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Increasing Public Perceived Legitimacy of the European Union Through the Integration of Psychological Insights into Law

E. GROSFELD

Increasing Public Perceived Legitimacy of the European Union Through the Integration of Psychological Insights into Law

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1.1 RELEVANCE AND AIMS

Over the past three decades, the European Union (EU) has become increasingly contested.¹ While recruiting participants for my research during the Dutch national elections in November 2023, I encountered responses that vividly reflected this sentiment. When I asked people to participate in a study on the EU, approximately half of them responded negatively: *'I want to have nothing to do with the EU'; 'We should stop with that nonsense'; 'Brussels? Burn it down to the ground!'*. These responses certainly did not come from everyone, but they illustrated how the EU's public legitimacy cannot be taken for granted, anymore. The recent electoral success of right-wing nationalist parties across the continent,² which stir nationalist sentiment and demonize international organizations,³ only underscores this observation.

Reduced public perceived legitimacy poses a significant threat to the EU's ability to effectively address the significant challenges it faces. To meet these challenges, the EU requires a stable foundation of legitimacy that enhances its decision-making capacity and ensures compliance with its

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- 1 Liesbet Hooghe and Gary Marks, 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus' (2008) 39 *British Journal of Political Science* 1.
 - 2 These parties made electoral gains in recent national elections (for example the Freedom Party of Austria in Austria; Vlaams Belang in Belgium; the Conservative's People's Party in Estonia; Alternative für Deutschland in Germany) or are in government now (for example Patriotic Movement in Croatia; the Civic Democratic Party in Czech Republic; the Finns party in Finland; Fidesz in Hungary; Brothers of Italy in Italy; the Freedom Party in the Netherlands; the Slovak National Party in Slovakia).
 - 3 Thorbjørn Jagland, 'An Analysis of Democracy, Human Rights and the Rule of Law in Europe, Based on the Findings of the Council of Europe Monitoring Mechanisms and Bodies' (Council of Europe 2017).

rules and policies.⁴ Consequently, one key challenge for the EU is to restore trust and legitimacy among its citizens, a challenge explicitly recognised by the European Commission.⁵

The law plays a vital role in the functioning and legitimisation of the EU. However, although law holds the potential to increase perceived EU legitimacy, traditional legal research falls short in understanding *how* this can be achieved, because it lacks the tools to examine when and why the EU is legitimate in the eyes of citizens. By contrast, social psychological research offers valuable empirical insights into the underlying factors that shape people's perceptions of the EU's legitimacy. Insights from social psychology can therefore inform and complement EU legal research to guide efforts to strengthen public perceived legitimacy of the EU.

This dissertation argues that integrating EU law with social psychology is required to help address the public legitimacy challenge of the EU. Adopting a unique and interdisciplinary approach, it is structured into three interconnected parts, with each part informing the next. First, the research investigates the psychological processes that drive people's perceptions of EU legitimacy, focusing specifically on the role of social identity and moral values. Second, these insights are used to develop and test strategies aimed at increasing legitimacy, designed with sensitivity to the unique nature and limitations of the EU legal framework. Third, the focus shifts from empirical research to integrating these findings into EU law, proposing legitimacy-enhancing strategies that align with the internal logic of the EU legal order and remain within the legal limits imposed by its foundational principles.

Together, these three steps provide a practical, evidence-based roadmap for increasing public perceived legitimacy of the EU. Such efforts are essential to ensuring the future and problem-solving effectiveness of a partnership that has historically brought safety, progress, and economic welfare, and continues to be a crucial collaboration between European states in an increasingly globalized world.

1.1.1 From broad acceptance to a divided audience

In the mid-20th century, a new form of cooperation emerged on the European continent. Having witnessed the destructive power of two world wars, several states sought to prevent future conflicts by signing the Treaty of Paris and establishing the European Coal and Steel Community in 1951. By regulating the production and distribution of coal and steel, and thereby military equipment, at a supranational level, Belgium, France, Germany,

4 Thomas Sommerer and Hans Agné, 'Consequences of Legitimacy in Global Governance' in Jonas Tallberg, Karin Bäckstrand and Jan Aart Scholte (eds), *Legitimacy in global governance: Sources, processes, and consequences* (Oxford Academic 2018).

5 European Commission. Directorate General for Communication., 'White Paper on the Future of Europe: Reflections and Scenarios for the EU27 by 2025.' (Publications Office 2017).

