

Beyond Ideals: A Practical Assessment of Democracy in the European Union

Liberal and participatory democracy theory
in the European Union

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Dolgozat lezárásának dátuma: 2024.04.15.

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Abstract

The European Union is a sui generis institution; however, its functioning is based on democratic principles. In the Treaty on European Union, it is declared that its functioning is based on values of democracy and is founded on representative democracy, and during the past years several participatory institutions have been introduced to address the issue of democratic deficit. Thus, a situation occurs where the European Union is functioning based on representative institutions, a key element of liberal democracy theory, as well as on participatory institutions. This thesis examines to what degree is the European Union functioning as it is prescribed by liberal democracy theory and participatory democracy theory. For the analysis of the institutional structure of the European Union based on liberal democracy theory, the paper introduces a new analytical framework based on the works of Robert Dahl and Charles Tilly, and analyses official documents and reports. The analysis of the participatory institutions is conducted by using Sherry R. Arnstein's analytical framework of levels of citizen empowerment and is focused on the four participatory institutions currently available in the European Union. It concludes that while there is a high degree of democracy in the European Union, its institutions lack electoral accountability and there are a number of shortcomings regarding the principle of inclusive citizenship. With regards to the participatory institutions, it finds that they can be characterized as forms of tokenism or other lower levels of citizen participation, thus not providing effective participation for the citizens in the decision-making process.

1. Introduction

In the past 30 years, the topic of democratic deficit of the European Union (EU) has been one of the most heavily debated issue (Weiler, 1995; Majone, 1998; Moravcsik, 2002; Føllesdal and Hix, 2006). With the adoption of the Treaty of Lisbon 2009, the European Union have tried to address the issue of democratic deficit, however, the strengthening of anti-EU parties during the past years shows that dissatisfaction is growing among the citizens.

The European Union in the Preamble of the Treaty on European Union is defining itself as an organization that was founded on the values of democracy, the rule of law and human rights, and the functioning of which is founded on representative democracy. As a reaction to the strengthening of anti-EU parties, the EU has started emphasizing in recent years the importance of citizens' participation in the democratic process and has launched new processes to increase citizen participation in the functioning of the EU. Ahead of the European Parliament elections, the timing is adequate to analyse the current functioning of representative democracy in the EU, as well as the functioning of its participatory institutions.

The aim of my thesis is to discover to what degree is the European Union functioning as it is prescribed by liberal democracy theory and participatory democracy theory. At this point, it is important to clarify and emphasize two things.

First, I would like to stress that my thesis and thus my analysis is solely concerned with the functioning of EU institutions, and not of its individual member states. While during the past 15 years we have seen an emergence of anti-democratic tendencies within some of the member states, I argue that the functioning of EU institutions was not affected by this, and they are still based on the rules, norms and principles that have been in practice since the adoption of the Treaty of Lisbon in 2009.

The second item that requires some clarification is what liberal and participatory democracy theories are concerned with. While its name might be misleading, liberal democracy theory is not concerned with functioning of modern liberal democracies. Modern liberal democracy, as Schmitter and Karl (1991, p.78) argued, "offers a variety of competitive processes and channels for the expression of interests and values", meaning that in modern liberal democracies both representative and participatory institutions are functioning. However, as I show in this thesis, mainstream liberal democracy theory focuses on the institution of representation and the conditions under which it would function the most democratically.

Participatory democracy theory, while putting emphasis on the participatory aspect of democracy, is not concerned with the act of participation per se. Theorists of the theory are

focused on the empowerment of citizens through participation. They theorize what effective participation means, and through what kind of participatory institutions it could occur.

My first hypothesis is that the European Union's governing bodies lack accountability as proposed by Dahl and Tilly, and my second hypothesis is that while participatory institutions do exist in the EU, they are forms of tokenism, thus they do not provide effective participation for the citizens.

In my thesis, first, I introduce the different definitions of democracy in liberal democracy theory, describe Robert Dahl's (1971) theory of polyarchal democracy, focusing on the institutional guarantees of democracy, and to complement Dahl's framework, I introduce Charles Tilly's (2008) features of state-citizens relationship in democracy. In the review of liberal theories, finally, I elaborate on the importance of representative democracy and elections and will briefly discuss the theory of elitist democracy by Joseph Schumpeter (1942). I continue by introducing the basic principles of participatory democracy theory, its early accounts, Rousseau, Mill and Cole, and elaborate on some of the modern views on participatory democracy. Finally, I introduce Arnstein's (1969) concept of 'The Ladder of Citizen Participation'. At the end of the literature review chapter, I introduce and discuss my analytical frameworks, for liberal and for participatory democracy theory.

I conduct my analysis of the EU based on liberal democracy theory, by applying a united analytical framework based on the works Dahl and Tilly. I analyse, first the degree to which EU citizenship is inclusive, second, the degree of accountability of EU governing bodies, and third the elements providing protection for the citizens vis-à-vis EU institutions.

For the analysis based on participatory democracy theory, I use Arnstein's framework, to examine whether the EU's participatory institutions provide effective participation. The institutions that I focus on are the right to petition, the 'Have Your Say' process, the European Citizens' Initiative and the European Citizens' Panel.

During my analysis, both of my hypotheses have proved to be correct. I have found that the EU's governing bodies lack accountability as proposed by Dahl and Tilly, additionally, the analysis have discovered further shortcomings regarding the criteria of inclusive citizenship. Regarding the EU's participatory institutions, I have found that they are forms of tokenism, meaning that these institutions do not provide effective participation for the citizens.

2. Research method and operationalization

The topic of this thesis is at the crossroads of Political Science and European Studies, since the subject of the analysis is the European Union, more specifically its institutions, however, the theoretical background and the analysis are both based on democracy theory, a field of Political Science. Therefore, I have used approaches and methodology from Political Science, namely Normative theory and the Institutionalist approach and methodology.

These two theories are useful, since in discussions about democracy theory and the EU, Political Science applies the Normative theory in theoretical works, and the Institutionalist approach in practical research (Unger, 2019). Within the Institutionalist approach, I have used ‘new’ institutionalism, a revisited form of ‘traditional institutionalism’. ‘New’ institutionalism focuses on rules, thus widening the meaning of institution, and have a dynamic conception of institutions, meaning that it does not treat institutions as fixed, but rather views it as a set of processes capable of changing (Lowndes, 2010). Furthermore, it also has a differentiated conception of institutions, “focusing upon the component institutions of political life”, the power relations between them and on their interactions with individuals (Lowndes, 2010, pp.69-70). Lowndes also underlines that the strength of the approach is its multi-theoretic character “which allows for the assessment of competing propositions drawn from different political theories” (Lowndes, 2010, p.78).

The thesis aims to analyse and evaluate the institutional structure of the EU, by using democracy theories, both that provide institutionalist indicators of democratic regimes. In the case of liberal democracy theory, I have created a united analytical framework using the indicators set out by Dahl (1971) and Tilly (2008). By doing this, I was able to examine to what degree does EU institutions adhere to the criteria of democratic functioning. In the analysis of participatory institutions, I applied the theoretical framework of Arnstein (1969) to evaluate to what degree do EU participatory institutions empower citizens and include them in the decision-making process.

3. Review of democracy theories

The academic literature of democracy theory is quite extensive; thus, I will not cover all the different varieties of theories existing in the discipline. In this chapter, I aim to introduce some of the major works of democracy theory and discuss different frameworks that are useful for analysis. First, I introduce academic literature about liberal democracy theory, then continue with literature about participatory democracy theory. Finally, based on the discussed literatures, I introduce the analytical frameworks that I use for the analysis of EU democracy.

3.1 Liberal democracy theory

In this chapter, first, I introduce the different approaches of liberal democracy theory to define democracy, their main principles, and the different criticisms regarding their applicability for analysis. Second, I briefly describe Dahl's process-oriented theory of polyarchal democracy and finally, I elaborate on why the institution of representation and election together form a crucial part of liberal theory.

3.1.1 Definitions of democracy in liberal democracy theory

Liberal democracy is considered the classical model of democracy (Della Porta, 2013). However, there is no consensus about the definition of liberal democracy, many different approaches exist in political science and in democracy theory.

Tilly (2007) summarizes the 4 main approaches used in social sciences for defining democracy, the constitutional approach, the substantive approach, the procedural approach, and the process-oriented approach.

