until its application in contemporary world, it would be irresponsible to determine whether the hypothesis of this thesis is correct and could be justified or not. Therefore, this sub-chapter aims on history of democracy, and types and genealogy of democracy. Last part of this sub-chapter is determined to description and definition of terms associated with democracy such as power, accountability, legitimacy and sovereignty.

3.1.1 Democracy throughout the history

As it was mentioned before, concept of democracy has origins in ancient Greece, specifically, it first appeared in Athens in the middle of the 5th century BC. Democracy, literally “rule by the people” has set a course to new development of a state governance in future until this day. The word *dēmokratiā* itself comes from the Greek and can be translated as *dēmos* – people and *kratos* – rule or power. *Dēmokratiā* is an antonym to *aristokratia* - “rule by an elite” (Dahl, 2016). However, it might seem that these terms or definitions of who is to rule or have power are in opposition, it was, in fact, not true in the times of ancient Greece. A city-state system in Athens, by that time, enabled participation in politics only to a particular class in society.

Selecting one part of privileged had, however, nothing in common with concept of democracy we know today. In addition to this, this system would be labelled as discriminative. Nevertheless, an elite class of free men was granted democratic citizenship which allowed them to take part in decision-making while excluding women and slaves from any political participation. Another part of the society, males under 18 years of age who inherited citizenship were excluded from *demos* as well. Condition that had to be fulfilled to participate in politics was to turn 18 years of age as it applies today, for example, for passive political participation (of all citizens) in the Czech Republic.

However, in 403 BC was the minimum age raised to 20 years. During this Classical period (5th – 4th centuries BC), Greece was no modern unitary state in the sense we know today. The territory of today's Greece was created by several hundred city-states, each surrounded by close rural areas (Dahl, 2016).

The concept of Athenian democracy was developed by Cleisthenes who was then serving the state as chief archon - highest magistrate. He proposed and introduced democratic reform in 508 BC. It is estimated, that in mid-4th century there could have lived circa 260 000 inhabitants of which 100 000 were granted citizens, 150 000 slaves, 10 000 resident foreigners (including *metics*-freed slaves or visiting foreigners). However, the number of male citizens which were over 18 and therefore had the privilege to vote was ca. 30 000. If these numbers are approximately correct, then the Athenian *demos* was consisted of 10 – 15 % of Athens total population. The Assembly created by *demos* was considered as a centre of Athenian government. The Assembly was meeting frequently, almost 40 times a year. Decisions were taken by a public vote and individual votes were expressed by a raised hand. The concept of voting was the same as it is today in democracies we know – majority of those present and taking vote prevailed (Dahl, 2016). The Assembly can be considered as the very first institution functioning on democratic principles in Athens, however, the democratic system in Athens was much more elaborate.

Apart of the Assembly, there existed another institution called The Council of Five Hundred. The Council of Five Hundred was composed of representatives of 139 small territorial entities which are known as demes. “The Father of democracy”, Cleisthenes, created these territorial entities to appoint a representative, or representatives (number of representatives depended proportionally on total population of a demes), from each demes to take part in the Council of Five Hundred. Representatives were selected simply by lot. The purpose of the Council of Five Hundred was to limit powers of the Assembly and to create its agenda (Dahl, 2016), deal with foreign policy and hear reports of officials etc. (Raaflaub, 2007).

The Roman concept of democracy was slightly, but not very different from Athenian model. About the same time that democratic, or popular, government was introduced in Greece, it also appeared in Rome. This system of government was called *rēspūblica* instead of *dēmokratiā*. The word „*rēspūblica*” is consisted of two words which

could be from the Latin translated as *rēs* meaning thing or affair, and *pūblica* meaning public. Therefore, *rēspūblica* was “a thing that belonged to the Roman people” (Dahl, 2016). The *demos* in Roman republic was constituted by citizens with Roman citizenship granted by birth, requesting citizenship if foreign-born (naturalization) and freeing (manumission) of slaves. As Roman republic managed to expand and eventually enlarged its boundaries, far outside today’s Italian territory, many people that had Roman citizenship lived far from Rome’s Forum where assembly meetings took place. Therefore, they were unable to participate in politics because of their distance from Forum and happened to be excluded from *demos*. Despite all efforts to think of some sort of solution, Romans never managed to solve this problem (Dahl, 2016).

If we leave out this issue, Romans managed to develop admirable and elaborate political structure. Roman governmental institutions composed of four assemblies and Senate. Each assembly was consisted of different members, depending on their position in society. The first one, the *Comitia Curiata*, was composed of 30 curiae (local groups), selected from three ancient Roman tribes. The second one, the *Comitia Centuriata* was consisted of 193 centuries (military units). The third one, *Concilium Plebis* was consisted of the plebes (common people). And the fourth one, the *Comitia Tributa* was open to all citizens. Together, the assemblies represented all Roman citizens, but, however, they were not independent because of Senate. Senate was inherited from the earlier era of Roman monarchy and accumulated extreme power. Senators were chosen by the *Comitia Centuriata* and came exclusively from high patrician class. As we have just learned, each time there were certain institutions that would support the democratic and political process, and each time there were some representatives appointed to take part in this decisions and policy making (Dahl, 2016).

Since the days of Athens and the Rome, many local and regional assemblies, particularly in Continental Europe were created. Some of them were elected. For instance, these assemblies managed to develop in self-governing cantons which led to foundation of the Swiss Confederation in the 13th century. Local Viking assemblies in Scandinavia were no exception in 900. However, the Vikings had to deal with certain bigger issues that emerged by that time and therefore they needed to make decisions and consensuses on regional level. Association among today’s Norway, Sweden and Denmark resulting to a regional assembly was created. Moreover, in 930 descendants of Vikings in Iceland founded “*Althing*” which could be today called a national assembly or parliament with

legislative rights (Dahl, 2016). However, the assembly that influenced the development of representative government, today's parliamentary democracy, was without any doubt English Parliament.

The way towards parliamentary democracy started with Magna Charta in 1215. This document limited absolute powers of the monarch on the request of English nobles and limited the King by law. The English Parliament gained importance when it started to address crucial matters of state such as *“raising of revenues needed to support the policies and decisions of the monarch”* (Dahl, 2016) or when the judiciary powers were more frequently delegated to courts from which, eventually, a legislative body evolved. The largest development was done, when the enactment of laws required the necessity to pass bills through both houses of Parliament and then to get just formal approval by the monarch. However, politics in England was still too much influenced by the monarch, especially after the “dark centuries”. The forming of parliamentary democracy proceeded with the English civil war and foundation of English republic – the Commonwealth in 1649, however the monarchy was eventually restored in 1660 (Dahl, 2016).

After 1800, when political parties, or fractions (Whigs and Tories) emerged, many significant powers shifted to Parliament including appointing the Prime minister immediately. From this point onwards the Parliament gained significant powers and possibilities. For instance, laws could not be changed nor passed without persuasion of the majority in the House of Commons which would vote for it by either Whig or Tory leader. However, this system was not yet fully democratic because the suffrage was not granted to all men by that time but only about 5 per cent. Later on in 1832, it was extended to 7 per cent of the adult population which is considered as one of the biggest thresholds in the parliamentary democracy development in Britain. Universal male suffrage was achieved in 1918 and ten years later in 1928 was right to vote secured for all adult women (Dahl, 2016).

“Since the days of Cleisthenes onwards Democracy has enjoyed a continuous, if often exiguous, history in Western culture.” (Wollheim, 1986, p. 374).

3.1.2 Types of democracies

During the history, as we have learned above, democracy evolved in two primary types which are used as a state polity in many states in contemporary world. These two types are a) direct democracy and b) representative democracy, which is also the most

spread type of democracy today. However, some scholars such as Paul Hirst (1994) in his book *Associative democracy: new forms of economic and social governance* describe third type of democracy c) associative democracy.

The direct democracy (as per a) above): Direct democracy or participatory democracy works on principle when citizens directly participate on decision-making through public referendums when it comes to state affairs which are truly crucial for future direction of such a country (Miller and Lunn, 2014, p. 3). The best example of the state that uses direct democracy as a state polity is Switzerland. (The term “democratic polity” stands for the democratic organization of the state under the rule of law, preferably having a written constitution.) Although in Switzerland representatives are elected by *demos* as well, the *demos* has the privilege to “recall” a particular representative or representatives immediately when their performance and deeds simply violate the election plan and promises on which basis they were elected.

The representative democracy (as per b) above): The representative democracy uses the principle when power of the electorate (*demos*, common people) is delegated to the representatives who aspire to be elected on the basis of some sort of political agenda or program. Representatives then make decisions on behalf of the people who voted for them through majority voting (Miller and Lunn, 2014, p. 3). This type of democracy is used mostly in parliamentary democracies where the citizens of a certain state vote for political parties and representatives who match their political beliefs. When they are elected, a political party with the biggest percentage, but not a majority, of the votes is then able to negotiate a “government” coalition with two or more other political parties which usually placed in the elections behind the winning party, based on the percentages of the votes. Of course, in the case of a majority any party can form a government by itself.

The political after-the-election coalition that wants to govern the state must have a majority vote in the Parliament, to approve itself as a legitimate government. And in this way is able to represent the will of majority of its voting citizens. However, after the elections, the common people (the voters) can no longer take part or influence the politics in terms of the state legislation and its processes, the executive and state administrative power and processes, and judiciary powers and processes. Also, unless the provisions are made in the Constitution, the voters cannot recall the elected representatives, government and judicial officials. It is precisely because of the tenets and principals of the representative democracy. The citizens bestowed these privileges to the elected officials

who are supposed to follow the Constitution and the terms under which they were elected and thus represent the will of the citizens, i.e., their political programs.

This system also involves checks and balances in which the governmental institutions such as Parliament and judicial power are supposed to limit power of executive government from abuses by interpreting and applying the legislation according to the judicial syllogisms (deductive logic). Also, a very important role in the checks and balances play the mass media which are challenging and questioning elected officials, be it from the legislation assembly, executive government or justice system (Miller and Lunn, p. 3 2014).

The associative democracy (as per c) above): The associative democracy was described by Paul Hirst (1994) where he aimed to show that at the end of the twentieth century the western countries faced sort exhaustion and exasperation of the democratic capitalism and collective state socialism. The West is in the crisis and neither Right nor Left in the rational political spectre is able to give any solutions of how to overcome the crisis. Association democracy is based on the thesis that there is a need for the new forms of economic and social governance that would be able to supplement the representative democracy and market economies. This should be done by democratizing and empowerment the civil society (UMass, 2016) much more than it is now. According to Miller and Lunn (2014, p. 3) the associative democracy can be best described as democracy *“in which collective non-state bodies become involved in political decision-making.”* (Miller and Lunn, 2014, p. 3). Among non-state, non-governmental bodies that would able to influence the political, legislative and administrative decision-making processes in the state belong, for example, trades unions, human rights groups and business associations, etc.