Italy, Luxembourg, and the Netherlands believed they could avert another war. A few years later, the common goals of economic prosperity and the peaceful use of atomic energy drove further cooperation with the establishment of the European Economic Community and the European Atomic Energy Community through the Treaty of Rome in 1957.

In those days, European integration was seen as an economic 'elite-project' that did not engage the wider public, as it did not raise highly politicized issues.⁶ The creation of a single market affected traders, but had little impact on the general public. Even after two landmark judgments by the European Court of Justice, *Van Gend en Loos*⁷ and *Costa v. ENEL*⁸, transformed the European Community from a regular intergovernmental organization governed by international law into a supranational polity with an autonomous system of law defined by constitutional principles,^{9,10} people remained largely indifferent towards or accepting of supranational authority. Consequently, public opinion on European integration during this period has been characterized as 'permissive consensus'.¹¹

However, this changed as the scope and depth of integration expanded. Following the first enlargement in 1973, when Denmark, Ireland, and the United Kingdom joined, Greece acceded in 1981 and Spain and Portugal in 1986. The Maastricht Treaty, signed in 1992 after the fall of the Berlin Wall, significantly extended European integration to foreign and security policy as well as to justice and home affairs, and launched the Economic and Monetary Union. The introduction of EU citizenship marked the beginning of greater social and fundamental rights for citizens. The co-decision procedure, or ordinary legislative procedure, placed the now directly elected European Parliament on a more equal footing with the Council of Ministers, allowing both institutions to adopt, amend, or reject legislative proposals from the European Commission, and to exercise budgetary functions. In sum, the EU evolved into a supranational political system with substantial authority. As a consequence, European issues became part of national electoral processes and increasingly engaged the public.¹² Moreover, European integration itself became increasingly politicised,¹³ characterised by greater

6 Hooghe and Marks, 'A Postfunctionalist Theory of European Integration' (n 1).

7 *Van Gend & Loos v Netherlands Inland Revenue Administration* [1963] ECJ 26-62.

8 *Flaminio Costa v ENEL* [1964] ECJ 6-64.

9 Alec Stone Sweet and Thomas L Brunell, 'Constructing a Supranational Constitution: Dispute Resolution and Governance in the European Community' (1998) 92 *American Political Science Review* 63.

10 In these judgments, the Court ruled that Community Law creates rights for citizens that may be invoked before national courts, and that Community Law is always supreme over national law.

11 Leon N Lindberg and Stuart A Scheingold, *Europe's Would-Be Polity: Patterns of Change in the European Community* (Prentice-Hall 1970).

12 Hanspeter Kriesi, 'The Role of European Integration in National Election Campaigns' (2007) 8 *European Union Politics* 83.

13 Pieter De Wilde and Michael Zürn, 'Can the Politicization of European Integration Be Reversed?' (2012) 50 *JCMS: Journal of Common Market Studies* 137.

polarization of opinions, interests, and values, and a heightened public engagement in EU policymaking.¹⁴ Thus, the EU entered a period of ‘constraining dissensus’, marked by increased public contestation and debate over its policies.¹⁵

This shift in public opinion became evident in the 21st century. Following the accession of Austria, Finland, and Sweden in 1995, the 2004 enlargement expanded the EU from 15 to 25 members. Among the new Member States – the Czech Republic, Cyprus, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia – were countries from central and eastern Europe, some of which former Soviet republics. The Treaty establishing a Constitution for Europe sought to accommodate this enlargement by inter alia improving decision-making procedures – especially in view of future enlargements to Bulgaria and Romania in 2007 and Croatia in 2013 –, and to unite and simplify earlier amending treaties.¹⁶ Partially in response to the pressure to involve the wider public in EU decision-making, several Member States held referendums on the ratification of the Constitutional Treaty in 2005. The Dutch and French electorates rejected the Constitutional Treaty with respectively 62% and 55% of the votes against it. These outcomes were partly driven by the referendum campaigns that framed the Constitution and the enlargement as a threat to the domestic economy and social model (from the political left) and as a threat to the national culture and identity (from the political right).¹⁷ In 2008, the people of the only Member State subjecting the Lisbon Treaty to a popular vote – Ireland – rejected the Lisbon Treaty in a first referendum. And a few years later, in 2016, dissatisfaction with the EU culminated when the majority of citizens in the United Kingdom voted to leave the EU, causing the first Member State withdrawal.

Clearly, the era in which European integration can be pursued through elite decision-making is over. Instead, there is an ongoing debate about the EU’s future, its relation to the Member States, and even the willingness of countries to remain within the EU.¹⁸ Public indifference towards the EU has diminished and has been partially replaced by scepticism.