Definitions based on the constitutional approach “concentrate on laws a regime enacts concerning political activity” (Tilly, 2007, p.7). This can be useful for differentiating between different forms of government or for making distinction between different types of democracies, however, significant inconsistencies between publicly declared principles and the realities of daily implementation frequently result in constitutions being misleading (Tilly, 2007).

“Substantive approaches focus on the conditions of life and politics a given regime promotes” (Tilly, 2007, p.7). Definitions based on this approach are also problematic, since by focusing on solely the substantive outcomes of politics, it does not take into account the possibility that alternative political arrangements “might promote more desirable political outcomes” than the one that fits the definition (Tilly, 2007, p.8).

The procedural approach considers certain governmental practices within the state to decide which regimes qualify as democratic (Tilly, 2007). The key institution that most procedural definitions focus on is elections. The criteria they prescribe for elections to produce a democratic state are: 1. Competitive elections, 2. Elections engaging large numbers of citizens, 3. Elections regularly producing changes in governmental personnel and policy (Tilly, 2007, p.8). However, the problem with this definition is that by focusing solely on the democratic nature of elections, “they work with an extremely thin conception of the political processes involved” (Tilly, 2007, p.8). While this is a convenient method to examine whether

a state qualifies as democratic or not, it disregards all other processes within a state that might contribute to the process of democratization.

Finally, the fourth approach is the process-oriented approach that “identifies some minimum set of processes that must be continuously in motion for a situation to qualify as democratic” (Tilly, 2007, p.9). Dahl is one of the key scholars of liberal democracy theory, who uses the process-oriented approach when examining ideal democracies. Tilly (2007) argues that Dahl’s approach is imperfect too since it is only completely applicable if one wants to decide whether a regime qualifies as a democracy or not at a given point in time. For the comparison of different regimes with regards to how democratic they are, or for explaining the process of democratization or de-democratization of a given regime, Tilly argues that even the process-oriented approach of Dahl is insufficient, thus Tilly introduces a framework of his own.

3.1.2 The theory of polyarchal democracy

In his 1971 book, Dahl describes in depth the principles of polyarchal democracy. He argues that one of the fundamental normative principles of such a system is “the continuing responsiveness of the government to the preferences of its citizens, considered as political equals” (Dahl, 1971, p.1). Stemming from this principle, first, he deduces procedural guarantees of individual opinion formation that, according to Dahl are necessary conditions for guaranteeing the responsiveness of the government.

- “1. Opportunity for each individual to formulate their own preferences*
- 2. Opportunity for each individual to signify their preferences*
- 3. Opportunity for each individual to have their preferences weighted equally in the conduct of the government.” (Dahl, 1971, p.2)*

Second, for ensuring these procedural guarantees, he sets out eight, so called ‘institutional guarantees’, as shown in Figure 1, that have to exist in a polyarchy (Dahl, 1971, p.3).

Finally, Dahl pairs each procedural guarantee with a set of institutional guarantees, which can ensure that the given procedural guarantee can “exist among a large number of people” (Dahl, 1971, p.2). In one of his later works, Dahl examines existing democracies and presents these exact same institutions, as the necessary requirements for the “modern type of large-scale democratic government” that he calls polyarchal democracy (Dahl 1998, p.90). With this term, he describes modern representative democracies with universal suffrage, which distinguishes them from 19th century representative democracies, from ancient democracies, and from small democracies, in which members, due to their small number can participate directly in the policy or law-making process (Dahl, 1998, pp. 90-91).

Tilly suggests a system, as shown in Figure 1, that also examines and explains the process of democratization and de-democratization but is defined along different dimensions, than Dahl's model. Tilly defines regime as "a set of relations between state and citizens" (Tilly, 2007, p.12) and also sets out that a regime is democratic to the degree that political relations between the state and its citizens feature broad, equal, protected and mutually binding consultation" (Tilly, 2007, pp.13-14). He defines the two endpoints of each dimension, thus creating a system that makes it possible to scale democratic functioning (Tilly, 2007, pp.14-15).

For Tilly, breadth and equality are the dimensions, through which we can examine citizenship, especially its inclusiveness (Tilly, 2007). With high levels of breadth and equality "all citizens fall into a limited number of categories – at the limit, just one – whose members maintain similar rights and obligations in their interactions with the state" (Tilly, 2007, p.14). Nonetheless, inclusive citizenship alone, is only a necessary, but not sufficient criteria for a democratic regime. However, together with the other two dimensions, high level of protection and mutually binding consultation they constitute the essential criteria of democracy (Tilly, 2007).

Dahl's institutional guarantees		Tilly's features of state-citizen relations	
Freedom to form and join organizations	Eligibility for public office	Breadth: wide political inclusion	Equality: equal political rights and obligations
Freedom of expression	Alternative sources of information		
Right to vote	Free and fair elections	Protection: high level of protection against the state's arbitrary action	Mutually binding consultation: state agents have clear and enforceable obligations
Right of political leaders to compete for support and votes	Institutions for making government policies depend on votes and other expressions of preference		

Figure 1- Dahl's institutional guarantees of polyarchy and Tilly's features of state-citizens relations in democracy, editing by Ádám Gulyás

3.1.3 Representative democracy and elections

Based on the ‘institutional guarantees’ proposed by Dahl, and the dimensions presented by Tilly we can say, that liberal democracy theory is mainly focusing on the existence of civil liberties and rights and the institution of free and fair elections. Three out of the four approaches for the definition of democracy under liberal democracy theory, include to some extent the existence of free and fair elections. This is because “modern, large-scale democratic governments are representative” (Dahl, 1998, p.85). According to Dahl (1998) and Della Porta (2013), since a liberal democracy is essentially representative, the institution of election is an inherent part of the definition of liberal democracy, because it is elections through which Representative institutions are created, that constitutes electoral legitimacy for these institutions and that is also a function of accountability. Then, the question arises, why does liberal democracy have to be an essentially representative system.

Dahl (1998) starts answering this question by focusing on two criteria of democracy. First, how can effective participation be maintained, if the size of the citizenry becomes too large, or if the citizenry is too dispersed geographically, or both at the same time? Second, how can the citizens of a country, meaning a citizenry large in number and geographically dispersed, retain the final control over the agenda of government decisions? For Dahl, even though he acknowledges that providing a solution that meets all the democratic criteria is nearly impossible, the only feasible solution for the first problem is a representative system. Although it is an imperfect system, it is the only possibility, when people cannot assembly at one place to make laws. As for the answer of the second question, Dahl turns to the institution of elections, through which citizens can hold their elected officials accountable to a certain extent. Periodic, free, and fair elections enable citizens to have control over the agenda of the government. Although citizens do not possess this prerogative permanently, since they have the possibility to dismiss their elected officials in the next elections, they can incentivise the representatives to set an agenda that is in accordance with the priorities of the citizenry.

Schumpeter also argues for a representative system, however, from a different perspective than Dahl. He starts his argument by proposing a new definition of democracy, one that is closer to the functioning of democracies in reality (Schumpeter, 1942). For Schumpeter the primary role of the people in a democracy is to produce and to evict government, that is to choose leadership for themselves. He argues that many theories, “attributes to the electorate an altogether unrealistic degree of initiative which practically amounts to ignoring leadership”, however, in reality “collectives act almost exclusively by accepting leadership” (Schumpeter, 1942, p.270). Furthermore, while he acknowledges the existence of ‘group-wise volitions’, he

argues that these remain unfulfilled and unnoticed until a political leader makes it a political factor.

Thus, focus on the role of leadership is the core of Schumpeter's theory, and as such for understanding democracy we have to focus on the competition for leadership (Schumpeter, 1942). Political competition in a democracy is defined as "free competition for a free vote", thus an electoral method of competition is implied that Schumpeter justifies by claiming that it "is practically the only one available for communities of any size" (Schumpeter, 1942, p.271). This, however, do not exclude the possibility that unfair or fraudulent competition may arise from time to time in certain states, but for Schumpeter this is also part of describing real democracy. The final aspect that I focus on, and that distinguishes Schumpeter's theory from other theories of liberal democracy is his view on who should compete for political leadership. Schumpeter was a proponent of democratic elitism, which means that while in principle everyone is free to compete, those people who are running and managing the political life of the country "should be of sufficiently high quality" (Schumpeter, 1942, p. 290). The guarantee for securing this required "human material", he argues is "the existence of a social stratum, itself a product of a severely selective process, that takes to politics as a matter of course" (Schumpeter, 1943, p.291). If such a stratum functions properly, meaning that it is neither too exclusive, nor too accessible for outsiders, it will produce individuals who have the capabilities to fill and work in these positions, furthermore, "it will also increase their fitness by endowing them with traditions that embody experience, with a professional code and with a common fund of views" (Schumpeter, 1942, p. 291).