Miller and Lunn (2014) emphasize that it is important to remember that these types of democracies can be:

“expressed across a wide spectrum, running from ‘minimalist’ at one end to ‘maximalist’ at the other – for example, direct democracy can involve an occasional referendum on the one hand, or a model based on almost perpetual participation on the other; representative democracy can sometimes extend to little more than periodic voting in a context where checks and balances barely exist in practice. Depending on where a person places themselves on this spectrum, views on whether a democracy is suffering

from a 'deficit' – or, indeed, has even ceased to be democratic – will vary widely. Such considerations are also relevant today in debates about 'democratisation' – where countries undertake a transition from authoritarianism to democracy” (Miller, Lunn, 2014).

3.1.3 Genealogy of representative democracy

From the 1850's onwards began the modern development of the representative democracies where the representatives of the electorate were elected by the ever increasing sections of the respective populations (by the suffrage extension). For instance, Rueschemeyer, E. Stephens and J. Stephens in *Capitalist Development and Democracy* (1992) argue that it was simply some sort of defence mechanism of the ruling elites to the danger that was evolving from the (uncontrollable) forms of a popular power springing from a few segments of the society. Calculation behind the enlargement of the suffrage groups was to project into the representative bodies more interests by various groups and hence controls and predictability. In any case, under circumstances of the mass protests, representative democracies were forced to extend political franchise to much larger section of society as mentioned in Chapter 3.1 (Rueschemeyer et al., 1992).

Supporters of representative democracy claim, that direct democracy could not be applied on large-scale societies because the momentarily ruling (elected) class, or social segment, could deprive the others who lost in the elections—and who are therefore not participating in the political and state administrative decision-making processes, i.e., what ought to be—of certain rights, e.g., such as are the property, natural and other civil rights, etc. Most likely they had in mind the creation of the positivistic type of laws when a law is passed and enforced to satisfy the interests of the momentarily ruling class, but without respect to the, say, universal rights and needs of others. Of course, this type of governing is open to demagoguery and demagogues, even bigotry. We can find the prime examples of the positivistic law making and law enforcing in The Great French Revolution and in the law making and law enforcing in the former Soviet Union and the socialist camp, the fascism and the National Socialism (Nazism). All of these movements originally started with an idea of the betterment concerning immiseration of the lower working classes and ended with a disastrous end to humanity (Miller and Lunn, 2014, p. 4).

The authors also showed that the representative democracies evolved into the two main branches, the liberal and later neoliberal type of representative democracies where

the emphasis is put on the absolute property and individual freedom rights, minimal government and taxes, and where there also are sufficient checks and balances (the parliamentary democracy). This system sufficiently serves and caters only to the relatively rich people, enabling them to get even richer and neglects the working classes.

The other branch is the branch of the representative social democracy where the emphasis is put on the redistribution of the wealth among the working classes and the needy in much larger way than under the liberal concept of government and state power.

The authors further argued that the neo-liberalism combined with the market power could address the issues of economic inequality. So the liberal and social democracies policies sort of merge in the 20th Century and especially after 1945. They forgot to mention that the economy was riding on a wave of the completion between the East and West (Miller and Lunn, 2014, p. 5).

However, after 1989, when the socialist camp and regimes collapsed, the neo-liberal democracies lost their opponent against whom to measure. They generated a system of various types of liberal democracies which was governed mainly by the markets and market based economy without restraint. This free ride for the neo-liberals ended with the financial market crisis, creating the profound economic recession world-wide that is still resonating today and the real solution is nowhere near.

The authors forgot to mention that this new market based, usually called the global economy, suffers from a lack of control and governance of the truly legitimate state powers. And also suffers from large-scale corruption.

In other words, truly legitimate state powers could not tolerate this kind of economic misbehaviour to glorify a few shareholders at the expense of the vast amount of the population. This means that we can say that this represents a deficiency in the democratic polity and rule of law.

Nevertheless, vision of the direct democracy has never been entirely forgotten (Miller and Lunn, 2014, p. 5). Miller and Lunn (2014) also add that direct democracy “*has survived co-option by totalitarian governments over the past century and, indeed, has continued to operate in some form or other within many representative democracies*”. (Miller and Lunn, 2014, p. 6).

3.1.4 Power, accountability, legitimacy and sovereignty

During the centuries there has been a shift concerning favouring one type of democracy over the other. Representative democracy, especially its liberal variation, due to various reasons mentioned, however, prevailed. Moreover, Chapters 3.1.1 and 3.1.2 also indicated that with democracy also come several political concepts or phenomena that ought to be analysed and described in order to move towards problematics of EU and its alleged democratic deficit.

Since the parliamentary democracy was introduced and fully implemented the political concepts of *power, accountability, legitimacy, sovereignty* and *social power* in this concept of governance emerged.

It is important to realize that power in general point of view has been used since the first man forced or influenced another man to do something which the second one under any other circumstances would not do. So, the concept and understanding of power is as old as humanity itself. In other words, it is simply exercise of power of one man over the other. If we now project this simple concept to the framework of this thesis we see that power is generally exercised through governments over the people—electorate. Throughout the history, power over the people has been many times used with no limits and it does not matter if we speak about absolute power of monarchs or absolute power of totalitarian regimes – the concept is very same.

According to the theory, power in parliamentary democracies, as we have learned, is exercised through elected government and its officials and administration. Use of this political power is limited by system of checks and balances that should be independent from each other as mentioned in Chapter 3.1.3. Brian Barry (1989) in his book *Democracy, Power and Justice: Essays in Political Theory* also add that system of checks and balances where its individual parts are independent from increase the effectivity of power whenever it is used – exercised by government.

Accountability can be in other words described as “answerability”. The term “accountability” is in the political aspect of representative democracy used in association with exercise of power. Elected government hence should take accountability, acknowledgement and assumption of responsibility for its actions and the decision-making. In a state with democratic polity, accountability is held by electoral institutions which are therefore accountable to the public – electorate. Manin et. al (1999), in their

book *Democracy, accountability, and representation* claim that in the terms of policy output, the democratically elected governments in many cases differ and are not responsive to the will of electorate.

In other words, these electoral institutions which arose from the people and are supposed to act responsively to them are not fulfilling their obligations in the whole range. This usually happens by making policies which are not in accordance with the public will. Manin et. al (1999) also add that “*accountability is, on this view, a property of institutional structure, whereas responsiveness is a consequence of interaction within such structures.*” (Manin et al., 1999, p. 131). The authors also define three basic limits of accountability within democratic institutions.

The first one is the structure of “*voting rule itself*” meaning that “*officials of majoritarian institutions might not be accountable to minorities.*” (Manin et al., 1999, p. 132). The second one “*institutions of accountability operate in real time – either sporadically or periodically*”. (Manin et al., 1999, p. 132). This according to the authors provides “*officials with opportunities to avoid electoral responsibility for particular actions by grouping unpopular with popular actions.*” (Manin et al., 1999, p. 132). Third and the last one is that “*elected officials typically enjoy an immense informational advantage over the voters that limits how accountable such principals will be to the voter desires.*” (Manin et al., 1999, p. 132).

Legitimacy is the third of analysis political concepts. In the context of parliamentary democracy, any state with democratic polity and this bachelor thesis, legitimacy can be defined as free willingness of acceptance of an authority. The legitimacy in such a political system therefore emerges from the free willingness of people who decided to obey those whom they bestowed their rights and trust (Miller and Lunn, 2014, p. 6-7). Being democratically legitimate in the view of the public also have all necessary means and justification to exercise power (Dahl, 1971). In all parliamentary democracies the political legitimacy is the very pre-condition for governing.

The term “legitimacy” is in ethics is also interpreted as the normative status granted by the governed people to their governing institutions, offices and actions. This status is based on people’s belief that their government’s actions are appropriate and that the officials use their power legally (Phelps, 2014).

The very last term or political concept associated with democracy is sovereignty. Sovereignty is a term which has been discussed by many scholars as much as democracy itself. According to the definition of Muller and Lunn (2014) “*sovereignty is about where and with whom power fundamentally resides*” (Muller and Lunn, 2014, p. 7). Sovereignty has origin in the kingship but in contemporary world its framework extends into three main areas: the people, the state and the nation.

The first area to which sovereignty extends is as mentioned people – popular sovereignty. In today’s world, the sovereignty in this area is used with the concept of democracy resulting from the definition of democracy mentioned in Chapter 3.1.1. The second area – the state sovereignty – has also relationship with the democracy. As for the term “state sovereignty” authors Muller and Lunn (2014) distinguish two contexts: “*within a state and in relation to the rest of the world*” (Muller and Lunn, 2014, p. 7). Sovereignty within a state means that a state is in full and exclusive control over its territory, property and the people. It is an exclusive privilege of a state to control itself in all areas. This ability of a state comes clearly from the electorate – the people of such a state. Sovereignty of a state also means that it is internationally independent.

On the other hand, sovereignty has slightly different features when it comes to relations between states. On the international field the state is rather more executive and is not providing that much legislation – which as we know can be seen as a form of popular power. Therefore, if we go back to the roots of democracy, it is difficult to find the *demos* (Miller and Lunn, 2014).

In any case, The Westphalian system which emerged after the Thirty Years War ended in 1648 by signing the Peace of Westphalia created brand new international system among states by establishing equality between the sovereigns. From that time onwards, each state is considered as a legal entity and has its place within the global order. At that time, the European states – economies – were exhausted by Thirty Years War and the only way forward was to establish international cooperation in order to recover Europe and settle the disputes.

Within the context of the topic of this bachelor thesis, there were numerous debates and many of them are still going on concerning “*to which extent the international cooperation between sovereign states violates the concept of popular sovereignty*” (Miller and Lunn, 2014, p. 8). In other words, international cooperation always results in

establishment of many international or supra-national institutions which keen to grasp a mandate of the people and direct it on their own. The European Union is the best example of this matter.

The last type of sovereignty of which the talks are still so vibrant today is national sovereignty. National sovereignty concerns self-declared nations with no states which in majority of the cases have no internationally recognised state – territory – on which the state could perform its obligations towards its people – nation.

These terms described above along with the concept of democracy will serve us further in understanding the democratic deficit and legitimacy of European institution therefore it is necessary to understand them as a part of democracy.

3.1.5 Democracy on supranational level in the context of European Union

Having had generally described and specified all the necessary related concepts that we need to know about democracy and politics, it is now appropriate time to grasp this knowledge and information and apply it in the context of the topic of this bachelor thesis.

3.1.5.1 Three transformations of democracy

Robert Dahl (1994) determined three basic waves of transformations of democracy and described them in his book *A Democratic Dilemma: System effectiveness versus Citizen Participation* (1994). The first democratic transformation appeared in the old city-states in Greece when the power had had been transferred from oligarchs, aristocrats or monarchs into hands of the citizens as described in Chapter 3.1.1. The second democratic transition transformed the concept of the city-state democracies into democracy on the national state level. This transformation could have developed because of the new idea of representation. Moreover, the second democratic transition caused the emergence and development of the new political institutions and practices as is described also in Chapters 3.1.2 and 3.1.4.