14 Pieter De Wilde, ‘No Polity for Old Politics? A Framework for Analyzing the Politicization of European Integration’ (2011) 33 *Journal of European Integration* 559.

15 Hooghe and Marks, ‘A Postfunctionalist Theory of European Integration’ (n 1).

16 ‘Laeken Declaration on the Future of the European Union (15 December 2001)’ (2001) 12 *Bulletin of the European Union*.

17 Marcel Lubbers, ‘Regarding the Dutch ‘nee’ to the European Constitution: A Test of the Identity, Utilitarian and Political Approaches to Voting ‘no’’ (2008) 9 *European Union Politics* 59; Sara B Hobolt and Sylvain Brouard, ‘Contesting the European Union? Why the Dutch and the French Rejected the European Constitution’ (2011) 64 *Political Research Quarterly* 309.

18 Pieter de Wilde and Hans-Jörg Trenz, ‘Denouncing European Integration: Euroscepticism as Polity Contestation’ (2012) 15 *European Journal of Social Theory* 537.

1.1.2 The EU as problem-solving authority

In the face of a divided audience, the EU is tasked with addressing major societal challenges that transcend national borders.¹⁹ Many of the issues confronting people all over the globalized world are not confined by geographical boundaries. Europeans, too, have faced transnational problems over the past decades. For instance, after the financial crisis that began in 2007, several EU Member States teetered on the brink of bankruptcy because they were unable to refinance their government debts. Climate change has brought increased water floods, extreme temperatures, and windstorms to the continent. The COVID-19 pandemic forced people into lockdowns and claimed countless lives. Technical innovations have raised new issues, such as the spread of misinformation and digital unsafety, which are particularly concerning in light of the changing geopolitical landscape, where European countries may no longer be able to rely on the United States. And, an enduring issue, but recently intensified and heightening public anxieties, is the large influx of people fleeing unsafe areas and seeking refuge in the EU, leading to tensions in countries struggling to accommodate these asylum seekers.

Just as in the early decades of European integration, when European states collaborated to prevent war and improve living standards, states today are more likely to effectively address contemporary cross-border challenges by cooperating than by acting alone.²⁰ Since these problems have a continental, if not global reach, they require a continental response. A common framework of rules, principles, and procedures enables people to coordinate complex forms of cooperation, facilitating problem-solving effectiveness.²¹ The EU has been remarkably successful in establishing such a legal framework, which includes supranational political institutions, a supreme and autonomous system of rules, and a court that ensures the uniform interpretation and application of these rules.

For example, in response to the abovementioned challenges, the European Stability Mechanism was set up to provide financial support to members unable to refinance their state debts.²² Unprecedented legally binding climate norms were introduced to achieve climate neutrality in Europe by 2050.²³ The COVID-19 pandemic prompted the creation of a recovery plan to mitigate its socio-economic consequences, particularly aiding countries

19 Luuk Van Middelaar, *Alarums & Excursions: Improvising Politics on the European Stage* (Agenda Publishing 2019).

20 This is a common claim in the international relations literature, see for example Robert O Keohane, 'The Demand for International Regimes' (1982) 36 *International Organization* 325; Dorothee Allain-Dupré, 'The Multi-Level Governance Imperative' (2020) 22 *The British Journal of Politics and International Relations* 800.

21 Keohane (n 21).

22 Treaty Establishing the European Stability Mechanism (ESM) (2012) OJ C 306/1.

23 European Commission, 'The European Green Deal' COM (2019) 640 final.

most in need.²⁴ The EU increasingly focuses on strengthening its geopolitical role.²⁵ And a set of regulations was adopted to manage the influx of migrants based on the principle of solidarity between Member States.²⁶ The EU has thus become the focal problem-solving authority for addressing many of the problems confronting its nearly 450 million citizens. Such advanced cooperation among European states would have been unimaginable only a few decades ago.

1.1.3 The importance of legitimacy

Yet, to be an effective problem-solving authority, the EU needs more than just a legal framework for adopting and enforcing laws; it requires legitimacy in the eyes of citizens to make this legal framework effective. As previously indicated, citizens are no longer indifferent towards the EU, many have even become sceptic. A certain amount of scepticism towards a polity can be a good thing, as it encourages political engagement and thus strengthens rather than weakens liberal democracies like the EU.²⁷ However, the EU's stability and viability are at risk when scepticism escalates into a widespread lack of public perceived legitimacy – when the majority of people stop perceiving the EU to be legitimate – or when the foundation of legitimacy is undermined by a destabilising minority.