3.2 Participatory democracy theory

In the followings, I discuss the theory of participatory democracy. I introduce its roots by focusing on the early scholars of participatory theory, and then examine the discourse around participation that started in the early 1970s. Finally, I introduce Arnstein's concept of a 'Ladder of participation' and will elaborate on its applicability for analysing the different forms of participation.

3.2.1 Principles of participatory democracy theory

Participatory democracy theory emerged as a response to the perceived limitations and criticisms of liberal theories and gained momentum in the mid-20th century along the political movements of the time, and through the works of a number of intellectual thinkers. Advocates of the participatory model heavily criticized liberal theory on the appropriate form of participation. As opposed to liberal theory, election as the major form of participation is

considered insufficient in participatory theory and “affirms the importance of creating multiple occasions for participation” (Della Porta, 2013, p.7).

One of the most important scholars of participatory theory is Carol Pateman, who established the principles of participatory democracy theory in her groundbreaking work, *Participation and democracy theory* (Pateman, 1970). In the 1960s looking theorizing participation seemed contrary to mainstream ideas of political science, especially political sociology, since it had quite a negative view on the concept. In accordance with this view, the most widely accepted and supported liberal theory assigned only a minimal role to participation in the functioning of democracy. Furthermore, prominent theories of the time even viewed widespread participation as dangerous for democracy, as empirical data showed that the electorate in general, and especially those in lower socio-economic status had had a lack of interest in politics and had non-democratic or authoritarian attitudes. Therefore, the participation of present non-participants was considered outright dangerous for the existing democratic system.

Despite the then mainstream views, in light of the growing demand among publics for more participation in the democratic process, Pateman, along with other scholars started exploring the field of participatory democracy theory, and in doing so, she turned to earlier thinkers and scholars, who were advocating for more participation and theorized the idea of a participatory system. In the followings, I am going introduce the ideas of Rousseau, Mill, and Cole to summarize the main principles of participatory theory.

3.2.2 Early accounts

Rousseau establishes the main framework of the functioning of participation in a democracy (Pateman, 1970). Even though Rousseau had a substantially different definition of democracy compared to the contemporary meaning of democracy, the participatory functions he describes are useful for analysis. He and, based on his writings later many theorists of participatory democracy theory put an emphasis on the “interrelationship between the working of institutions and the psychological qualities and attitudes of individuals interacting within them”, meaning that in participatory democracy “individuals and institutions cannot be considered in isolation from one another” (Pateman, 1970, pp.22 and 42). This is a crucial element and starting point of all participatory frameworks.

In Rousseau’s theory participation has three main functions. The central function is an educative one, thus for him an “ideal system is designed to develop responsible, individual social and political action” (Pateman, 1970, p.24). Through participation, the individual learns

how to be a private and a public citizen at the same time and eventually, as a consequence will feel no conflict between their private interests and the interests of the public (Pateman, 1970). Another crucial point is that due to its educative function, a well-established participatory system is self-sustaining, since participation develops those individual qualities, which are required for a well-functioning participatory system. A second function of the participatory system “is that it enables collective decisions to be more easily accepted by the individual” (Pateman, 1970, p.27). Rousseau argued that since in a participatory system each individual takes part in the decision-making process on their own right and they are equally subject to the law, “individuals will conscientiously accept a law arrived at through a participatory decision-making process” (Pateman, 1970, p.27). Finally, the third function of participation is an integrative function, meaning that it develops and increases a sense of belonging in the community among individuals.

Mill and Cole both built their theories on the principles of Rousseau introduced above, however, both contributed to the expansion of the theories applicability in modern industrial societies.

Mill, just as Rousseau also considered education as the most important function of political institutions, by arguing that one of the main aspects of good governance under utilitarian considerations is the influence of the government on the development of psychological qualities of individuals (Pateman, 1970). Furthermore, he also argued that these institutions’ performance should be judged based on “the degree in which they promote the general mental advancement of the community including under that phrase advancement in intellect, in virtue, and in practical activity and efficiency” (Mill, 1910, p. 195 as cited in Pateman, 1970, p.29). Mill’s contribution to the theory of participatory democracy is his focus on participation on the local level as a pre-requisite for effective participation and governance on the national level (Pateman, 1970). This added dimension enables us to apply the theory of participatory democracy on large-scale societies. Mill argues that it is on the local level, where citizens develop the necessary skills and attitudes that are required for meaningful participation at the national level. He even claims neither universal suffrage nor participation on the national level have use without individuals having experience in self-government on the local level. Thus, for Mill, while sharing Rousseau’s views on the educative function of participation, this education should occur on the local level, and he brings two arguments to support this claim. First, on the local level “the issues dealt with directly affect the individual and his everyday life”, second, on this level “he also stands a good chance of, himself, being elected to serve on a local body” (Mill, 1910, pp. 347-8 as cited in Pateman, 1970, p.31).

Cole expanded participatory democracy theory with two elements, with his theory of democracy and with the idea of participatory society (Pateman, 1970). To understand these two concepts, we have to elaborate first on Cole's theory of association. Cole defined society as a complex of associations, although individuals do have much of their life outside of these groups, it is through the participation in these that they learn and exercise self-government. For effective self-government, he sets out two criteria, first that the individual "has to be able to participate in decision making in all the associations of which he is a member" and second, "the associations themselves have to be free to control their own affairs" (Pateman, 1970, p.36). Cole, in his theory of democracy, criticises the liberal representative system, however, not because it is representative, but because he claims that the existing representation is misrepresentation. One of his arguments supporting this claim is that under the current institutions the electors have neither real choice of, nor real control over their representative, thus the effective participation of the citizens is denied. Instead, Cole proposes a system of 'functional representation', which would mean "the constant participation of the ordinary man in the conduct of those parts of the structure of society with which he is directly concerned, and which he has therefore the best chance of understanding" (Cole, 1920, p. 114 as cited in Pateman, 1970, p. 37). Consequently, for a functioning democracy, in which citizens can actively participate and engage in the process within their association, a participatory society is required, in which the democratic principle is applied in all the spheres of public life. Cole, just as Mill also argued for the educative function of participation and also shared his views that the local level is the most crucial sphere for this education.

3.2.3 Views on participation starting from the 1970s

We can see that even the early scholars such as Rousseau, Mill and Cole shared a positive view on human nature, and later, also contemporary scholars of participatory democracy theory affirmed "man's potentialities for creative, moral existence" (Kaufman, 1969, p.203; Pateman 1970; Della Porta, 2013). Kaufman supports this claim by arguing that if people would be incompetent and irrational then their ability to choose wise and competent leadership should also be questioned, and thus the whole system of representation (Kaufman, 1969). Furthermore, it is also claimed that the representative system would often lead to the concentration of power in the hands of a few elites because of two factors. Firstly, elections, even if organized regularly, are too rare to provide sufficient power for the citizens to exercise control over their representatives. Secondly, during elections, the electorate is presented with limited choices, not covering all the themes that might be of interest for the citizenry (Della

Porta, 2013). Scholars of the era also supported and extended several other ideas introduced at the beginning of the 20th century, such as that participation is the best form of political education (Della Porta, 2013; Kaufman 1969; Pateman, 1970) and that participation in different parts of the democratic process has positive effects on both individuals through creating more informed and socially considerate individuals, as well for political institutions, since increased participation may result in increased trust and support for those institutions (Della Porta, 2013).

However, participatory theorists, while having positive view on human nature, reflect on the real-life limits of participation and citizen involvement in decision making. Most of these limitations are best presented by Kaufman. One of the major limitations is that full participation, that is direct control over all social and economic spheres is impossible, since the complete abolishment of multi-level decision making is unimaginable and also undesirable. Furthermore, in certain questions, concerning large parts of the society direct control as such is undesirable, since the decision-making process would require the involvement of so many people that in the end, a socially more undesirable outcome would prevail (Kaufman, 1969, pp. 2004-205). An additional point made by Kaufman, is that participation as a form of decentralization, “like other forms of decentralized control, it may function tyrannically”, therefore, a ‘centralized counterpower’ may be desirable (Kaufman, 1969, p.205). Kaufman also presented the so-called ‘Paradox of participatory democracy’, meaning that even though participation has the capacity to develop more competent and more responsible citizens, nothing guarantees that the process will result in effective or wise decisions (Kaufman, 1969, p.206, Floridia, 2017). To escape the paradox, Kaufman suggests that a certain degree of leadership and representation has to be introduced “even within predominantly participatory arrangements” (Kaufman, 1969, p.207).