In the contemporary world, especially in the case of EU, the third transformation is relevant. Dahl (1994, p. 25) explains this third transformation, or also transition, as making a sacrifice to a larger entity. He says that we can now see a certain parallel with the history when city-states during the development of democracy lost much of their autonomies (political, economic, social, and cultural) after they were absorbed and became larger parts within the then national states. Analogy with the today's world is that

transnational systems and its development, is reducing the same autonomies (political, economic, social and cultural) of national states. This has had been particularly done when the Single European Act (SEA) and the Treaty on European Union (TEU) came into force. These treaties transferred the decision-making processes from the national level to the European (EU) level (Azman, 2011). In effect, so it happened that the decision-making boundaries of today's nation states are therefore much smaller than the boundaries "*of the decisions that significantly affect the fundamental interests of its citizens*" (Dahl, 1994, p. 26).

In other words, a state's well-being is in the hands of other actors that are one level up from the national level. The point is that their decisions and actions, which are by default not conducted within the boundaries of legislative processes of a nation-state, are not necessarily the will of the government of a nation-state. This means that the citizens of such a state "*cannot employ their national government, and much less their local governments, to exercise control over external actors whose decisions bear critically on their lives*". (Dahl, 1994, p. 26). Azman (2011) also claims that the nation-state concept of popular sovereignty (a basic condition of democracy and legitimacy), is being gradually eroded, to a certain point, by "*the spread of technology, telecommunications and intensification of financial transactions*" (Azman, 2011, p. 244).

As mentioned in the Introduction to this bachelor thesis, the basic competences of the national states (decision-making, policy-making) were transferred from the national to the transnational level and yet, the supranational, or transnational, democracy have gained bigger importance in contemporary world and the EU at the expense of some autonomies of its member states. However, it is necessary to mention, that citizens of some member states freely decided to join the EU in the rightful national referendums, perhaps not really knowing that they are giving up. But having had the vision of prosperity.

In addition to this, Francis Fukuyama (2002) is according to Azman (2011), pointing towards a potential existence of fourth democratic transformation in the context of European Union.

3.1.5.2 *Europeanization of democracy*

The European Union during its history and integration developed a brand new form of political system within the framework of parliamentary democracy. According to Fukuyama (2002), we can argue that the EU is one and only type of democratic transformation of fourth type. It is so because the EU is a *sui generis* organization with its structure, formation and institutions. Moreover, this organization also has its own understanding of democracy. As has been already mentioned, the governance of EU depends on three main institutions the European Parliament, the European Commission and the Council of the European Union.

These institutions are so elaborate and complex that they have developed their own system of democracy, also sometimes called as *Europeanization of democracy*. This contemporary stage of democracy in EU refers to no “*liberal parliamentary democracy, federal state, consensus, deliberative or corporatist models*” (Azman, 2011, p. 244). In the other words, there exist about 25 theoretical models of democracies and none of them could refer to EU democracy in the actual sense. Thus, the EU rather extensively stretches out the framework of classical understanding, concepts and perceptions of democracy (Azman, 2011, p. 244).

In other words, the EU is a supranational body with a democracy that differs from other democracies. This fact is therefore one of the key subjects for this bachelor thesis. European Union has also changed its own purpose through the history. It is not solely an economic entity anymore, which it used to be before 1990's. EU started more and more to incline towards a political unity, a unity of command, so to speak. This process of, say, transformation of the Union's original aim or purpose raised a question whether the EU “*is democratic enough to represent its members' interests?*” (Azman, 2011). The public at large (the general public), including many scholars and academics, claim that the EU lacks the necessary legitimacy and therefore suffers democratic deficit.

3.1.5.3 *Is European Union a state with its citizens?*

European Union is really complex with an elaborated political system and yet a question arises among scholars and the general public whether the EU also is also a state or not. For instance, Petr Fiala (2010, pp. 113-119) in his book *Evropský Mezičas* gives several logical reasons why EU cannot be perceived as a state. He says that there is no doubt that the EU fulfils some of the basics principles and functions that are typical for a state, e.g.,

common market, free movement of goods and services, free movement of capital and people, and some other free movements in the associated areas. The EU has also developed regulatory tools through which are these functions maintained. The EU institutions are using these regulatory tools to maintain the general business and legal order (the rule of law) in European Union.

However, there are several differences with the modern concept of definition of a state. EU has simply limited competences in the field of execution of the legitimate state powers, moreover, it extends pressure to limit it (...). Another thing that this author points out is that European Union seems to have no citizens and the “European citizenship” is rather symbolic. European citizenship is associated to the citizenship of an individual’s state of origin within the EU (Fiala, 2010, p. 115).

Moreover, there is no European nation, nor European peoples. This is a fact that plays a crucial role in the question of the legitimacy of the European Union institutions and the democracy on the supra-national level within the Union. Petr Fiala (2010, p. 113) sees the absence of one European people or European nation as much larger issue concerning legitimacy and democracy, than rather often criticized bureaucracy or decision-making mechanism – institutions. As we know from previous Chapters, the crucial aspect of democracy is the *demos*. Yet, when we have brought the discussion on supra-national level, it is not only the *demos*, that matters, it is also *ethnos*, or ethnicity, that matters. For the subject purposes, we can define *ethnos* as a certain group of people, who share common language, history, socio-cultural experiences, habits and heritage.

The major dispute arises concerning the issue of connection between political peoples and the particular nation-state, which have had been defined culturally and historically. Fiala (2010) also adds that in the matter of establishing one European constitution there exist two opposed concepts. The first concept claims that *collective political identity in democracy does not require ethnical nor cultural homogeneity, but arises from recognition of universal political norms*”. (Fiala, 2010, p. 114). In other words, supporters of this approach claim that there can be a common constitution and common political awareness in a multicultural environment. The second approach puts emphasis on close relationship between the *demos* and *ethnos*. Supporters of this approach argue that it is necessary to have common peoples with common history,

experiences and language. They also claim that these aspects are conditions for principle of redistribution of any kind within a modern state.

The process of creation of European nation and European identity begun with establishing well known four basic freedoms, e.g., freedom of movement, process of creating a monetary union, etc., as it has been mentioned above. However, in reality, this has not helped much because the respective nation-state citizens still derive their identity from their states' of origin. On the other hand, we can argue, that it is just a matter of time when the national identity of the European Union (as a nation), will be fully created, due to the still ongoing integration processes, e.g., EP's abolishment of mobile phone roaming charges within the EU coming into force in summer 2017. In other words, identities are created within societies which have a history by people who already an identity have (Fiala, 2010, p. 115).

Karolewski and Kaina (2006) in their book *European Identity: Theoretical and Empirical Insights*, are arguing that “*the lack of collective identity has experienced a particular revival in the recent debate on the European Union and its democratic deficit*” (Karolewski and Kaina, 2006, p. 23).

Nevertheless, there is still an assumption that there is nothing like European nation within the European Union – therefore we cannot speak about *demos* in the actual sense.

3.1.5.4 Democracy in the EU on supranational level

As discussed in the previous chapter, view of democracy on the supranational level in the EU could be difficult because of absence of the European nation – as the *demos*, which would fulfil the very basic condition of the concept of parliamentary – representative democracy. One might argue that strengthening and extending competences of the European Parliament will strengthen the democracy on the supranational level (the EU) as well. This in fact is not true as Petr Fiala (2010, p. 115) with regard (reference) to P. G. Kielmansegg argues. Simply put, the European Parliament is not democratically legitimate representation of the European people, because there is no “European people” as such. Moreover, there is even absence of regular European political parties that would be a sort of intermediary to democracy on the supranational level (Fiala, 2010, p. 115).

Another thing is that democracy at the supranational level lacks, as well as democracy on national level, a tool for the electorate to recall an elected official. In addition to this, in the case of EU, there is not even direct responsibility (accountability) for decisions and actions of these politicians. Decision-making apparatus of the European Union is composed of a network of experts and relevant supporting committees, which *“allow some national, regional or social interests to make a way through the system”* (Fiala, 2010, p. 116). This EU apparatus is very bureaucratic in its form and approach, and hence it cannot be flexible and accommodative to the needs of its “clients”. Therefore, control of democratic processes is difficult and political accountability is unclear due to this character (Fiala, 2010, p. 116).

Simon Hix and Bjørn Høyland in their book *The Political System of the European Union* made a clear statement *“The EU is not particularly a democratic political system”* (Hix, Høyland, 2011, p. 157). They argue, however, that in procedural terms, EU fulfils all that is necessary to view a state as a democratic state.

“We elect our governments, who negotiate on our behalf in Brussels and decide who forms the EU Executive. We elect the MPEs (Members of European Parliament), and we indirectly elect the Commission (...).” (Hix, Høyland, 2011, p. 157).

However, on the other hand, the same authors claim, that when it comes to the substantive issues, *“where the substance of democratic politics is a competition between rival elites for political power which allows citizens to make educated choices about who should govern them and the direction of the policy agenda – the EU is far from democratic”*. (Hix, Høyland, 2011, p. 157).

Nevertheless, Fiala (2010) adds that if the EU lacks some aspects of a state but together with other states form something that at the same time fulfils certain aspects of a state it is therefore a multilevel state. However, we must understand that this multilevel state is not an expression of the political will of the European nation because it, (the European nation), has not been as yet fully constituted. Instead of the European nation has had been created something that we can call “supra-national elite” which together has great influence and interest in speeding and deepening the process of European integration. It is so because members of this apparatus have great opportunity to *“be part of a global decision-making processes and expansion of their powers.”* (Fiala, 2010, p. 116).

Therefore, we can argue that within the European Union on the supra-national level exist lot of certain circles and their interests, which are far from the ordinary people and their will. On the other hand, there certainly are groups of elites, which oppose to this ongoing integration process along with expansion of authorities of European institution and its administrative apparatus. Nevertheless, can we really talk about so called democracy on the supra-national level? Democracy on the supra-national level is possible, but it has to maintain all the democratic principles and political concepts, which have had been described in the previous chapters, especially in Chapter 3.1.4. These concepts are namely: separation of powers, legitimacy, accountability, direct election of officials and the concept of recall of the elected officials by the electorate. From different point of view, we can also claim that EU lacks enough democracy because citizens of European states may see and perceive European decision-making as something unreachable and very far from them; and, they are to a certain point right.

4 ANALITIC PART

4.1 Defining democratic deficit within the EU

Democratic deficit is exclusive noun originally associated within the context of the weakness of the democratic legitimacy, legislation and institutions of the European Union and its predecessors. The earliest use of the term “democratic deficit” has had been traced back to the 1970’s, when it was first coined by David Marquand, when he was describing the European Community’s institutions (Azman, 2011, p. 244). According to the Oxford Dictionary, we can understand this term as:

“A perceived deficiency in the way a particular democratic government, institution, etc., functions in relation to the principles of democracy, especially with regard to lack of accountability and control over the process of policy-making.” (Oxford Dictionary, 2016b).

As was mentioned in Chapter 3.1.5.1, the SEA and TEU transferred several competences from the national state level of the member states of EU on the supranational level. Moreover, the transfer of competences of the national states on the EU’s supranational level proceeded with other treaties such as Treaty of Amsterdam or Treaty of Nice. Thus there has been weakening in democratic control and influence from the level of the nation-states (member states) on EU. Nevertheless, these, say, “loses” were not enough compensated *“by equally strong democratic institutions and processes at the European level”* (Azman, 2011, p 245). The general public, politicians and scholars therefore started to question the legitimacy of these new artificially established institutions since the 1970’s until today.