Perceived legitimacy refers to the belief that the EU's exercise of authority is appropriate and that the EU has the right to rule. It is often asserted that authorities require this kind of broad support from their audiences in order to be effective; 'the perception of legitimacy matters, because, in a democratic era, multilateral institutions will only thrive if they are viewed as legitimate by democratic publics'.²⁸ While there are polities imaginable that exist without perceived legitimacy of their citizens, polities that thus

24 European Commission, 'Proposal for a Regulation of the European Parliament and of the Council establishing a Recovery and Resilience Facility' (2020) COM 408 final.

25 Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (2019) OJ L 130/92; European Commission, 'Shared Vision, Common Action: A Stronger Europe' COM (2020) 70 final; European Union, 'A Strategic Compass for Security and Defence' (2022) Doc. 7360/22; Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (2022) OJ L 277/1.

26 European Commission, 'Proposal for a Regulation of the European Parliament and of the Council on Asylum and Migration Management' COM (2020) 610 final; European Commission, 'Common Implementation Plan for the Pact on Migration and Asylum' COM (2024) 251 final.

27 Pippa Norris, *Democratic Deficit: Critical Citizens Revisited* (1st edn, Cambridge University Press 2011); William Mishler and Richard Rose, 'Trust, Distrust and Skepticism: Popular Evaluations of Civil and Political Institutions in Post-Communist Societies' [1997] *The Journal of Politics*.

28 Allen Buchanan and Robert O Keohane, 'The Legitimacy of Global Governance Institutions' (2006) 20 *Ethics & International Affairs* 405.

depend on force and coercion to retain authority,²⁹ these are not only normatively less desirable with regards to liberal democratic standards, but also less likely to be effective. Without perceived legitimacy, it is harder to propose ambitious new policies and to secure compliance by constituents.³⁰ For example, a recent development, possibly driven by a decline in public perceived legitimacy of the EU, is that national politicians increasingly express the aim to opt out of the common European migration and asylum policy.³¹ Such actions could significantly undermine the EU's ability to effectively regulate migration and asylum. In an extreme scenario, a lack of perceived legitimacy could even lead to the EU's dissolution if all, or sufficient key Member States decide to withdraw. Conversely, a high level of legitimacy allows the EU to draw from a reservoir of support or goodwill from the public when it must make difficult or unpopular decisions, which can be especially valuable in times of crisis.³²

According to some, there is reason for concern because the EU suffers from a legitimacy crisis or a legitimacy deficit.³³ This concern is linked to broader, longstanding worries about the global decline of democracy and the erosion of trust in authorities.³⁴ However, there is debate about the extent to which the EU is truly experiencing a legitimacy crisis.³⁵ A crisis of legitimacy is thought to occur 'when the level of social recognition that its identity, interests, practices, norms, or procedures are rightful declines to the point where the actor or institution must either adapt or face

29 Rick Trinkner and Tom R Tyler, 'Legal Socialization: Coercion versus Consent in an Era of Mistrust' (2016) 12 Annual Review of Law and Social Science 417.

30 Sommerer and Agné (n 4).

31 For example, the Dutch and Hungarian governments have requested an opt-out from EU migration and asylum rules, with Dutch far-right PVV leader Geert Wilders even calling it a 'mini-Nexit', <<https://www.euractiv.com/section/politics/news/wilders-rejoices-over-unlikely-dutch-eu-migration-opt-out-request-dubs-it-mini-nexit/>>.

32 Tom R Tyler, 'Psychological Perspectives on Legitimacy and Legitimation' (2006) 57 Annual Review of Psychology 375; David Easton, 'A Re-Assessment of the Concept of Political Support' (1975) 5 British Journal of Political Science 435.

33 Vivien A Schmidt, 'The Eurozone's Crisis of Democratic Legitimacy. Can the EU Rebuild Public Trust and Support for European Economic Integration?', *European Economy - Discussion Papers* (Directorate General Economic and Financial Affairs (DG ECFIN), European Commission 2015); Akasemi Newsome, Marianne Riddervold and Jarle Trondal, 'The Legitimacy Crisis: An Introduction' in Marianne Riddervold, Jarle Trondal and Akasemi Newsome (eds), *The Palgrave Handbook of EU Crises* (Springer International Publishing 2021).