Rosanvallon (2008) introduced the concept of ‘counter-democracy’ that is a framework in which different forms of participation act as a counterpower for the representative system. Counter-democracy is a set of mechanisms that citizens employ to intervene in politics and hold power accountable, such as activism, advocacy, or protests. He does not seek to abolish or replace the representative system, but rather supplement it with participatory practices. He emphasizes the crucial role of the civil society since they act as intermediaries between citizens and the state. According to Rosanvallon, mechanisms of counter-democracy seek to address perceived or real gaps in representation and accountability, one of the major flows of liberal democracies according to participatory theory. With the active participation of citizens, counter-democracy creates a form of reflective democracy “that would be obliged to question its own foundations at every turn” (Rosanvallon, 2008, p.143).

Another central theme of participatory theory is real empowerment and the different levels of participation. Pateman introduced two simple models, differentiating between partial participation model and the full participation model. In the partial model, the parties involved does not have equal decision-making power, thus they do not have equal control over the outcome of the decisions. Thus, while it is true that different parties have influence in the decision-making process, the final decision rests with the management, that is a governing body. In the full participation model, instead of different parties, there is only one group made up of individuals. Another crucial difference is that in this model, “each individual member of a decision-making body has equal power to determine the outcome of decisions”, thus the power asymmetry present in the partial participation model does not occur here (Pateman, 1970, pp.70-71).

3.2.4 The ladder of participation

At the end of the 1960s the notion of citizen participation or citizen control became one of the central topics of political discourse and as such, answers to the demand for more participation were ranging from empty euphemisms like self-help or citizen involvement to exaggerated and unrealistic rhetoric such as absolute-control (Arnstein 1969). Sherry R. Arnstein as a reaction to the then ongoing discussion presented an analysis of the concept of citizen participation. In her influential academic article with the title *The Ladder of Citizen Participation* she was aiming to answer two questions: what citizen participation is and what is maximum feasible participation.

For Arnstein, the answer for the first question is that “citizen participation is a categorical term for citizen power” (Arnstein, 1969, p. 216). Participation is about the empowerment of those, who are deprived of effective political and economic rights, and denied effective participation in the decision-making process and managerial tasks (Arnstein, 1969). The redistribution of power is in the centre of effective participation in Arnstein’s view, since it is through this instrument that disempowered citizens can gain significant influence over the handling of issues that they are most concerned with and most affected by. Participation without redistribution of power is , as Arnstein puts it, an “empty ritual”, an “empty and frustrating process for the powerless” (Arnstein, 1969, p.216). At the same time such an empty ritual still provides a façade for the powerholder to claim that their policies have been created with the inclusion of all sides, however, such form of participation only maintains the status quo (Arnstein, 1969).

To help the analysis of the different forms of participation, Arnstein introduced a simplified typology of 8 levels of participation, as shown in Figure 2 that helps to visualize the gradation of citizen participation. She also categorized the different forms of participation into 3 categories: non-participation, degrees of tokenism and degrees of citizen power (Arnstein, 1969).

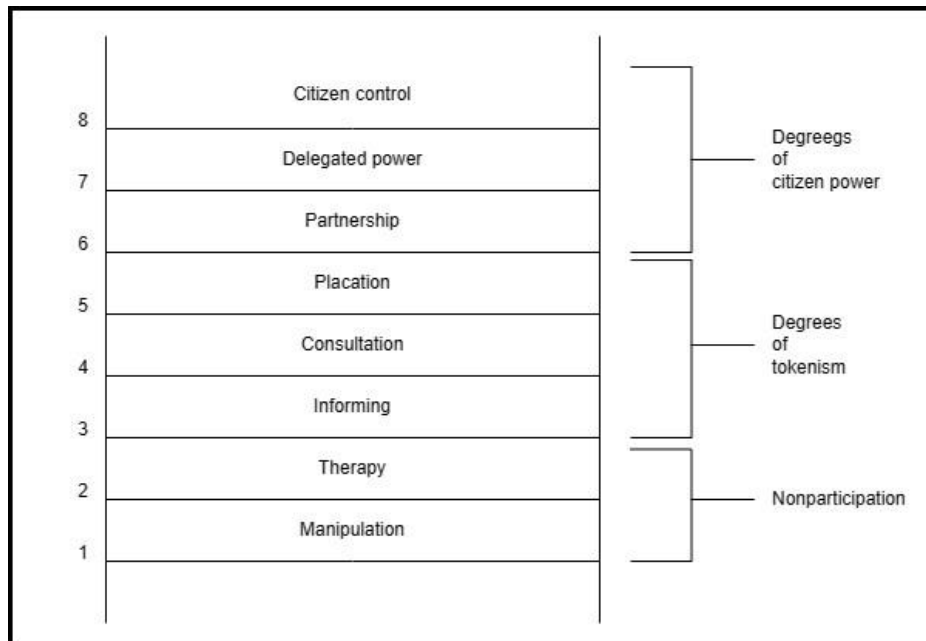


Figure 2- Eight Rung on The Ladder of Citizen Participation (Arnstein, 1969, p. 217), editing by Ádám Gulyás

I will not explain all eight rungs in detail; however, I introduce the main characteristics of the 3 categories, especially focusing on the ones, which show the increase in citizen power, as we climb higher on the ladder. The levels of non-participation, Manipulation and Therapy are mostly used to substitute effective participation, and instead of empowering citizens to participate in the management of their own issues, it “enables powerholders to ‘educate’ or ‘cure’ the participants” (Arnstein, 1969, p.217). Arnstein calls rung 3 to 5, the Degrees of tokenism. The forms of participation included in this category can be considered as important steps toward legitimate citizen participation, however, by themselves, they are not sufficient to ensure that citizens can effectively participate. “Under these conditions they lack the power to ensure that their views will be heeded by the powerful”, the citizens do not have the power, “hence no assurance of changing the status quo” (Arnstein, 1969, p. 217). The top 3 levels are the degrees of citizen power. It is at these levels where real citizen empowerment occurs, since they obtain powers that enable them “to negotiate and engage in trade-offs with traditional

powerholders” or gain control over decision making or managerial powers (Arnstein, 1969, p. 217).

It is crucial to emphasize that Arnstein’s typology has certain limitations. One of them is that it is a simplified theory, meaning that in reality there may exist several other forms of participation that could be placed in between the 8 rungs, defined by Arnstein (Arnstein, 1969). Furthermore, in reality the boundaries and distinctions between the different forms might be less straightforward, than they are in this simplified model. Another limitation of the theory is that it treats the ‘have-nots’ and the power holders as two homogenous blocs, while in reality both are more heterogeneous with a number of different cleavages, interests and subgroups (Arnstein, 1969, p. 217). Nonetheless, Arnstein justifies this simplification by arguing that the perception of the given group by the other group is indeed homogenous, the ‘have-nots’ perceiving the powerholders as “a monolithic system”, while “powerholders actually do view the have-nots as a sea of ‘those people,’ with little comprehension of the class and caste differences among them” (Arnstein, 1969, p. 217). The last limitation is that Arnstein treats participation as an institution completely controlled by the powerholders, and it is at their discretion which form do they make available for the ‘have-nots’. In the real world however, there are several ‘roadblocks’ that hinder achieving effective participation. On the powerholders side these could be racism, paternalism, while on the ‘have-nots’ side such a roadblock is “the inadequacies of the poor community’s political socioeconomic infrastructure and knowledgebase” (Arnstein, 1969, p.217).

3.3 Analytical framework

Both in the case of liberal democracy theory and participatory democracy theory, there is extensive academic literature available. Weber, Bobbio, Schumpeter and many others have put forward liberal democracy theories, while in participatory democracy theory, besides others, Habermas, Rawls, and most importantly Pateman created theories. The field of democracy theory is inherently a normative, both descriptive and prescriptive field. However, the applicability of these theories greatly varies.