Moreover, the alleged democratic deficit provides a ground for many critics and opponents of the European Union, the *“eurosceptics”*. Among the most *“famous” eurosceptics* belong, e.g., Nigel Farage who is currently the leader of UK’s UKIP (United Kingdom Independence Party) who constantly challenges European Union not just in the terms of democratic deficit but on all fronts. Or there is Czech MEP Petr Mach (Strana Svobodných Občanů) who is an obstinate opponent of EU.

Alleged democratic deficit therefore raised unaccountable number of questions during the history. And, these questions are still actual today. Moreover, the debates about democratic deficit heats the topic of already mentioned legitimacy and democratic

processes of the European institutions. John McCormick in his book *Understanding the European Union* (2014) says that the democratic deficit can be “*best understood as the gap between the powers and authority of the EU institutions and the ability of ordinary Europeans to directly influence their work and decisions*” (McCormick, 2014 p. 103).

However, the democratic deficit in the European Union has two levels: institutional and socio-psychological. The institutional framework of democratic deficit within the EU grounds its existence on the statement that the EU institutional design and structure is not democratic at all. The socio-psychological framework of the democratic deficit within the EU has had been described in the Chapter 3.1.5.3. In other words, the socio-psychological framework of the EU’s deficit claims that the EU cannot be a real democracy in the sense we know democracy in the nation-state democracies because some social (and structural) prerequisites, which are necessity for democratic polity and rule do not exist at the European level (Azman, 2011). This also may be understood as another hypothesis of this bachelor thesis.

4.2 Forms of democratic deficit on the EU level

Having had defined the democratic deficit in the terms of its origin, meaning and its general framework, it is now possible to specify the forms, which this phenomenon may take in the context of EU and its governing institutions. The most frequent and crucial forms of this (democratic deficit) phenomenon, which is being criticised the most by most of the general public, shall be determined and analysed.

The democratic deficit could not necessarily be just a subject to deal with by the EU’s institutions. The issue is much more important. Let us begin with the integration process, which brings more states to the EU. The very emergence of this phenomenon can take place even before a potential member state actually joins the EU. If we can talk at all about a real democracy, concerning the decision whether or not to join an organization such as EU, an organization, which can change and influence everyday life of all citizens of the becoming (candidate) member state—this decision then should be a decision citizens should make via referendum. It is also a matter of basic political ethics. And yet, “*less than half the original EU-15 member states asked their citizens whether they wanted to join the European Community or the EU*” (McCormick, 2014, p. 104). In contrast, during the biggest enlargement of the EU in the year 2004, the citizens of all ten

candidate countries have had been asked by their respective governments, via referendum, whether, or not, to join EU. All ten countries eventually joined the EU (Euroskop, 2016d).

In contrast to this, Maastricht Treaty, which came into force on 1st Day of November 1993 and made important changes in the terms of structure, functioning, the aims and goals of the EU, was discussed and negotiated behind the closed doors. In other words, the European Council – consisting of the highest leaders of the member states - which is responsible for making decisions, setting directions and important policies, is so often making decisions “*without referring to their electorates*” (McCormick, 2014, p. 104). That is, without gaining the necessary legitimacy of the electorate to make the decisions concerning the important issues that normally warrant the approval of the electorate in the nation-states.

Moreover, at that time, there was no proper explanation or presentation of scope of this treaty to the general European public. Nevertheless, this treaty has undergone a test referendum in (only) three member states, which happened to be Denmark, France and Ireland (McCormick, 2014, p. 104). The treaty passed the referendum in France where French electorate voted by 51% to 49% (Criddle, 1993, p.228) and in Ireland 69% to 31% (Elections Ireland, 2016). However, in Denmark was the treaty rejected by 50.7% of the electorate who took vote. Denmark was then available to negotiate changes in terms of *acquis communautaire* and *acquis* of the union. In following referendum (1993) the Danish people decided to favour the Maastricht treaty by 56% of votes (Šlosarčík, 2007).

However, when it comes to European institutions the issue has gained, say, much larger importance and volume, or agenda, since the European Union is already established and has certain powers and exerts influence over its member states – whether they joined democratically via public referendum or not. The eurosceptics say that European institutions “*are elitist, have become too powerful, and lack adequate transparency or democratic accountability*” or “*too many decisions are taken by European leaders without sufficient reference to citizens*” (McCormick, 2014, p. 104). And yet, since the principles of true democracy were explained in previous chapters above, it must be admitted that they have a point. Azman (2011, p. 245) with reference to Sbragia (2003) adds that there is either no or lack of linkage between the domestic (national) and EU

politics. She also confirms the point of eurosceptics, i.e., the EU institutions are elitist and often viewed as technocratic.

As mentioned in the introduction of this bachelor thesis, the European Parliament is the only democratically elected institution in the European Union hence the only democratic intermediary or link between the citizens of the EU's member states and the EU's institutions (Peterson, 2012). And yet, despite certain strengthening of the powers of the European Parliament (EP), after adoption of each following EU treaty and the corresponding adjustments (Miller and Lunn, 2012), EP has significantly lesser power regarding creation of the legislation and in the legislation processes in comparison to the European Commission. It is therefore criticised by broad public that concerning these circumstances the EP is not able to protect people's rights and their entitlements (Azman, 2011, p. 245). In addition to this, McCormick (2014) also points out that the EC could not be held fully accountable – by the EP – for its decisions, because the EP has quite limited mandate, abilities and powers, or say privileges, to do so (McCormick, 2014, p.104).

Moreover, as it has been outlined, above, in the previous chapters, the loss of powers, which have been transferred from the national parliaments to the EP, and hence increased the power on the supranational level at the account of the national Parliaments, was not properly compensated back through the so called subsidiarity. Subsidiarity means that certain decisions are bestow back to the national Parliaments from the supra-national level.

The compensation through the current level of the subsidiarity is not enough, taking into the account that at the national level the Parliament consists usually of two legislative Chambers, elected directly by the electorate (*demos*). In contrast, the legislative process at the supranational EU level is comprised only of one directly elected legislative body, EP—and without a legislative initiative at that—while the second legislative body, CEU, which also must pass the proposed legislation, is unelected at the supranational level.

In addition to the insufficient institutional design of the EP, as a legislative chamber, the lack of proper European elections in the actual sense, contributes greatly to, say, undermining the EP's position. It is so because “*there are no European elections*” (Hix, Høyland, 2011, p. 132). Hix and Høyland (2011) as well as, e.g., Fiala (2010), claim so, because self-evidently, there are no European-wide political parties that would be

formulating European-wide political programs, and asking the European electorate for a mandate to govern.

The other point is that the national elections are thus focused almost exclusively on the domestic issues and hence there is not enough room for the European issues. Fiala (2010) also argues that Elections to the EP are not important enough for the European public. In other words, he suggests that elections to the EP are not about Europe since these elections are not being treated with the sufficient importance by the broad public, the media and national parties in the first place.

As for the European Commission, the criticism seems to be the strongest. The EC is perceived as the most undemocratic of all EU's institutions (Miller and Lunn, 2014) rightfully because of a number of serious reasons, which are in their substance and practise opposing the classical and modern concepts and theories of democratic polity. In most of the cases, this criticism mainly refers to the EC's very little accountability to the public as mentioned several times above. The reasons for the criticism and the lack of the democratic manners arise from the reality that the president of the Commission who in fact represents the directions, views and positions of the EU on the international level has no direct mandate from the people. Another issue concerning this reality is that the president of the EC has, say, tenancy that is concerned with the matters of the national leaders by whom he has been appointed (in spite of the fact that his appointment must be approved by EP) rather than being concern with the matters and opinions of the European citizens (McCormick, 2014, p.104).

Moreover, despite the fact that the EC is the EU's executive branch (sometimes referred as the government), the commissioners are not members of any political party arising out of the legislative assembly, as it is a custom in the so called Parliamentary democracies (Miller and Lunn, 2014). One might argue that it is unclear what their political beliefs are and what values they stand for. Then there comes a question how could only appointed (not democratically elected) commissioners, who represent no party with clear political agenda hold power and be responsible for the EU's policies?

Although, the EC keeps on expanding its own authorities and according to the Azman (2011, p. 245) possesses great political power in terms of important and crucial decision-making while not being fully legitimate – which it would be if the commissioners were elected by the *demos*. Say, at least if the President of EC would be

elected by the plebiscite (demos). Moreover, the European Commission seems to be a remote and mysterious institution to many Europeans. Especially for the reasons that has been mentioned above. I.e., that EC is not being accountable and legitimate is actually a reality (Azman, 2011). Lukáš Petřík (2011) also suggests that commissioners are in fact either unknown or rarely known to the broad European public. The common people of Europe neither do know the commissioners by their name, nor do they know their political and executive agendas, they work on. Moreover, when people do not know their officials or rulers, the ability to control them is decreasing as well as chances for their recall (Petřík, 2011, p. 23).

The third institution to complete the EU's institutional triangle is the Council of the EU. The CEU takes almost as much criticism regarding insufficient democratic manners and lack of democracy as the EC. The most of this criticism stems from the fact that the Council approves and rejects many important decisions while meeting in Brussels, in meetings closed to the public and media. The members of the CEU (ministers and other representatives) take according to McCormick (2014) "*the kinds of decisions that – at the national level – are taken by members of elected assemblies (...)*" (McCormick, 2014, p. 104). Nevertheless, ministers on the national level of such a state, are being held accountable for their actions by the broad public, media etc. as defined in the Chapter 3.1.4.

Although there could be found more forms of the democratic deficit that have roots in the insufficient application of the democratic principles in the EU's institutions, it is worth to mention other forms of deficiencies that have more or less a social background. However, it can successfully argued, that these deficiencies are the consequences of a complex institutional designs, which might be perceived as a remote issue from the real people's concerns. Among them certainly belongs the distant perception of the entire EU by the European public. It is certainly so because the EU is so complex, that its citizens simply cannot understand it, as Hix and Høyland (2011, p. 132) suggest. They argue so because, for instance, the European Commission could not be defined neither as an executive government, nor as a bureaucratic segment of the EU while is being just "*appointed through obscure procedure rather than elected directly by the people or indirectly by a parliament*" (Hix and Høyland, 2011, p. 132). On the account of the Council's legislative processes, they ascribe much of a secrecy and mystery (Hix and Høyland, 2011, p. 132).

Nevertheless, as it could have been seen from the argumentation above, through a number of logical deductions, majority of above mentioned forms that democratic deficit takes within the EU's governing institutions have two possible essential origins from which the other failings of democracy at the EU level arise. First could be viewed as that the current design, structures and functions of the EU institutions do not respect design, structures and functions of institutions on national states level, which are viewed as democratic and legitimate – according to the theory of democracy mentioned in previous chapters. And, that is why the EU institutions suffer from democratic deficit and possibly a lack of legitimacy.