34 See for example Michel Crozier, Samuel P Huntington and Jōji Watanuki, *The Crisis of Democracy: Report on the Governability of Democracies to the Trilateral Commission* (New York University Press 1975).

35 Tom Ward, 'The European Union: A Crisis of Legitimacy?' (2010) 9 European View 115; Christopher Lord, 'Legitimacy Crisis in the European Union', *Theorising the Crises of the European Union* (Routledge 2020); Jacques Thomassen, Rudy Andeweg and Carolien van Ham, 'Political Trust and the Decline of Legitimacy Debate: A Theoretical and Empirical Investigation into Their Interrelationship' in Sonja Zmerli and Tom WG van der Meer (eds), *Handbook on political trust* (Edward Elgar Publishing).

disempowerment'.³⁶ Whether this accurately describes the EU's current situation is hard to determine, partly because it remains unclear even how to measure perceived EU legitimacy, a topic that will be explored later in this chapter. Nevertheless, regardless of the supposed existence and magnitude of the current legitimacy crisis, there is broad consensus that perceived EU legitimacy should be safeguarded and strengthened at all times, especially if the EU is to meet the major challenges ahead.³⁷

1.1.4 Research aims and assumptions

In this dissertation, I propose that addressing the challenge of achieving and maintaining high levels of public perceived EU legitimacy requires three steps, which later in this chapter will be further developed into three research questions.

First, it is essential to understand how people's beliefs in EU legitimacy develop. What factors and processes lead them to confer or withhold legitimacy from the EU? While empirical research on the perceived legitimacy of the EU is expanding, scholars have in particular called for more research on the role of individual and contextual factors in shaping these legitimacy beliefs.³⁸ Since social psychology is dedicated to understanding how an individual's behaviour is influenced by its social context, social psychological theories and methods are used to address this gap.

Second, with a better understanding of these dynamics, it is possible to test the psychological effectiveness of potential strategies to safeguard and increase EU legitimacy. 'Legitimation strategies' are intentional practices that aim to increase perceptions of legitimacy among a certain audience, such as the wider public, and include discursive practices (e.g., communicative or symbolic policies) and organisational practices (e.g., institutional and organisational reforms, substantive changes to policies or legal norms).³⁹ This second step involves empirically testing which legitimation strategies could be effective, based on an understanding of the psychological mechanisms established in the first step. During the second step, it is important to keep the EU's organizational and legal context in mind, and integrate that knowledge in empirical research designs, in order to increase their relevance for the final step.

Third, effective legitimation strategies should be integrated into EU law. Behavioural knowledge alone cannot achieve societal change; systemic changes (i.e., changes to an organization's policies, rules, norms, or institu-

36 Christian Reus-Smit, 'International Crises of Legitimacy' (2007) 44 *International Politics* 157.

37 European Commission. Directorate General for Communication. (n 5).

38 Lisa Dellmuth and Bernd Schlipphak, 'Legitimacy Beliefs towards Global Governance Institutions: A Research Agenda' (2020) 27 *Journal of European Public Policy* 931.

39 Jennifer Gronau and Henning Schmidtke, 'The Quest for Legitimacy in World Politics – International Institutions' Legitimation Strategies' (2016) 42 *Review of International Studies* 535.

tions) are also required.⁴⁰ This step of integration has two dimensions. On the one hand, EU law is not rigid or static, but a dynamic instrument.⁴¹ It has the ability to adapt to changing circumstances and to accommodate societal change, for example through amendment and interpretation of primary and secondary norms,⁴² or through soft law.⁴³ Therefore, there is flexibility to explore how the law can be changed so as to increase perceived legitimacy of the EU. On the other hand, systemic changes must fit with the EU's legal framework. Any policy or legal proposal should remain within the internal logic and coherence of the law. This is especially crucial for the EU, whose functioning depends strongly on its legal system. A legitimisation strategy should, for example, fit with the legal principles that have been developed by the Court of Justice of the European Union (CJEU). These principles (e.g., primacy, direct effect, sincere cooperation, mutual trust, non-discrimination, effectiveness, fundamental rights) are part of EU primary law, have ecumenical scope and constitutional status, and are an integral part of the CJEU's judgments.⁴⁴ Therefore, they constrain the flexibility of EU law whilst also underpinning its effectiveness.⁴⁵ Thus, while EU law has demonstrated its capacity to flexibly adapt to society's continuously changing demands, its potential for flexibility is not limitless.