For the analysis of the EU based on participatory democracy theory, I chose Arnstein’s theory of ‘The ladder of participation’ since it does more than just describing the existing participatory institutions, and it also does more than just prescribing what kind of institutions should exist in a democracy that is rooted in participation. It helps to evaluate the effectiveness of the already existing institutions in terms of inclusion of citizens, and instead of simplifying the categorization to a yes or no question, with the introduction of a scale, it helps to see to what

degree do these institutions empower citizens, to what degree can these be considered as forms of effective participation.

For the analysis of EU democracy based on liberal democracy theory I am introduce a new analytical framework by uniting the theories of Dahl (1971) and Tilly (2008). The frameworks created by Dahl and Tilly are unique, since they introduced institutionalist indicators of democratic regimes, thus making their theories applicable for analysis. Dahl described the institutional guarantees of democracy, while Tilly set out the features of state-citizen relations for the analysis of state behaviour in relation to citizens' demands.

Figure 3 shows my analytical framework, in which I grouped together Dahl's and Tilly's features into 3 'institution' that provide the basis for a well-functioning democracy and that reflect both Dahl's and Tilly's approaches. The first institution is 'Inclusive citizenship', in which the breadth and equality of citizenship have to be examined as theorized by Tilly (2008). For determining the degree of how equal citizenship is in a state, I focus on the five rights and freedoms set out by Dahl (1971). Second, we have to examine the degree of accountability that is present in the state. For this, I examine the interplay between three factors that have to depend on and affect each other. First, weather government policies depend on votes and other expressions of preference by the citizens and weather state agents have clear and enforceable obligations. Second, weather free and fair elections are regularly held and weather they are effective tools for choosing and dismissing leadership in case the government disregards the preferences of the citizens or state agents fail to meet their obligations.

Finally, we analyse the 'Safeguards' of the democratic system. This category includes protection against the state's arbitrary action and the availability of alternative sources of information. I categorized these under 'Safeguards' since both should function as a check on the state's power and defend citizens and citizens' rights vis-à-vis the state. Under protection I examine the judicial branch of the EU, while under the alternative sources of information, I focus on whether there is media freedom and plurality and whether it has the ability to scrutinize government policies and actions.

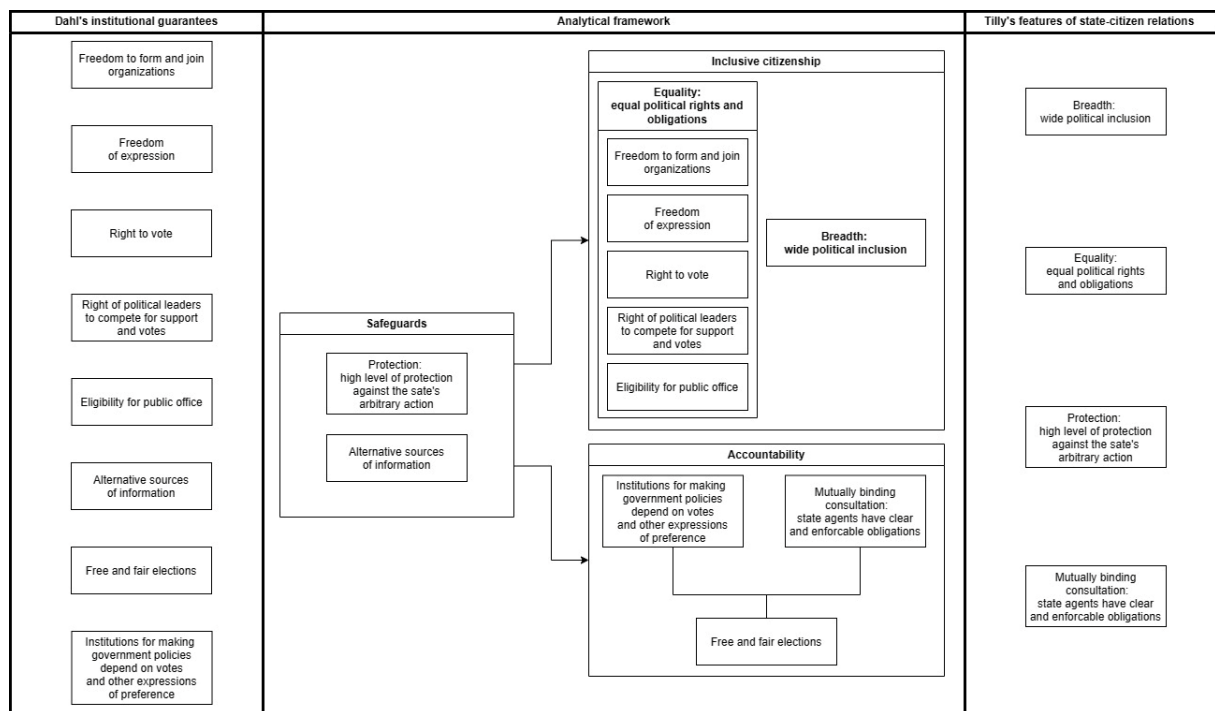


Figure 3- Analytical framework based on Dahl's (1971) and Tilly's (2008) theories, editing by Ádám Gulyás

4. Analysis

In this part, I analyse the democratic structures and institutions of the European Union. In Chapter 4.1, I analyse these institutions based on liberal democracy theory and see whether they are adhering to the principles set out by Dahl and Tilly. In Chapter 4.2, I focus on the participatory institutions of the European Union and analyse them with the framework introduced by Arnstein.

4.1 Liberal democracy theory and the European Union

For the analysis of the European Union's institutions based on liberal democracy theory I use the united framework of Dahl and Tilly, I introduced in Chapter 3.1.3. First, I examine the degree of inclusiveness of EU citizenship, then the degree of accountability that is present in the different institutions of the European Union, and finally, I focus on the safeguards of the system.

I analyse the Treaty on European Union (TEU) and on the Treaty on the Functioning of the European Union (TFEU), and the Charter of Fundamental Rights of the European Union (the Carther). I focus on these, for two reasons. First, the TEU and the TFEU form the constitutional basis of the European Union, they outline the structure and the functioning of its institutions. Second, the two treaties are the result of the Treaty of Lisbon, in which the Member States' governments explicitly expressed that the European Union is a representative

democracy and included, for the first time in the history of the European Union participatory institutions as well, while the Charter gained full legal status after the Treaty of Lisbon entered into force in 2009. (Treaty of Lisbon, 2009; Treaty on European Union, 2009). Therefore, while the TEU and the TFEU are legally the continuation of the Treaty of Maastricht and the Treaty of Rome, and the Charter was already proclaimed in 2000, the reforms, implemented through the Treaty of Lisbon provide the basis for this analysis.

4.1.1 Inclusive citizenship

As introduced in Chapter 3.1.3, the indicator of inclusive citizenship has two dimensions, breadth, and equality. Under the breadth of citizenship, I am going to look into to what degree is European citizenship creates a homogenous category of citizenship as theorized by Tilly (2008), while regarding equality, I examine whether all European Union citizens have same the rights as theorized by Dahl (1971).

In the Preamble of the Treaty of the European Union, the Member States state that they are “Resolved to establish a citizenship common to nationals of their countries” (TEU, 2009). The Treaty of the Functioning of the European Union specifies the details of the functioning of the EU Citizenship that was established in the Treaty of Maastricht in 1992. For examining the breadth of the citizenship, we shall focus on Articles 18, 19 and 20 TFEU that establish the foundations of EU citizenship and on Article 21 of the Charter that further strengthens the principle of non-discrimination. Article 21 of the Charter is concerned with non-discrimination within the European Union, namely, it prohibits “any discrimination on grounds of nationality”, as well as “any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation” (Charter of Fundamental Rights of the European Union, 2000). Article 18 TFEU also reinforces the prohibition of discrimination based on nationality, while Article 19 TFEU sets out the objective of combating “discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation” (TFEU, 2009). Article 20 TFEU establishes that “every person holding the nationality of a Member State shall be a citizen of the Union” (TFEU, 2009).