However, the second origin of democratic deficit roots in more simple assumption that takes us back to the Chapter 3 of this thesis, i.e., that there is no European state, therefore there is no *demos* which is needed for the essential democratic polity in EU to function. The true democratic polity is determined by the true democratic legislation processes, the executive decision-making separated from the legislative Chambers, the absence of the political “dealing and wheeling” concerning the executive power, exercising of power, accountability and legitimacy.

In other words, to have *demos* in the actual sense – that we know from national states – is an essential assumption for establishing a true democratic polity as was concluded also in Chapter 3.1.5. In spite of that, people at the European Union level are not bound together in the way, they are bound on the national states level. It could be argued that it is essentially impossible to bound or bring people who do not share a common history, culture and language together. One might then raise a question whether the ‘United in Diversity’ is actually possible to achieve at all.

Moreover, this second origin or root of the democratic deficit, or its form, is according to many scholars and authors, e.g., Fiala (2010), Azman (2011), Hix and Høyland (2011), Peterson (2012) and McCormick (2014) the most crucial in the terms of democracy failing on the EU level. In other words, as was already mentioned, these authors assume that the absence of common European state hence *demos* triggers a long sequence of many democratic deficits, which occur in the EU governance system since its very establishment in the middle of 20th century. Therefore, with respect to these authors, this bachelor thesis further aims on democratic deficit, which arises from absence

of these two prerequisites for democracy, i.e., absence of European state and absence of European *demos*.

4.3 Comparing American and European systems of government

Following Chapters 4.3 and 4.4 represent the key part of this bachelor thesis from the perspective of application of theory and political practise of democracy concerning its original and the newly developed principles that has had been described in Chapter 3. For the purpose of better presentation of how the democracy is used and applied as polity (political) let us compare the institutional and federal system and the design of polity in United States of America to the institutional system and design of polity in European Union. This comparison aims on how the institutional design and structure in the USA works. This might help to reveal the other possible insufficiencies in the EU's current political system, which may cause the democratic deficit and the lack of accountability and legitimacy. In other words, this comparison will introduce the main features of governance of each mentioned political entity concerning the executive and legislative branches and their relationship to the *demos*. The aim will be to, thoroughly, identify their differences and similarities that may eventually strengthen the arguments concerning the existence of the democratic deficit and lack of the legitimacy of EU's institutions, as mentioned in the previous chapter.

The USA was chosen for one particular reason, because it has developed very stable and elaborate political system of governance – while securing and maintaining the democratic polity of 50 member states with total population over 321 million and being one of the strongest economies in the contemporary world (CIA, 2015). The institutions in the USA have worked very well for more than over 200 years until this very day. Moreover, they are fully legitimate and accountable towards their electorate – *demos* – and USA is often compared to EU of other reasons as well, e.g. because of the economic performance, the role in the global politics, etc. This is, also, why the space now devoted to comparison of these two unions – key global entities – can certainly be justified and is relevant for this bachelor thesis since the doubts and questions, concerning the European Union democratic polity, have been raised.

According to Martinelli (2006), numerous studies concerning comparison of the US political system and political system of one or more selected European national states have been conducted in past. The outcome revealed some significant differences between

the US and the compared European national state or states and, at the same time, showed wide diversification of state polities in the Europe, particularly in the EU's member states. The main differences among state polities in Europe are, e.g., electoral systems (majority vs. proportional), rates of voting (political participation), judiciary, separation of powers, party systems, mechanisms of democratic accountability meaning whether the state is organised as parliamentary, semi-parliamentary or presidential, etc., (Martinelli, 2006). In other words, while the USA associate 50 states under one polity, the EU currently associates 28 states with different polities or state systems which are governed by institutions which during the time developed *sui generis* system of government as mentioned in Chapter 3.1.5.2.

In addition to this, when it comes to comparison of the United States of America and the European Union other facts shall be considered. First, historical development of both entities – the unions – must be considered and accounted for. As for the USA, its history as one nation state starts back in 1776 (240 years ago) when 13 British colonies released themselves from the Crown by signing the Declaration of Independence. In contrary, the EU has been built in the small steps on basis of the already established sub-organizations (ECSC, EEC, EAEC) since the mid-20th century as mentioned in introduction of this bachelor thesis. Moreover, while the formation of the USA has already ended long time ago, the formation of the EU is still in progress – this applies also for the union boundaries of both entities. Also, the obvious difference is in the economic and military power of each union. The USA is considered to be the most powerful nation-state in the contemporary world, which at the same time maintains the most advanced democratic polity. The EU cannot be considered as a nation-state, as yet, due to its organisation. The EU is being viewed as being rather a supranational government, which is criticised for democratic failings at various levels (Martinelli, 2006).

And last but not least, there are also differences from the ethnic and cultural perspective. Both unions are ethnically heterogeneous but it is important to mention that it is so due to different reasons – the USA become ethnically heterogeneous because of many migration waves into the country. The EU's ethnic heterogeneity has its origins due to the various genetic codes carried by, say, the original residents of EU's member states (Martinelli, 2006).

4.3.1 The main characteristics of the USA's system of governance

The United States of America is a federation with a democratic polity guarded by the Constitution that came into force in 1789. The separation of powers in the USA is divided strictly as vertical and horizontal which is based on James Madison's design of a 'compound republic' which can be found in *the Federalist Papers, no. 51: Separation of Powers: Structural Checks and Balances*. According to James Madison, one of the Founding Fathers of the USA, the horizontal separation of powers is a prerequisite or say key to absolute free society of the USA and any nation-state. James Madison specified this in *the Federalist Papers, no. 47: Separation of Legislative, Executive, Judicial Powers*.

In concreto, Madison justifies separation of powers as a tool to maintain liberty with a statement:

„The holding of all powers—legislative, executive, and judiciary—in the same hands, whether by one person, a few, or many, and whether hereditary, self-appointed, or elective, is the very definition of tyranny.” (Webster, 2004).

In other words, as we can understand from the Madison's original statement, the horizontal separation of state powers (legislative, executive, judiciary) is necessary to prevent any individual or group of individuals to achieve absolute power, or authority over one nation (Tien, 2013). In addition to this, horizontal separation of powers is also typical for non-federative states. Moreover, in any constitutional democratic polity, the horizontal separation of powers lies in the principle that the executive, legislative, and the judiciary bodies are independent of each other and equivalently legitimate. Moreover, the functions of the government, whether the federal or state government, are shared and diversified into various institutions (Martinelli, 2006).

The vertical separation of powers, as can be deduced from above mentioned facts, is typical for federations because it has a logical purpose (Tien, 2013). Vertical separation of powers is in the USA, as in any other federation, related to separation of powers between the centre of federation and its member states. However, particularly in the USA, the vertical separation of powers is achieved and secured through the double representation in the Congress which is bicameral and thus consists of two Chambers.

The double representation in the US Congress is divided into territorial representation – each member state has equal representation by two senators in the Senate regardless of its population; and individual representation in the House of Representatives – where the representatives are elected proportionally from each state according to its population in relation to the whole population of the USA (based on census) (Martinelli, 2006).

4.3.2 Legislative branch of the USA

4.3.2.1 The United States Senate

The United States Senate is one of two Chambers of the US Congress established by the Constitution of the United States in 1789. It consists of 100 members (2 per each state). The US senators are elected directly by the citizens – the US *demos* – of their home states and serve six years (US Senate, 2016a). The main purpose of the Senate is to perform a check on the House of Representatives. The Senate also contributes to the law-making process with the same amount as the House of Representatives since any act that comes out of the Congress must be approved by both of the Chambers and eventually must be signed by the President (Martinelli, 2006). Moreover, as well as the second chamber of the Congress – the House of Representatives – also so the US Senate has the right to introduce any legislation.

Other important feature of the US Senate is the exercise of “advice and consent” power (see Article II, section 2 of the US Constitution). This makes Senate non-excludable in terms of the treaties ratification process (which can only be approved by the two-thirds majority of all senators) and important public appointments, e.g., ambassadors, Cabinet members, judges of the Supreme Court, etc. – where simple majority is needed to approve an appointee. Moreover, the Senate has also adjudication rights in the process of impeachment of federal officials – again, the two-thirds majority of all senators is required for conviction (Britannica, 2016a).

The senate consists of senators from the two major political parties, which are characteristic for the US – the Democratic Party and the Republican Party. The party which has the majority (i.e., has the largest representation in the Senate according to the elections outcome) elects its leader – known as the majority leader – who eventually coordinates activities of the Senate. In contrary, the party, which has the minority, elects its minority leader. The both Senate leaders eventually have quite significant role in

appointing their party members to the Senate committees – which purpose is to control the legislation processes as well as expand control over the government, government agencies and departments. In special, and also very seldom cases of a tie situations during the vote in the Senate, the Vice President of the United States who also serves as the president of the Senate has an exclusive right to vote (Britannica, 2016a).

The members of the Senate – Senators – are strictly prohibited by the Constitution (Article I, section 6) to hold any offices in the executive branch of the government of the United States of America either on federal or the state level (US Constitution, 2016).

As for the US *demos*, the composition of the US Senate is its direct will since the Senators are directly elected as mentioned above. The citizens of a particular US state are able to choose their favourable Senator candidate according to his or her campaign that is based on political beliefs and ideas – therefore the intentions of this particular individual are for the *demos* clearly predictable. In addition to this, this individual – if elected – is automatically confronted with the political concepts defined in the Chapter 3 – subchapter 3.1.4 in particular – so the basic assumptions of democratic polity in practice are fulfilled.

The strength of the mandate of each of the representatives implicitly depends on the percentage of citizens that took part in the elections, i.e., the election turnout. And cast a vote. However, the US election turnout for the Senate is rather declining over the time. For instance, in 1978, the congressional election turnout (elections to both Chambers of the Congress) national-wide only 48.9% and in the 2014 it was only 41.9% (US Census Bureau, 2015). Nevertheless, the US Senators and the members of the House, as individuals and politicians, are rather well-known across the interested public in their home states and this fact makes the actual election more personalised. Even, if on the other hand, many citizens-voters might feel that the real political issues and programs kind of evaporated from the political contest. All that is left is the personification of the political campaign and social marketing issues signifying the emptiness and futility of the political process, mainly based on personal attacks of the political opponents without real political issues to discuss; the political issues, so it is implied and understood, to be somehow implicitly given. However, the US *demos* can get to know the person who they vote for through the heavy political marketing campaigns the candidates launch.

4.3.2.2 The United States House of Representatives

The United States House of Representatives, or just the House, is the second of two Chambers of the United States Congress established by the Constitution of the United States in 1789. The US House of Representatives was originally designed by the Founding Fathers to represent the popular will through directly elected representatives. In the contemporary USA, it consists of 435 seats and their occupants – members have mandate to serve the House and the people of the US for two years. The allocation of seats in the House depends on population within the states, which is counted by the periodical decennial census (Britannica, 2016b).