Taken together, the overarching aim of this dissertation is to investigate how perceived legitimacy of the EU can be increased in a way that is both psychologically effective and legally feasible. In other words, the goal is to critically examine how the law can be shaped in such a way that the EU becomes more legitimate to citizens, while also taking into account legal limits, so that the EU can generate the legitimacy it needs for good and effective governance. The upcoming paragraphs outline the conceptual and theoretical framework used in this dissertation, describe the research questions and methodology, and explain how the remainder of this article-based

40 Nick Chater and George Loewenstein, 'The I-Frame and the s-Frame: How Focusing on Individual-Level Solutions Has Led Behavioral Public Policy Astray' (2023) 46 *Behavioral and Brain Sciences* e147.

41 The law has proven to be crucial in driving the profound changes that the EU has undergone since its inception, see JHH Weiler, 'The Transformation of Europe' (1991) 100 *The Yale Law Journal* 2403.

42 Interpretative methods can be used by both the EU legislature and the Court of Justice of the European Union, see for example Kai P Purnhagen and others, 'More Competences than You Knew? The Web of Health Competence for European Union Action in Response to the COVID-19 Outbreak' (2020) 11 *European Journal of Risk Regulation* 297; Miguel Poiars Maduro, 'Interpreting European Law: Judicial Adjudication in a Context of Constitutional Pluralism' (2007) 1 *European Journal of Legal Studies* 137.

43 Oana Stefan, 'COVID-19 Soft Law: Voluminous, Effective, Legitimate? A Research Agenda' (2020) 5 *European Papers* 663.

44 Takis Tridimas, 'The General Principles of EU Law and the Europeanisation of National Laws' (2020) 13 *Review of European Administrative Law* 5.

45 Armin Cuyvers, 'The Legal Space for Structural Differentiation in the EU: Reciprocity, Interconnectedness and Effectiveness as Sources of Constitutional Rigidity' (2023) 2022 7 *European Papers* 11651190.

dissertation is structured. Additionally, the main findings of each chapter are highlighted at the end of this chapter.

Before proceeding, it is important to explicate the underlying research assumptions. This dissertation is built on the premise that Europeans are, in a way, condemned to cooperation due to the continental scope of key societal issues, making the EU a necessary and desired polity. Furthermore, it assumes that public perceived legitimacy is required for an effective EU. While these assumptions can be critically examined, existing scientific evidence supports rather than refutes them,⁴⁶ hence they form the starting point of the current research. It is also important to emphasize that the goal of this dissertation is not to 'convince' citizens of the EU's legitimacy or to advocate for closer European integration. Instead, the premise of this dissertation is that legitimacy must be earned by identifying the conditions under which citizens accept the EU as a legitimate system of governance, so that these conditions can subsequently be realized through law.

1.2 CONCEPTUAL AND THEORETICAL FRAMEWORK

1.2.1 Legitimacy: a multidimensional concept

1.2.1.1 *Normative, empirical, and relational legitimacy*

Legitimacy is a complex, multidimensional concept that remains contested, hence requiring further explanation. Traditionally, two main types of legitimacy are distinguished: normative and empirical legitimacy. The normative conception of legitimacy, or rather the various normative conceptions of legitimacy, define the standards that an authority should meet to claim the right to rule.⁴⁷ From this perspective, legitimacy is assessed by evaluating to what extent authorities meet a certain set of normative criteria that, within a particular socio-political context, are deemed to justify the exercise of power.

Multiple competing sets of normative standards for EU legitimacy have been developed, which can be broadly categorized into ones that focus on input, output, or throughput. Input refers to democratic participation in policymaking by the people, output to the policy outcomes produced for the people,⁴⁸ and throughput to the quality of the process of policymaking itself.⁴⁹ The range of normative theories operationalize input, output and throughput differently, and attach different relative weight to these fac-

46 Sommerer and Agné (n 4); Buchanan and Keohane (n 29); Tyler (n 33).

47 Wilfried Hinsch, 'Justice, Legitimacy, and Constitutional Rights' (2010) 13 Critical Review of International Social and Political Philosophy 39.

48 Fritz W Scharpf, 'Economic Integration, Democracy and the Welfare State' (1997) 4 Journal of European Public Policy 18.

49 Vivien A Schmidt, 'Democracy and Legitimacy in the European Union Revisited: Input, Output and "Throughput"' (2013) 61 Political Studies 2.

tors to assess overall legitimacy, leading to different strategies to increase legitimacy.