Based on these four articles, we can say that the aim of the European Union with the establishment of EU Citizenship was to create a homogenous category of citizenship that is the prerequisite of wide political inclusion on the European level. To create this homogenous category the EU addresses two issues. One is that since the EU Citizenship is a sui generis institution, it is an additional citizenship that one cannot obtain without having the citizenship

of an EU Member State, its aim is to create a supranational citizenship. The second issue that is common to all countries, is the existence of sub-groups based on characteristics such as but not limited to ethnicity, colour, social status. Nationality and the sub-groups present in all of the Member States make the creation of a homogenous category of citizenship challenging. The EU addressed these issues through the non-discrimination Articles in the TFEU and in the Charter. The prohibition of discrimination based on nationality is a necessary condition and consequence of the supranational nature of the EU citizenship. The prohibition of discrimination on grounds set out in Article 21 of the Charter ensures that certain segments of the population could not be deprived of the same rights as the majority, and they could not be excluded from public politics. Thus, we can say that with the establishment of the EU citizenship and with the non-discrimination regulations the EU successfully created a homogenous category of citizenship for all EU citizens and thus wide political inclusion exists on the European level.

The rights of EU citizens that are needed for the analysis are codified in the two Treaties and in the Charter. I focus on the rights, whose existence and application Dahl described as indicators of a polyarchy, that is a democratic regime. Furthermore, we have to examine whether equal political rights prevail among the citizens, based on Tilly's (2008) framework.

The five freedoms and rights in Dahl's framework are the freedom to form and join organizations, the freedom of expression, the right to vote, the right of political leaders to compete for support and votes and the eligibility for public office. The two freedoms can be found under Article 11 and 12 of the Charter. Article 11 expresses that "everyone has the right to freedom of expression" and that "this right shall include freedom to hold opinions", while Article 12 secures that "everyone has the right to freedom of association at all levels, in particular in political, trade union and civic matters" (Charter of Fundamental Rights of the European Union, 2000). For the evaluation of these institutional guarantees in Dahl's framework, their mere appearance in EU documents is not sufficient, we have to examine whether they are actually applied in practice. Evaluating the degree to which citizens have the freedom of expression on the European level is not straightforward. The closest approximation we can get, is by looking at the cases of the individual Member States and make our evaluation based on their results. Two organizations, Freedom House and the V-Dem Institute regularly publish their research findings on the state of civil liberties, including the freedom of expression (Freedom House, 2024; V-Dem, 2023). In these research, except for a few outliers, such as Hungary, in the dataset of Freedom House and V-Dem or Poland in the dataset of V-Dem, the general picture is that in EU Member States there is a high level of freedom in terms of civil

liberties in general, and in particular in terms of freedom of expression too. Thus, in the absence of EU level data I conclude that based on the information about the Member States, there is a high degree of freedom of expression present in the European Union too.

The freedom of association, just as the freedom of expression, do exist legally. However, the application of this right in practice falls short, when it comes to its application ‘at all levels’, particularly with political organizations. While there are both civil associations and trade unions on the European level, political parties in their regular form do not exist. There are only party families at the European level that do not function the same way as parties do on the national level, most importantly, citizens cannot join these party families directly. At best, one can belong to a European party family indirectly, if one joins a national party belonging to the given party family. However, even in this case, since the party families are not European parties, one cannot influence the party family’s policy directly, at best, once again, one can do so indirectly, by influencing party policy on the national level. Thus, we can conclude that while the freedom of association is present in the European Union, it is not fully applicable on the European level.

Together with the establishment of the European citizenship, the EU also specified the rights that holders of the citizenship should enjoy, including the right to vote and the eligibility for public office. However, the TFEU and the European Electoral Act of 1976 allows the Member states to set conditions in their own jurisdiction for both active and passive suffrage. Therefore, while these two rights do exist in the EU, there are no unitary conditions for all EU citizens for exercising these rights, thus these rights, are not equally available for all citizens within the EU. While there is one last right prescribed by Dahl, I address it in Chapter 4.1.2 while analysing accountability in the EU.

4.1.2 Accountability

According to Chapter 3.1.3, the basis of accountability in Dahl’s and Tilly’s theories are free and fair elections. Nonetheless, the mere existence of this institution, once again will not constitute democracy. We have to examine, whether elections have effect and influence on the functioning of the institutions of decision-making, whether elections fulfil their role in holding representatives and the government accountable.

To understand what role, do elections play in the EU, if any, we have to first take a look at how decision-making functions in the European Union, and understand the discussions about democratic deficit in the EU. As I have already indicated in the Introduction, I consider the EU to be a democracy, since in Article 10 TEU, the EU claims to be a democracy, thus I dismiss all other considerations that argue that the EU is either not a democracy in the sense that it’s

functioning should be based on popular legitimacy, or that the EU leadership should not be accountable the way, in which national governments are (Majone, 1998; Moravcsik, 2002).

There are 3 main institutions involved in the European Commission (the Commission) consisting of the Commissioners, one delegated by each member state, the Council of the European Union (the Council) consisting of the representatives of each Member States' governments, and the European Parliament (EP) consisting of the representatives elected during the European Parliament Elections. The EP's power was strengthened in the Treaty of Lisbon, in which it became a co-legislator together with the Council. The Commission has the prerogative to propose bills for the Council and the EP. During the ordinary legislative procedure, the three institutions work together to create a piece of legislation, during which the Commission has the right to withdraw, while the Council and the EP has the right to block legislation. A proposal is adopted into law, if both the Council and the EP supports a joint text.

It seems that in the legislative procedure the three institutions are equal parties, however, Weiler et al. (1995) and Føllesdal and Hix (2006) in their discussions on democratic deficit argue the opposite. Based on their works, I examine where do the legitimacy of the three institutions stem from, what powers do they have in practice and whether accountability, as proposed by liberal democracy theory is present in the functioning of the European Union.

Weiler et al. (1995) presented the 'Standard Version' of democratic deficit that includes 5 main claims that roughly defines democratic deficit. This paper provided the basis for the analysis of Føllesdal and Hix and that will also provide the basis for my work. The 5 main claims, as presented by Føllesdal and Hix (2006) are the following:

- “1. European integration increased executive power and decreased national parliamentary control*
- 2. The European Parliament is too weak*
- 3. There are no 'European' elections*
- 4. The European Union is 'too distant' from the voters*
- 5. European integration produces 'policy drift' from voters' ideal policy preferences.” (Føllesdal and Hix, 2006, pp. 534-537; Unger, 2019, p.41)*

The design of the European Union's institutional system is such that executive actors dominate the policymaking (Føllesdal and Hix, 2006). As I have described above, both the Council and the Commission is composed of members related to national executive actors. These agents of the executive in their own Member State would be accountable to the national parliament and through the parliament to the voters. However, on the European level these agents act in relative isolation from their national parliaments, thus they are less accountable for their actions, than in national settings.

Despite the Treaty of Lisbon increased the powers of the EP significantly, it still can be said that the EP's power relative to national governments is still weak. Even though the EP has become a co-legislator under the ordinary legislative procedure and thus an 'equal' of the Council and the Commission, this is only true in the narrowest sense possible. While the EP elects the President of the Commission, approves the Commissioners and as per Article 17, the Commission is responsible to the EP, agenda-setting remained with the national governments, since they are the ones, who select, and ultimately appoint the Commission (Føllesdal and Hix, 2006).

This way of 'producing' the Commission also fail to adhere to the principles set out by Schumpeter in his elitist theory, since in the current structure of the EU, the people cannot fulfil even their limited role of electing leadership for themselves, since it is not the EP, the only directly elected body of the EU that produces 'the government' that is the Commission. Therefore, the European Parliament still not elects the executive of the EU the way national parliaments elect governments, thus the Commission is not responsible to the EP the way governments are responsible to national parliaments.

Another problem connected to the democratic deficit is that there are no 'real' European elections. Even though EU citizens do elect the EP every 5 years, its content is not about European issues, and there is no real party contest, and contest for leadership at the European level (Føllesdal and Hix, 2006). The Spitzenkandidat-system introduced in 2014 tried to focus the electorate's attention on the Presidential candidates of the European political parties thus creating 'real' European elections, however, it only remained a guideline for the governments for the nomination of the President of the Commission that is proved by the fact that after the 2019 elections, Max Weber was not nominated as President, despite being the Spitzenkandidat of the winner European party, the EPP (Espaliú Berdud, 2021). The failure of the Spitzenkandidat-system shows two things. First is that it is questionable whether the 'Right of political leaders to compete for support and votes' as theorized by Dahl (1971) exists in the European Union or that it is equally available for everyone. As I have argued above, the EU lacks real political competition, including contest for leadership. Since the European Parliament elections have limited and indirect influence on who is going to be the President of the Commission, political leaders rather have to lobby for positions among leaders of national governments, than competing for electoral support. Second is that European elections are treated as "second-order national contests", fought generally on domestic issues (Føllesdal and Hix, 2006, p.536). Thus, Føllesdal and Hix argue that under such circumstances, citizens' preferences on EU issues "at best have only an indirect influence on EU policy outcomes"

(Føllesdal and Hix, 2006, p.536). This argument can be further supported by the fact that the EU is ‘too distant’ from the voters, meaning that its complicated functioning alienates the electorate, thus citizens care less about the issues it deals with.