The US Constitution grants the House particular control powers, e.g., right to initiate impeachment or to originate revenue bills as well as the right to initiate any legislation. Political parties of the US significantly contributed to say process of development of the House in terms of its organization and character. That is because the parties dispose with means of big influence such as the control proceedings and mobilizing the necessary majorities – which enable to adjust the way the House works. The House is organized by the majority and minority leaders, which play crucial role in managing the House's activities – similarly to the Senate – and the speaker of the House chosen (elected) from ranks of majority party within the House. The speaker of the House has the most significant role in this institution. He or she controls and presides over debates, have the right to select and appoint members of the House investigative and control committees, etc., and has other privileges and duties (being second in the line of presidential succession, after the Vice-President) (Britannica, 2016b).

A characteristic feature of the House is that the party members – regardless of which one – are not always completely loyal in the sense that they would all vote in the same way, i.e., according to the party line. That is so because the representatives have mandate only for two years, and they often fight for re-election, which means to sometimes vote to support the interests of their own districts (from which there were elected) rather than vote in a way to support their party (Britannica, 2016b).

Another and the most important feature of the House is – same as in the Senate – the committees. The system here works in the same way as in the Senate but differs only in number of standing committees. There are 20 of them. The committees are concerned with the major political issues. The committees hold hearings, may propose legislation

and even conduct investigation on behalf of the well-being and interest of the public. The committees in the House as well as the committees in the Senate are important in terms of control over the governmental agencies, Cabinet officers and other officials. In addition to this, the committees in the House can summon member of the Cabinet or any official to explain a particular policy or policies (Britannica, 2016b).

The members of the House of Representatives are strictly prohibited by the Constitution (Article I, section 6) to hold any offices in the executive branch of the government of the United States of America (US Constitution, 2016).

As for the US *demos*, the composition of the House of Representatives reflects its direct will, same as in the case of the US Senate. As mentioned above, the members of the House are directly elected by the citizens of each particular state where they as candidates – same as candidates for Senators – fight for the votes through their political campaigns. People therefore should be well aware of each of the candidate’s standings and intentions because of their party membership, political beliefs and ideas which are explained and presented during the campaign. At least that how it supposed to be. However, as it was discussed above, cf. 4.3.2.1, paragraph 6, the real political issues and programs are evaporating from the political campaigns in the USA. Newly elected members of the House are as well as the new Senators confronted with the political concepts as defined in subchapter chapter 3.1.4 that arise along with their election. It is therefore certain that the basic assumptions of democratic polity – according to the theoretical background stated in Chapter 3 – are in practice fulfilled.

4.3.3 Executive branch of the USA

4.3.3.1 President of the United States of America

The President of the United States of America represents the executive power and therefore is considered to hold the chief executive office. Moreover, the President is also a head of state, government, military commander-in-chief and head of the US diplomacy. The United States president is elected directly by the Electoral College – the intermediary body that is elected directly by the *demos* of each state. Members of Electoral College have during the election duty to cast the vote according to the will of the *demos* for presidential candidate (US Constitution, 2016). However, it is a custom, it has not been written down as a cognitive rule.

The executive branch of the USA consists not only of the President as an individual, but also from those individuals whom the President appoints and delegates the executive powers – the Cabinet. The Cabinet in the contemporary USA consists of 15 members and is a traditional part of the US executive branch established by the US Constitution (see Article II, Section 2) (US Constitution, 2016) which existence dates back to days of the first US president – George Washington.

Members of the Cabinet are the heads of the executive departments, who are selected and appointed by the President, of course, providing they pass the hearings in the Senate, and it approves them with a simple majority (About, 2016.) Moreover, members of the Cabinet have a consultative and advisory role for the President on any subject (The White House, 2016). The most important departments (i.e. ministries) are, e.g., Department of the State, Commerce, Defence, Homeland Security, Agriculture, etc.

The President of the USA is granted the largest authority in the country from the Constitution, once elected, and his office is not just a representative as in some of the other countries around the world. The US president is therefore considered to be the most powerful elected official in the world (McDonald, 2016).

The president is according to the Constitution is responsible for the faithful execution of laws within the country as well as for preservation and protection of the Constitution of United States (US Constitution, 2016). Control and the faithful execution of the laws approved by Congress is done through appointed Cabinet – the highest officials of the executive branch of the federal government. The judges and members of the Supreme Court are appointed by the Cabinet, which, however, must be also approved by the Congress. The president has the veto power to approve or reject bills proposed by the Congress. In this case, the bill goes back to Congress where the presidential veto can be overridden by summoning two-thirds of members of the Congress (of each Chamber) who are in favour of the bill passing. However, the President himself has the legislative initiative. Last but not least, the President can sign treaties with foreign nations unilaterally, but the ratification of international treaties must be approved by two-thirds majority of the Senate (McDonald, 2016).

In addition to this, president can be impeached by initiation of the majority of the House and eventually removed from office by two-thirds of majority of the Senate (US Constitution, 2016).

As for the US *demos*, the situation concerning the election of the US President is slightly different since the intermediary – however directly elected – is needed in the process. Nevertheless, it can be assumed that the presidential office has background supported by the *demos*. The US President is elected on the basis of his or her party membership and the campaign which lasts several months. That is so because the US President as the highest official of the executive branch represents, according to the Constitution of the United States, the will of all people across the United States and therefore the candidate must fight for the votes in each of 50 member states.

However, this does not apply for the Cabinet that president appoints and that represents the US government. The Cabinet appointed by the President has in the terms of theories of democracy no direct legitimacy and accountability. However, the *demos*, is traceable (in fact it is somewhat derived) because the Cabinet appointees must be approved by the Senate's simple majority. In other words, the Cabinet that forms the actual US government does not arise from the direct will of US *demos* and therefore it is not confronted with the political concepts defined in the subchapter chapter 3.1.4 and the original theory of democracy defined in Chapter 3.

4.3.4 Legislative and executive branch in the USA in summary

In conclusion, it is important to say that the Congress as the legislative body is directly elected by the US *demos* and holds significant legislative and control powers over the US executive branch. The United States President as chief of the executive branch is elected through an Electoral College of the USA which members are directly elected by the *demos* of the particular state of the Union in accordance to the elector's pledge for presidential favourite which according to the tradition they eventually cast a vote for. As the President takes certain part in the legislative process by having the initiative and the veto power, the Congress on the other hand takes part in executive process by having the power of 'advice and consent'. For instance, the President can declare a war only after its declaration has been passed in the Congress. Therefore, the Presidential office including the Cabinet and the Congress are supposed to cooperate because one may influence another. The Supreme Court forms the regulative function when it comes to possible conflicts among the governmental institutions and governmental institutions and citizens. It is important to notice that even the minorities in the both houses are important players since many times there is a need for a qualified majority vote, e.g., ratification of treaties (Martinelli, 2006). In this way of the somewhat prescribed cooperation by the

Constitution, all *demos* and their respective interests are represented in the decision-making processes, obviously in proportion.

James Madison back at his day described the USA as a ‘compound democracy’ or a ‘compound republic’ which means that the sovereignty within the country is distributed among different institutions – The President and the federal government, The Senate and the House of Representatives and single state governments. In addition to this, state governments are also elected by the *demos* of each state as well as their legislature and local governments (Martinelli, 2006).

In other words, it can be argued that all the elected officials (except for the presidential Cabinet) who are members of the institutions which are eventually supposed to guard and follow the Constitution in their doings are democratically elected and the “hand” of *demos* is traceable.

4.3.5 The main characteristics of the EU’s system of governance

The EU institutions unlike the US are established on the contractual basis and its various forms, organization, privileges and other authorities that have been developing during the history until this very day. The establishment and evolvement of the main governing institutions – the European Commission, the European Parliament and the Council of the European Union – known also as the ‘institutional triangle’ was described in the introduction to this thesis. Therefore, it is no longer necessary to describe their history but the objective now is to focus on how they actually work within the EU to be able to compare them to the US system of governance, which was introduced above.

What this comparison has to take in account is that the political-institutional structure of the EU is, as mentioned several times in previous chapters, more complex than any other organization in the world and it is in the never-ending flux. Therefore, among the main aims of this chapter is to find the main features of the European Structure of governance in order to compare them with the American model of federation. Only then it is possible to find and confirm the premise which was stated in the previous chapter, i.e., the EU suffers from democratic deficit because it has no common *demos*; and the EU suffers from democratic deficit because the two of the main governing institutions on the European level are not elected by the European citizens.

The EU's institutional triangle takes part in the *acquis communautaire*, which means that these three institutions are essentially responsible for creation the majority of the EU legislation. However, the triangle is also partly responsible for the EU's executive branch. In addition to this, the triangle is also, as mentioned in the introduction, compelled with the European Court of Justice, which contributes to the faithful executing of the European policies. Nevertheless, it is necessary, same as in the USA, for each institution of the EU to have strictly specified competences and privileges in order to keep the EU operational. Moreover, it is required by the Treaty of Lisbon (Article 13, section 2) that all institutions and organs of the EU that take part in the legislation process shall cooperate closely fairly and correctly (Lacina, 2011, p. 136).

“Each institution shall act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures and conditions set out in them. The institutions shall practise mutual sincere cooperation.” (Treaty of Lisbon, 2009).

4.3.6 Legislative branch of the EU

4.3.6.1 Council of the European Union

The Council of the European Union, or just the Council, is one of the legislative bodies – institutions – of EU. Although the Council is considered to be a very strong decision-making institution of the EU, it shall, according to the Treaty of Lisbon, act and cooperate with the EP and other institutions as mentioned above. The Council consisted of ministers of each member state according to the Article 16 of the SEU (Treaty of Lisbon) (Lacina, 2011, p. 151):

“The Council shall consist of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote.” (Treaty of Lisbon, 2009).

The Council, therefore, in contemporary EU consists of 28 ministers appointed by their member states. Presidency of the Council is periodically (every six months) changed and hosted by one of the member states government. It is important to mention that as well as the EC, which will be mentioned later on, so the Council's particular objective is to define EU's policies and its coordination for the purposes of implementation. The Council chooses its agenda which is about to be addressed in accordance with the Presidential member state program. Each of the state has therefore a chance, during its presidency, to give a preference to one particular topic, which afterwards become the

main agenda of the Council to discuss. In addition to this, ministers of each country meet in accordance with the chosen agenda. For instance, when there is preference on resolving the environmental issues within the EU, the 28 ministers of environment of each country meet and address this agenda.

However, there are ten formations of the Council in contemporary EU: General Affairs; Foreign Affairs; Economic and Financial Affairs; Agriculture and Fisheries; Justice and Home Affairs; Employment, Social Policy Health and Consumer Affairs; Competitiveness; Transport, Telecommunications and Energy; Environment, Education, Youth, Culture and Sport (Lacina, 2011, pp. 151-152). The Council takes decisions by qualified majority voting (QVM). To achieve a decision, the vote must be taken by 55% of the member states. And, 15 of them must at the same time represent 65% of the EU's population (Lacina, 2011, p. 152).

However as for the *demos* and its will and representation, the situation is very complex. The Council is definitely not a directly elected body but rather appointed by the governments of member states as mentioned above. The main issue with this practise lies in fact that not even the ministers of member states that eventually become part of the Council are directly elected. The *demos* behind the Council happens through a sort of conversion, i.e., is traceable to the very bottom level of the member state plebiscite elections, to the Parliament (legislative assemblies). From these assemblies, for most of the part, comes the government itself and its ministers. Even if this creates a link from the Council to the *demos*, it is really far away from the *demos*. And this is certainly not in accordance with the theory of democracy and its main principles stated in Chapter 3. The officials who take part in the Council are definitely not confronted with the political principles particularly described in subchapter 3.1.4.