Focusing on output, one strategy to increase EU legitimacy is to provide citizens with sufficient benefits such as security or economic resources.⁵⁰ This strategy has been particularly relevant in the first decades of EU integration, where prosperity gradually evolved from a tool for peace to a key type of output legitimizing the EU. Approaches that stress the importance of throughput, on the other hand, have pointed to the opacity of EU decision-making, which has led to increased openness and transparency in the EU legislative and policy formation processes.⁵¹ Another common strategy, focusing on input, is to improve the active participation of citizens. Since a well-functioning democracy is often considered the ultimate normative source of legitimacy, this strategy views empowering citizens to participate in EU democracy as the most promising route to legitimacy.⁵² Consequently, the need to locate and fill the EU's purported 'democratic deficit' has resulted in ongoing attempts to improve EU democratic input-mechanisms.⁵³ For example, successive Treaty amendments have consistently empowered the European Parliament, *inter alia* by greatly expanding its role as co-legislature and providing it with full budgetary powers.⁵⁴ Attempts have also been made to better connect national parliaments to EU decision-making, for example, by formally empowering them to assess the subsidiarity of EU legislative proposals.⁵⁵

Another legitimization strategy that resonates with all input, output, and throughput criteria, is to develop a common understanding of what it means to be a citizen of the EU. Here the aim is to establish a 'shared European identity', which finds meaning in the EU as a 'value-based community'.⁵⁶ Shared attachment to values and political self-identification legitimates the EU, according to this strategy, because it is an indirect way of democracy; by defining common values and goals, decisions can be made that are endorsed by the entire community. In other words, it is hoped that a better collective self-understanding will enable the EU to act on behalf of the entire community, in line with how it understands itself. The influence

50 Erik Oddvar Eriksen and John Erik Fossum, 'Europe in Search of Legitimacy: Strategies of Legitimation Assessed' (2004) 25 *International Political Science Review* 435.

51 Alberto Alemanno and Oana Stefan, 'Openness at the Court of Justice of the European Union: Toppling a Taboo' (2014) 51 *Common Market Law Review* 97.

52 Eriksen and Fossum (n 51).

53 Although some have argued that there is no democratic deficit because core principles of democracy, such as checks and balance and voter influence, are sufficiently present in the EU, see Andrew Moravcsik, 'In Defence of the "Democratic Deficit": Reassessing Legitimacy in the European Union' (2002) 40 *JCMS: Journal of Common Market Studies* 603.

54 Art. 294 of the Treaty on the Functioning of the European Union (TFEU).

55 Art. 3 of the Protocol to the Lisbon Treaty on the Role of National Parliaments in the European Union [2016] OJ C202/203.

56 Eriksen and Fossum (n 51).

of this normative strategy might be seen in the increasing emphasis in EU law on foundational principles, especially fundamental rights.⁵⁷

In sum, according to normative conceptions of legitimacy, the EU is legitimate if it meets certain objective, predetermined normative standards. However, even if those standards are met, the EU is not necessarily legitimate in the eyes of citizens. The empirical conception of legitimacy, accordingly, describes an authority as legitimate if it is perceived as such.⁵⁸ From this perspective, legitimacy is not objective but subjective, residing in the perception of individuals. It can be present or absent regardless of adherence to normative criteria of legitimacy. In other words, the EU is legitimate if its constituents recognize its authority and obey its rules because they believe that the EU has the right to govern, not because they fear sanctions for noncompliance.

Although normative and empirical conceptions of legitimacy are analytically distinct – citizens may perceive the EU as legitimate even if it violates normative criteria, and the EU may fulfil normative standards while perceived as illegitimate by citizens – the two conceptions are interconnected in practice.⁵⁹ For example, since people's beliefs arise in a social context, perceptions of legitimacy can be influenced by prevailing normative standards about legitimacy.⁶⁰ In terms of terminology, the two types of legitimacy are also entangled. For example, the degree to which an authority conforms to normative legitimacy standards can be empirically assessed, and the term normative legitimacy is sometimes used to describe people's assessments of moral legitimacy.⁶¹

Moreover, an account of legitimacy that is exclusively normative or empirical is insufficient. Focusing only on citizens' needs and desires with-