The fifth factor that I am considering is that the EU produces policy outcomes that are probably not supported by a majority of the citizens (Føllesdal and Hix, 2006). This can occur for two reasons, one is that the governments at the European level are less constrained by their national parliaments and second is that despite it has been strengthened with the Treaty of Lisbon, the EP is still not a dominant institution of the EU, thus it cannot defend the interests of the electorate against the interests of the governments and against private interest groups.

Even though Føllesdal and Hix wrote their paper 3 years prior to the adoption of the Treaty of Lisbon their arguments still hold even after 13 years after its adaptation. Despite having regular, free, and fair elections on the European level, the accountability of EU institutions is still questionable at best. EU decision-making still heavily influenced by the governments of the Member States, and since the elections has no direct influence neither on the composition of the Commission through the European Parliament, nor on the policy outcomes of the EU, it is clear that these institutions lack electoral accountability and binding consultation as theorised by Dahl and Tilly, furthermore the case of the EU also proves that the mere existence of free and fair elections does not constitute democratic functioning.

4.1.3 Safeguards

The third group of indicators that I labelled as ‘Safeguards’ in Chapter 3.1.3 include high level of protection against the state’s arbitrary action and the availability of alternative sources of information. Just as in the previous chapters we have to examine whether these indicators can be found in the institutional framework of the EU, and if yes, then do they affectively function in practice.

The latter indicator is codified in the Charter of Fundamental Rights of the European Union that states that beside the freedom of expression, “Everyone has the right (...) to receive and impart information and ideas without interference by public authority and regardless of frontiers” and that “the freedom and pluralism of the media shall be respected” (Charter of Fundamental Rights of the European Union, 2000, Article 11). Just as in the case of the freedom of expression no European level data is available, thus I rely on country level data and deduce from that the state of media freedom in the European Union. For the analysis, I use the results provided by Reporters Without Borders (RSF) that annually evaluates the media freedom in each country of the world (Reporters Without Borders, 2023b). From the results, it is visible

that there is a huge gap between the best performing and the worst performing Member States, Ireland being the 2nd, while Greece being the 107th on the 2023 list. However, RSF states that the situation of EU Member States is getting better, since “there were twice as many countries that have risen in the 2023 Index as there were that have fallen” (Reporters Without Borders, 2023a). Thus, based on the data and the analysis of RSF, we can say that despite a few Member States having exceptionally low scores compared to the majority of EU Member States, if we are looking at the median value, there is a fairly high degree of media freedom in the EU.

The other indicator is directly linked to the third branch of the government, the judiciary. The Treaties provide that individuals have the right to bring cases before the Court of Justice of the European Union to challenge the legality of actions taken by EU institutions or to challenge decisions they believe violate their rights or exceed the institutions’ powers. EU law, in Article 21 TFEU also provides that every citizen of the EU may address EU institutions, including EU courts, in any of the official languages of the EU and should receive answer in the same language, thus ensuring that no discrimination can occur based on language.

Additionally, besides bringing their case before the Court of Justice of the EU, individuals can also turn to the European Ombudsman that investigates complaints of maladministration by EU institutions. This way individuals can seek redress if they believe they have been treated unfairly by EU institutions.

In general, we can say that on the EU level both the media and the judiciary branch fulfil their role as safeguards of inclusive citizenship and accountability. However, on the judiciary side we have to emphasize that while the rulings of the European Court of Justice are binding on EU institutions compliance with the ruling might be delayed or contested thus leading to concerns regarding the enforcement of these rulings.

4.2 Participatory democracy theory in the European Union

The idea of incorporating participatory measures and institutions in the European Union is not new at all. This idea was first proposed during the drafting of the Constitutional Treaty in 2004. In Article 47 of the Constitutional Treaty the European Convention wanted to include that the European Union, besides the principle of representative democracy, also rests on the principle of participation (Unger, 2019). After the failure of the Constitutional Treaty, the principle of participation was not explicitly included in the Treaty of Lisbon, instead only the clauses vaguely defining the possible introduction of participatory institutions were included besides the introduction of the European Citizens’ Initiative (Unger, 2019).

Since the adoption of the Treaty of Lisbon the European Union introduced more and more institutions and processes that they claim to be participatory aiming to involve EU citizens in the decision-making process. In the following chapters I analyse these institutions and categorize them based on Arnstein's framework, 'The ladder of participation'.

4.2.1 Individual participation

The first two forms of participation that I am concerned with are the 'Have your say' process and petitioning the European Parliament. Both forms give opportunity for individual participation in the decision-making process, meaning that via these channels in the case of the 'Have Your Say' process EU citizens can participate individually or in the case of petitions either individually or with a small group.

The petitioning of the European Parliament is a codified right of the EU that can be both found in the Charter of Fundamental Rights of the European Union and in the TFEU. The right to petition means that EU citizens can submit formal requests or complaints to the EP on issues that affect them directly or on broader issues of European interest if the matter falls under EP jurisdiction. The petition once submitted is received by the Petition Committee of the EP that aim "is to provide a response to all petitions and, when possible, to provide a non-judicial remedy to legitimate concerns on issues related to the EU fields of activity which petitioners raise" (Petitions- European Parliament, n.d.). Petitions to be discussed are chosen by the committee, then the selected petitions are debated in open committee meetings. In all other cases, the Petition Committee informs petitioners about the process of the handling of their petition and about the outcome of their petition.

The general functioning of the petition system resembles to the 'Therapy' and the 'Informing' forms of participation in Arnstein's framework. Arnstein explains 'Therapy' as "a masquerade of involving citizens in planning, (while) the experts subject the citizens to clinical (group) therapy", while 'Informing' as "a one-way flow of information - from officials to citizens-with no channel provided for feedback and no power for negotiation" (Arnstein, 1969, pp.218-219). The way the process of petitioning illustrates quite well, how the two forms are mixed in the petition system. The "petition will be closed after its consideration, if the Committee decides that it has been sufficiently addressed, discussed and researched", thus the focus is on acknowledging the existence of the problem brought up by the petitioner, while the solution of the problem cannot be guaranteed, since the Committee decides what does 'sufficiently addressed' mean. Once the process is closed by the Committee informed about the decision, without any possibility to respond to the decision.

Through the ‘Have Your Say’ process the European Commission publishes consultations on draft legislative proposals. The process allows citizens to provide feedback, share their opinions and contributions regarding draft legislations with the European Commission. At the end of the consultation the Commission sums up the received contributions and analysis them, and in some cases, it provides a report (Have Your Say - Public Consultations and Feedback, n.d.). Regarding ‘Consultation’ as a form of participation Arnstein argues that while it can be considered a step towards real participation, in itself it does not prove to be sufficient to constitute effective participation, since “it offers no assurance that citizen concerns and ideas will be taken into account” (Arnstein, 1969, p.219). The Commission’s procedure is quite similar to that described by Arnstein as ‘Consultation’. Citizens have the opportunity to give feedback on the proposals of the Commission, however, it is up to the Commission to decide, whether it will incorporate the received suggestions or not.

4.2.2 Collective participation

In the followings, I focus on two collective forms of participation in the European Union, namely the European Citizens’ Initiative (ECI) and the European Citizens’ Panel. Both forms of participation are focused on involving a larger number of citizens, however, through substantially different means.

Besides the right to petition, the European Citizens’ Initiative is the only form of participation that is incorporated in the Treaties. Under the European Citizens’ Initiative at least 1 million people from at least 7 Member States can submit an initiative to call on the European Commission to propose new legislation on a given issue (European Citizens’ Initiative, n.d.).