If we considered the EU as a federative establishment, its legislative institutions (the EP and the CEU) would be parts of bicameral Parliament, as it is in the USA. Therefore, the Council would, due to the nature, represent its upper chamber. That is why is the Council, in this bachelor thesis, compared to the United States Senate.

4.3.6.2 European Parliament

European Parliament represents the European people from the member states and is the second institution to bicameral legislation system of the EU. Each member state has allocated according to its population – same as in the USA – the number of seats in the

EP. Total number of seats in the EP is 751. The seats are occupied by the Members of European Parliament (MEPs) who are directly elected by citizens of each member state with five year's mandate. The MEPs form so called fractions according to their political beliefs and ideas (Lacina, 2011, p. 140).

The EP is presided by the EP's president who is elected by MEPs from their ranks. The President of the EP then presides over the chamber and controls its debates and activities. The EP have supervisory powers, legislative and budgetary functions, consultative functions, elective functions, the function of political control and control of the executive (Lacina, 2011, p. 138).

The Treaty of Lisbon has strengthened the competences and powers of the European Parliament. Therefore, the role of the EP became more important with respect to the EC and the CEU. Before the Treaty of Lisbon, the EP had right to co-decide in 44 areas or policies of the EU. After the Treaty of Lisbon came into effect, the legislative agenda of the EP almost doubled. In other words, the EP gained more and even stronger voice in the matters of the EU. In addition to this, the EP also has more influence when it comes to EU's budget approval. The parliament has the final word in approval of the Union's annual budget and in election of the candidate for the President of the European Commission proposed by the European Council as well as the entire Cabinet of 28 commissioners. When it comes to the multiannual budget plan proposed by the EC, the EP has to agree with the simple majority voting (Lacina, 2011, p. 142). Regardless of all other functions and competences, the EP has no direct right to initiate any legislation. The EP has only a right to ask the Commission to submit a particular proposal (EP, 2016a).

Moreover, as mentioned above, the EP is the second to hypothetical bicameral legislative system of the EU. This means that any new law presented by the EC has to pass both the EP and the CEU. The EC's proposal may be accepted or rejected by the absolute majority. If the proposal is rejected then another readings and procedures in order to pass the bill follow (see Lacina et al., 2011, pp. 136-146).

Composition of European Parliament, reflects the direct will of the *demos* in the member states, i.e., the MEPs are directly elected representatives of the *demos* of the member states. MEPs are elected based on their political party membership or as independent candidates in their respective member state and their respective political

campaign. Therefore, the *demos* can predict the individual candidate's intentions. In this case, the theory and principles of democracy along with the particular political concepts examined in subchapter 3.1.4, are fulfilled. However, the main issue concerning the European Parliament is the actual turnout since the first direct elections in 1979. Back in this time, the turnout was very high (61.99%) but this has been decreasing in each decade: in 1989 the turnout was 58.41%, in 1999 it was 49.51% and in 2009 it was 42.97%. In addition, the last election's turnout in 2014 was 42.61% (EP, 2016b).

The European Parliament, as a chamber of bicameral legislative body, is in this bachelor thesis with respect to its nature compared to the United States House of Representatives.

4.3.7 Executive branch of the EU

4.3.7.1 European Commission

European Commission is the EU's executive body with right to propose and initiate legislation and is a core of general political initiative. The EC represents supranational, politically independent institution which exclusive purpose is, in addition what, has had been already mentioned above, to promote and defend interests of the EU as a single entity. In contemporary EU, the EC consists of 28 commissioners (1 per member state), while one of them is the EC's president. Rest of the – Cabinet or College – is appointed by the Commission's President with respect to previous discussion on the subject with the officials of the member states. The Commission and College of Commissioners (28 officials) is an equivalent – therefore when it comes to the approval of the final composition of the Commission, the EP approves all 28 Commissioners as one body. However, before the final approval, each commissioner must face the EP's "grilling" – public hearings. Eventually, the Commissioners are appointed for a five year's period (a five-year mandate) (Lacina, 2011, p. 160).

Each commissioner is responsible for one particular department. Amongst the most important fields of interest in EU are, e.g., agriculture, fisheries, transportation, trade, etc. (Lacina, 2011, p. 158). Apart from these responsibilities of each commissioner, the Commission as a whole (as an institution according to the Article 17 of the SEU) is responsible for, e.g., support of general interests of the EU, ensuring the faithful compliance of the treaties, and control and oversight over the compliance of the EU's laws. In addition to this, among other Commission's responsibilities belongs also a budget

implementation, and other coordinative, executing and directing functions in accordance with the treaties, and the activities associated with the approval of the annual or multiannual EU programmes (Lacina, 2011, p. 159).

The Commission is also divided into departments called Directorates-General. These departments operate within the framework of each commissioner's Cabinet. Their staff is considered as European civil servants. Each Directorate-General is responsible for one particular field according to single policies (similarly as in the case of USA), e.g., Regional policy, Agriculture and rural development etc., and additional services such as Eurostat etc. (Lacina, 2011, p. 159).

As for the *demos*, composition of European Commission is not its direct will. President of the European Commission is nominated by the European Council and eventually elected by the EP. Representation of the *demos* can be traced to the EP but it is still not a direct election therefore there is lack of democratic practices as defined in Chapter 3. When it comes to hypothetical Cabinet – each of the 28 commissioners are appointed by the already elected EC's President according to nomination submitted from a member state as mentioned above. This fact also does not correlate with any principle of democracy stated in Chapter 3.

The EC as an executive branch of EU, sometimes referred to as government, is in this bachelor thesis, with respect to its nature, compared to the President and the Cabinet of the USA.

4.3.8 Legislative and executive branch of the EU in summary

The European polity is a very elaborate and complex mixed institutional structure as mentioned several times throughout this thesis. The EU is considered as a supranational system with its own organization and system of functions. Nevertheless, as we have learned from the previous chapters on EU's institutions, the basic separation of powers is formally missing which along with other features of EU's governance set the ground for various questions.

The main issue here however seems to be that there is no specific distinction between the executive and legislation functions among the EC and the CEU. It can be argued so, because the Council has the right to approve and discuss the laws while at the

same time is comprised of representatives (ministers) of the member state's national governments who hold an executive office (Martinelli, 2006).

The Commission seems to be a strict executive power, which, e.g., controls the national governments of the member states how they implement the Council's and the EP's decisions. However, the issue in the separation of powers here roots from the fact that the Council and the EP can address only legislation initiated by the Commission – and this makes the Commission also a part of the legislation process.

The role of the European Parliament has strengthened significantly after the Treaty of the Lisbon came into effect. Any law that is being proposed by EC, has to be approved by both Chambers of the EU's bicameral legislative system. This means that the citizens of EU have gotten a more significant representation. However, the powers of the EP as the only one directly elected institution are much lesser than it deserves. Mainly because, as it was mentioned above, the EP has no direct right to initiate any legislation. That is pity. However, EP may disagree with the EC's proposed legislation and along with the Council create a so called Conciliation Committee which will seek a mutual agreement among the EP and the Council in order to adopt the legislation with certain adjustments – amendments.

4.4 RESULTS OF COMPARISON

After having these two systems, the USA and EU, of governance generally described and their legislative and executive branches introduced in terms of their relationship to the *demos* and their powers, it is now the appropriate time to distinguish between the similarities and the differences among them. The similarities and differences can be determined from what we have analyzed and learned from the vertical and horizontal separation of powers, the democratic representation and policy-making process. The similarities among these two global political and economic entities are rather minimalistic when comes to the identification of differences among them. The differences are, however, the particular interest of this bachelor thesis in order to reveal the EU's key insufficiencies in the practice of democracy – the democratic polity – and in terms of proving the existence of the democratic deficit.

4.4.1 Similarities between the USA and the EU

4.4.1.1 Legislative branch

- I. Legislative branch of the USA and the EU is consisted of the two Chambers, i.e., it is bicameral.
- II. The approval of both Chambers is needed to adopt and pass any legislation.

The US Senate and the Council of the European Union

- I. Each state, either of the USA or the EU is given equal number of seats for its representatives in this chamber.
- II. Members of the US Senate and the Council represent interests of member states of each Union.
- III. Both institutions can reject any proposal of legislation.

The US House of Representatives and the European Parliament

- I. Both institutions are directly elected by the *demos* and represent the popular will. They are thus both legitimate.
- II. Political background of either of members of the House or the Parliament including intentions is well-known for the *demos*, cf. article 4.3.2.1., paragraph 6.
- III. Number of seats allocated for each state in this institution is derived proportionally from its total population with respect to other states of the Union.
- IV. Both institutions can reject any proposal of legislation.
- V. Both institutions dispose with supervisory powers.

4.4.1.2 Executive branch

- I. Executive branch in both systems, either in USA or EU, is supposed to look over the right and faithful implementation and exercising of adopted legislation.
- II. In both systems, either the USA or the EU the executive branch is supposed to guard the highest legal documents and treaties – Treaty of Lisbon (EU), Constitution of the United States (USA).

- III. There is no separation of powers, i.e., both executives either in the USA or the EU can initiate any legislation. In the case of EU, the Commission is the only body who can do so.

The office of the US President and the European Commission

- I. The Cabinet of EU's commissioners as well as the Cabinet of US President secretaries are considered as a government and the highest officials of particular departments.
- II. The Cabinet of the European Commission as well as the Cabinet of the US President is not directly elected by the *demos* and has very weak link with it.
- III. Members of the US Cabinet as well as Members of EC's Cabinet must be approved by one institution of the legislative bodies – the Senate in the US, the EP in the EU.

4.4.2 Differences between the US and the EU

4.4.2.1 Legislative branch

The US Senate and the Council of the European Union

- I. Unlike the US Senate, the Council is not directly elected by the *demos*. Moreover, election of the US Senators is personalised thus the *demos* know its representatives.
- II. Unlike the US Senate, the Council can only address the legislation proposed by the EC but not initiate one.
- III. Unlike the members of the US Senate, the members of the Council have no clear political background and are not elected according to any sort of campaign. Therefore, intentions of the members of the Council are not clear for the *demos*.
- IV. Unlike the members of the US Senate, the members of the Council are changing according to agenda that is currently the very object of interest of the Council. These objects – agendas – change very often, so the *demos* happen to be not well-aware of the current activities of the Council and which ministers addresses them.

- V. Unlike the US Senate, the members of the Council as a legislative body in fact hold an executive office since they are appointed as ministers of executive governments of member states. Thus there is no clear separation of power.

The US House of Representatives and the European Parliament

- I. Unlike the US House of Representatives, the European Parliament as the only directly elected institution on the EU's supranational level has no right to directly propose any legislation.

4.4.2.2 *Executive branch*

The office of the US President and the European Commission

- I. Unlike the US President as the chief official of executive branch, the President of the European Commission as the chief official of executive branch is not directly elected and therefore has no direct link to the *demos* of each member state. The President of the European Commission is appointed by the European Council and eventually elected by the EP.
- II. Unlike the USA, the European Commission is the only body with direct right to initiate any legislation.

4.5 BUILDING AN ARGUMENT

Analysis of the main features of legislative and executive branches of the EU's and the USA's systems of governance and their eventual comparison in terms of similarities and differences also with respect to *demos* contributed significantly to the discovery where the insufficiencies in democracy – the democratic deficit – in the EU and its institutions may root. In other words, this comparative analysis helped to demonstrate and identify the main differences in the democratic polity of both subject entities, that were studied, and thus set a ground for building an argument, which could be used to prove the hypothesis and answer the research questions.

In addition to this, the first part of this bachelor thesis – Chapter 3 – aimed on introduction of the original concept, principles and theory of democracy as an approach and the tool that has been commonly used for hundreds of years to govern the people. The second part of this bachelor thesis – Chapter 4 – aimed on introduction of main features of the EU's governance in terms of legislative and executive branches that is used in contemporary EU as well as its relationship to the *demos*. Moreover, the chapter compared these features to USA in order to show how the democracy is treated and used there, i.e., in the very similar and comparable political and economic environment. The aim of this chapter is therefore to apply the theoretical knowledge of democracy from Chapter 3 to the findings that represent the reality of contemporary EU and provide answers.

The first part of the argument can be specified as that there is only one way that the true democracy can be defined, viewed and practiced. It comes out from its very own definition and has roots in ancient Greece. Thus this part of a concluding argument works with an assumption that the real power resides in the hands of the *demos* which is found in a particular state and which provides the legitimacy to elected officials through the direct elections. The officials afterwards should stand for their ideas and political believes and defend interests of that part of the *demos* that elected them throughout their mandate.

The second part in concluding argument is based on the concepts of power, accountability and legitimacy. The practice of representative democracy as a state polity is associated with the said political concepts. According to the theory, an elected representative or official is able to hold power – only because the *demos* freely bestowed it – that is limited only by his or her election. This representative therefore has a power

of decision-making over the electorate and is able to use it however with respect to the *demos*. The elected representative who can use power for decision-making automatically becomes accountable for his or her decision towards the electorate that provided him or her with the legitimacy to do so through the election.

The third part of a concluding argument is based on assumption separation of powers and transparency. The assumption or a premise of separation of powers was mentioned in the introduction as well. However, findings of this bachelor thesis proved that the society within a state can be truly free only when there is real separation of the governmental powers in terms of the executive branch, legislative branch and judiciary branch. Moreover, the officials that hold the power to exercise either of these branches must act transparently in accordance to the constitution and laws.

The fourth part of concluding argument is based on the comparison of EU and the USA in terms of legislative and executive branch. The comparison was conducted to shed more insights to the studied problems and to prepare a ground for arguments and statements concerning proving or disproving the democratic deficit in the EU.

Since the framework of argumentation is defined, it is the right time to apply it to the context of this bachelor thesis. The first major democratic deficit that emerges in the EU and which gives the ground for other democratic deficits to arise roots in the fact that the European Union is not a sovereign, internationally recognised unitary state – therefore there is no common *demos*. The EU recognise the European citizenship but it however does not supply the citizenship given by the Member national states. The actual European “*demos*”, i.e., citizens of the member states fail the very basic precondition for practice of democracy on the supranational level. Moreover, it fails also according to the theory of democracy as well as its original perception. It is necessary to mention that there is the European citizenship but it does not, however, substitute for the citizenship given by each member state.

The second basic democratic deficit emerges in the institutional structure and design of the EU’s governing institutions. Besides the first failed precondition of the (representative) democracy – to actually have a *demos* – the only elected supranational body is the European Parliament. The other studied supranational bodies – the European Commission and the Council of the European Union – are not elected by the people of the member states. This fact fails the original meaning of representative democracy in the

full scale. Regardless of the reality of these two supranational bodies, the theory of representative democracy claims that the people are freely willing to bestow their rights to the official they elect that may exercise the power instead of them – this precondition is not obviously fulfilled with respect to what was mentioned earlier in chapter 4.3. Moreover, if the officials are appointed instead of elected, they do not have any legitimacy and direct accountability towards the people on which behalf they decide.

The third democratic deficit of the EU roots from insufficient separation of power. The European Commission represents the executive branch of the EU. However, it also has the right of legislative initiative which in practice means that the actual legislative branches of the EU – the CEU and the EP are in conflict with the executive branch. Regardless of this fact, as the institutions of EU's legislative branch they do not have right to initiate any legislation. Moreover, the biggest failure of democracy in the terms of legislative branch can be perceived the EP that as the only directly elected body do not have rights to initiate any legislation and therefore cannot act on behalf of the *demos* directly. Therefore, these branches are not fully separated and the system of checks and balances may not be fully effective from the theoretical point of view.

Moreover, according to the findings of this thesis, the actions of the EC and the CEU may not be fully transparent for the European public. As was mentioned above, the executive branch – the EC – is not an elected body and moreover it has not clear political agenda. Thus the actions of the EC may be predictable in the sense that it is not specified on whose behalf the EC takes decisions and initiate legislation. In addition to this, some of the meetings of the CEU are not open to the public which might raise questions. As mentioned above the CEU is the second chamber of the EU's legislative branch. However, the CEU is comprised of ministers, which hold the executive function in their home states. Therefore, not even this supranational body has clearly separated powers.

These arguments are supported only by the original definition of the democracy and common practice of representative democracy in contemporary world. However, in case of any doubts, the results of comparison of the main features of USA's and the EU's governance brought more light into the problems. The establishment of the EU failed the democracy in all necessary points that represent findings of subchapter 4.4.2.

5 CONCLUSION

The democracy is perceived as a synonym of socio-economic liberty and tool of its development. The democracy has been influencing the way the people live and think and their respective civilization develop, particularly because of its key principles since its very first emergence in the times of the ancient Greek city-states until the 21st century and is more than certain that it will proceed to do so in future.

Over the years, the democracy transformed and evolved into a system of governance by which the people, the electorate, is universally represented through an elected officials who come out of the electorate and share with the electorate the common ideas and political beliefs and act on its behalf. When this concept of democratic governance, in its present modern form, emerged in Europe early in the 20th Century, after the First World War, it has resided and been promoted here ever since. The interruption of the democratic processes in Europe has had been caused by the emergence of the economic woes resulting in the Second World War.

After the victory of the Allied forces in 1945, the situation in Europe was so desperate and the local economies were so exhausted that the European nations realized that another such a destructive war must never ever happen again. Therefore, they agreed upon establishing certain international organizations (ECSC, EAEC, EEC) with the aim to monitor the market with the important commodities that are needed to start a war. Moreover, these founding states (France, Belgium, Germany, Netherlands, Italy, Great Britain) wanted to actually recover the European economy through the cooperation in many sectors and this could not have happened without securing, introducing and promoting the democracy and free market-based economies across the Europe.

Moreover, since the idea of Pan-Europa has been the subject of many tries for many centuries but had never been successful, it was actually the crisis in Europe after the both world wars that contributed to its revival and successful establishment, at least in the boundaries of the present EU. The states of Europe started to cooperate on various levels and became interdependent which eventually led to establishing the institutions of European Community (which later changed to EU) which were supposed to direct the whole and still expanding colossus.

These institutions (the EC, the CEU, and the EP), were artificially established solely on contractual basis as well as the European Union itself. As EU kept expanding via the

integration processes, the number of EU member states increased. These states agreed to cooperate on basis of many contracts and treaties that however bestow some of their national state competences or say some features of sovereignty to these supranational institutions for the sake of peace, better good and social-economic development across the Union. However, still increasing competences, power and the simple nature of these institutions gave a ground to raise many questions among the European public concerning its democratic polity in terms of the legitimacy and accountability of their political representations and the associated democratic manners. In addition to this, the mission and functions of these governing institutions suddenly started to be unclear among scholars, politicians and citizens of the Union's member states.

The aim of this bachelor thesis was to examine these institutions and determine whether the alleged democratic deficiencies that are suspected are taking place by the broad public, have any real existential foundation. The issue have moved forward in that sense that these deficiencies are being actually claimed that in fact are reality. In other words, this bachelor thesis set a goal to examine, analyze and test the hypothesis whether the existence of the democratic deficit in the functioning of main governing institutions of the EU can be proved or not.

Democratic deficit of the European Union was therefore studied according to the theories and original concepts of the representative democracy. This bachelor thesis, in summary, proves that EU does fail to adhere to the basic democratic principles and processes. Mainly because its executive branch – the EC, and its upper chamber of legislative branch – the CEU has no direct link to the *demos* through the direct election process at the supranational level that would actually provide them with the necessary legitimacy to act on behalf of the *demos* and be accountable to it.

This reality in fact, provides the already mentioned *sui generis* environment in which these institutions can act and be established not adhering to the common practice and theory of the representative democracy. Therefore, the absence of *demos*, either on supranational level or as a link to the *demos* on the national level of the member states that would stand behind these institutions and its officials triggers a long sequence of democratic deficits that have had been identified throughout the bachelor thesis.

Moreover, only now, after the comparison has been finished and argument formulated, it is possible to say, that the EU's reality diverges with the original theory of

democratic polity along with the key principles and sense of the representative democracy in the most crucial points. Therefore, this bachelor thesis proves the hypothesis in the terms of the existence of the democratic deficit and specifically presents in what particular areas of democratic polity the EU fails especially when compared to the similar political and social-economic entity – the USA.

In order to introduce the concept of the true representative democracy at the supranational level, the European Union shall re-establish the institutional triangle in the way that:

a) the highest officials of the Council and the Commission will be directly elected by the *demos* of the member states;

b) both Chambers of the legislative branch will have right to initiate any legislation; the EC will retain this right which has at present; furthermore, the legislative initiative can arise from a Pan-European referendum;

c) the executive and legislative powers will be truly separated at the level of EU counting into this the level of member states, i.e., the officials at any of the EU's supranational level would be forbidden to hold any government executive or legislative or judicial offices in the member states; i.e., the officials at the EU supranational level would be elected either through the universal EU suffrage (as the EU election affair of base on the EU defined political election ridings (the election political map) and the newly established EU universally based political parties throughout the member states) or by the local member state suffrage, but focused only at the elections into the EU institutions, more less as it is now, e.g., like the elections to the EP;

d) eventually, the EU can take the very last step of its evolution and establish a federation – much like the USA itself – with recognised EU *demos* as shown in ad c) above, that would provide legitimate ground the new European federal government.

If the European Union wants to actually fulfil its obligations, and therefore become a driving force of the social-economic development and progress, not only within its boundaries, but outside its borders, it must realize that the meaning and original principles of democracy cannot be bended and intimidated in any way.

In fact, only the true democratic polity under the rule of law (instead of the rule of men), where the legislative, executive, and judicial powers will be separated, in a

categorical way, will guarantee that a sustainable social and economic progress can take place. This will cause that every member of a given society will be better off, due to proper functioning of such a democracy, in relation where he or she stood before, *ceteris paribus*.

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