Unger (2019) argues that the ECI is an institution with small emphasis on citizen participation, with limited effect of decision-making, thus it can be said that it only gives the appearance of participation. The ECI’s aim is not to empower citizens to decide about their own issues, but to influence the agenda of the Commission. Still, the Commission is not legally required to propose new legislation after a citizens’ initiative reached the required number of signatures, furthermore, if the Commission rejects an initiative, it is not required to give an explanation, unlike in the cases when it rejects an initiative of the Council or the EP. The research of Unger (2019) showed that between 2012 and 2017 there were only 3 successful initiatives, meaning that they fulfilled all the required criteria, out of which in only 1 case proposed the Commission new legislation. The whole structure of the ECI is problematic, among other issues the regulation regarding the topics about which initiatives can be launched is vague, unclear, and in some instances rather subjective. This together with the

unresponsiveness of the Commission makes the whole institution of the ECI meaningless, “it makes participation illusory” (Unger, 2019, p.176).

Regarding the categorisation of the ECI, I argue that it can be considered a unique type of ‘Consultation’ on Arnstein’s ladder. While the Commission is not asking directly for the opinion of citizens on an already existing draft proposal, as in the case of the ‘Have Your Say’ process, the ECI provides opportunity for citizens to share their opinion and form recommendation about an issue where EU regulation would be required. With the incorporation of the ECI into the EU’s institutional framework, even though indirectly, but the Commission is asking for input from the citizens’ side. However, there is no guarantee that the Commission will act upon the request as it should, just as in the case of the ‘Have Your Say’ process, it may happen that the Commission completely disregards the inputs and the requests of the citizens.

The second institution based on collective participation is the European Citizens’ Panel that is the most recent participatory process of the EU. It is an institutionalized continuation of the Conference on the Future of Europe that was held between April 2021 and May 2022. During the 1-year period a series of debates and discussion were organized and held by citizens on the most important issues of the EU (Conference on the Future of Europe, n.d.). The outcome of the debates and discussions was a report containing 49 proposals that was handed over to the Presidents of the European Parliament, the Council and the Commission. The Commission, based on the outcomes of the Conference included new proposals in its 2023 Commission Work Programme, furthermore, it has decided to launch the European Citizens’ Panels to give space for deliberation between citizens regarding certain issues in the EU (European Citizens’ Panels, n.d.). In the panels, 150 randomly-selected citizens work together to develop concrete recommendations to the 2023 Commission Work Programme. The first three panels worked between December 2022 and April 2023. In both the case of the Conference on the Future of Europe and in the case of the European Citizens’ Panels it is yet to see, how the Commission will act on the inputs and proposals it received. Since the responsiveness and the actual response of the Commission and the other decision-making bodies is a crucial element in deciding how to evaluate these forms of participation, I will not categorize either of them in Arnstein’s framework. Nonetheless, considering future developments it will be worth returning to this analysis to evaluate these new forms of participation in the EU.

5. Conclusion

The last institutional reform of the European Union took place in 2009. The amendments adopted in the Treaty of Lisbon laid the new basis for the functioning of European Union. In the Treaty, the Member States defined the EU as a representative democracy, strengthened the powers of the European Parliament, most importantly, by giving it a co-legislator status and giving it influence over the composition of the European Commission. The Charter of Fundamental Rights of the European Union has also been made legally binding in cases where EU law is applied and, even though the principle of participation had not been included specifically in the Treaty, as it would have been, had the Constitutional Treaty been ratified, a new participatory institution the European Citizens' Initiative was also introduced into the EU's institutional framework alongside the right to petition. Furthermore, in the past 3 years the European Commission introduced two more participatory institutions outside of the framework of the treaties, the 'Have Your Say' process and the European Citizens' Platforms, to address the issue of democratic deficit. At first, it seems that with the adoption of the Treaty of Lisbon the imbalance between the powers of the national governments and the powers of the directly elected EP has been balanced, and the Commission is working on solving the democratic deficit by introducing new participatory institutions. So, the question arises, do the European Union really function according to democratic principles? Can the EU adhere to its own democratic principles?

The Treaty of Maastricht, in 1992 introduced the European Union citizenship that formally enabled the EU to provide equal rights on the European level for its citizens. The establishment of the EU citizenship allowed wide political inclusion on the European level, regardless of one's nationality. Even though all of the rights examined in my analytical framework can be found in at least one of the analysed EU documents, I have found that some of them either cannot be exercised in practice, or they are not equally available for every EU citizen in the absence of EU wide regulations. The right to vote and the freedom of expression were the two items in my framework that both exist in practice and are equally available to a high degree for all EU citizens. However, all the other rights have proved to be deficient in some respect. The right to run for office is present in the EU, however, the criteria to enjoy this political right is regulated on the national level, thus not all EU citizens can enjoy it equally. Even though the freedom of association is a fundamental right of the EU, there are serious limits to this right, when it comes political parties. While there are many different organizations on the European level, such political parties do not exist due to the current institutional structure

of the EU, thus the right to form or join political parties cannot be exercised in practice. Finally, the right of political leaders to compete for votes is also problematic, partly because of the absence of political parties on the European level and partly, as I discuss later, due to the procedure through which the political leaders of the EU are elected. Thus, while the European Union Citizenship established wide political inclusion within the EU, there are minor and major shortcomings in the practical application of these rights. Regarding this part, I conclude that while the theoretical possibility of a highly inclusive citizenship exists in the EU, in its current form it does not provide large degree of inclusivity.

In my analysis, I have also examined the relationship between the three governing bodies of the EU, the European Parliament, the European Commission, and the Council of the European Union. I have found that, while the European Parliament's powers have been strengthened with the adoption of the Treaty of Lisbon, it is still relatively weak compared to the powers of national governments in the EU. Decision-making is still heavily influenced by national governments mostly through the appointment of the European Commission. The results of the European Parliament elections have no real impact on the composition of the Commission neither directly, nor via the European Parliament. Furthermore, European Parliament elections are usually not about European wide issues, they are rather fought on domestic matters, thus during EP elections people do not vote based on their preferences on European issues. Together with the fact that the composition of the Commission is also the result of negotiations between national governments, I argue that the policy outcomes of EU decision-making are not dependent on votes or any expression of preference. Thus, I conclude that the EU lacks accountability as proposed by Dahl and Tilly and that the case of the EU is a perfect example that the mere existence of free and fair elections, which do exist in the EU, do not secure democratic functioning.

Regarding the third group of indicators, I have found that on the European level there is both a high degree of protection for individuals against the arbitrary actions of EU institutions and there is a high level of media freedom too. Thus, I argue that in this regard the EU functions democratically to a high degree.

I have examined all four participatory institutions currently in use in the European Union. The most recent one is the European Citizens' Platform. In this case, since the Commission's response to the outcomes is unknown yet, thus we do not know yet whether any action or decision on the Commission's side will follow, I have decided not to categorize it at this point but rather designating it as a further point of research.

In the other three cases I was able to conduct the whole analysis and thus provide categorization. Regarding the right to petition, I have categorized it as a mixture of Therapy, a form of nonparticipation and of Informing, a form of tokenism. The right to petition the European Parliament do not constitute effective participation for multiple reasons. First, the petitions are handled by a parliamentary committee without any power to effectively respond to the issues brought up in the petitions. The petitions system imitates the process of involving citizens in solving issues, however, petitioners, except for a few designated petitions, cannot participate in the process of handling their issues, they are only informed about the decision of the Petition Committee. Therefore, I argue that this system is about acknowledging the existence of the problem brought up by the petitioner, while the solution of the problem cannot be guaranteed.

Both the 'Have Your Say' process and the European Citizens' Initiative (ECI) have been categorized as a form 'Consultation'. The 'Have Your Say' process almost exactly fits the description of Consultation by Arnstein. Citizens are given the opportunity to share their opinion and give feedback on the proposals of the Commission, however, there is no guarantee that the suggestions will be incorporated in the final legislation. The ECI at first may seem an effective tool for influencing the work of the Commission, in practice proves to be an ineffective form of participation. Even though citizens have the opportunity to request the Commission to propose EU legislation on certain issues, however, the Commission is not obliged to do so. Thus, once again, while citizens can share their recommendations about EU issues, they do not have the power to make decision, this prerogative remains with the Commission.

During my analysis both of my hypotheses have proved to be correct. First, the EU's governing bodies do lack accountability, what's more I have discovered further deficiencies regarding the criteria of inclusive citizenship. Second, I have found that while the EU do have participatory institutions, they can be considered as forms of tokenism, meaning that these institutions do not provide effective participation for the citizens.

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