57 See in this regard for example Joined Cases C-402/05 P and C-415/05 P and C-415/05 P *Yassin Abdullah Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities* [2008] ECLI:EU:C:2008:461, where it becomes clear that the CJEU views fundamental rights as the essence of the EU legal order, trumping even obligations arising under title VII of the UN Charter. One could equally view the ongoing rule of law struggle between the EU and primarily Poland and Hungary along these lines (e.g., Case C-791/19 *European Commission v Republic of Poland* [2021] ECLI:EU:C:2021:596; Case C-156/21 *Hungary v European Parliament and Council of the European Union* [2022] ECLI:EU:C:2022:97), for example with the CJEU creating scope directly under Art. 19 TEU in light of the fundamental importance of the rule of law in the EU, paving the way for later infringement actions by the Commission. See Case C-64/16 *Associação Sindical dos Juizes Portugueses v Tribunal de Contas* [2018] ECLI:EU:C:2018:117; Case C-896/19 *Repubblica v Il-Prim Ministru* [2021] ECLI:EU:C:2021:311.

58 Hinsch (n 48).

59 Hans-Dieter Fuchs, 'Cultural Diversity, European Identity and Legitimacy of the EU: A Theoretical Framework' in Dieter Fuchs and Hans-Dieter Klingemann (eds), *Cultural Diversity, European Identity and the Legitimacy of the EU* (Edward Elgar Publishing 2011).

60 Jonas Tallberg and Michael Zürn, 'The Legitimacy and Legitimation of International Organizations: Introduction and Framework' (2019) 14 *The Review of International Organizations* 581.

61 Cq. Eric W Schoon, 'Operationalizing Legitimacy' (2022) 87 *American Sociological Review* 478.

out considering normative legitimacy standards could have negative consequences. Conversely, an exclusively normative perspective on legitimacy is not desirable either, because it might overlook features that could enhance legitimacy for citizens.

To account for these issues, research on legitimacy is shifting towards a procedural, relational or dialogical conception, which unites the normative and empirical conceptions of legitimacy.⁶² A dialogical conception of legitimacy essentially entails that legitimacy defines a relationship between an object of legitimacy and an audience of that object. The relationship is characterized by three elements: expectations, assent, and conformity. More specifically, legitimacy is first of all based on certain expectations. When the object of legitimacy then conforms to these expectations, and the audience assents positively to the relationship, legitimacy is established.

In the field of international organizations, legitimacy has also been defined as a dialogical concept. That is, legitimacy is the result of an interactive process between rulers and subjects, in which top-down legitimacy claims by political elites interact with bottom-up attribution of legitimacy by audiences.⁶³ Legitimacy therefore emerges when rulers and subjects have a shared understanding about the norms that define the appropriate exercise of power, when rulers conform to these norms, and when subjects recognize that rulers conform to these norms.

In this dissertation, I focus on one element of legitimacy as a dialogical concept, taking the audience as unit of analysis, hence the label *perceived* legitimacy to reflect this focus. This approach, however, acknowledges that perceptions of legitimacy represent only one element of the broader, multifaceted concept of legitimacy. Furthermore, while the audience can refer to anyone or any group that evaluates the legitimacy of an authority, it is important to specify the audience because the level and drivers of legitimacy attributed to the EU can differ between elites (i.e., the people who hold significant power or influence in society) and the general public (i.e., the broader population consisting of people without such influence).⁶⁴ The current research focuses on the general public, examining the legitimacy of the EU as perceived by 'ordinary' citizens. Legitimacy then becomes the 'perception among EU citizens that the EU's exercise of authority is appropriate'.

62 Achim Hurrelmann, Steffen Schneider and Jens Steffek, 'Introduction: Legitimacy in an Age of Global Politics' in Achim Hurrelmann, Steffen Schneider and Jens Steffek (eds), *Legitimacy in an Age of Global Politics* (Palgrave Macmillan UK 2007); Anthony Bottoms and Justice Tankebe, 'Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice Criminology' (2012) 102 *Journal of Criminal Law and Criminology* 119; AE Bottoms and J Tankebe, 'Police Legitimacy and the Authority of the State' in Justice Tankebe and AE Bottoms (eds), *Criminal law and the authority of the state* (Hart Publishing Limited 2017).

63 Gronau and Schmidtke (n 40).

64 Lisa Dellmuth and others, *Citizens, Elites, and the Legitimacy of Global Governance* (1st edn, Oxford University Press 2022).

1.2.1.2 *Legitimacy and related concepts*

In the literature, the concepts of legitimacy, support, and trust are intertwined. Although scholars tend to diverge on the relationship between these constructs, most conceptualizations are grounded in Easton's well-known theory on political support.⁶⁵ In this theory, the difference between support and legitimacy is reflected in the distinction between specific and diffuse support.⁶⁶ Support is defined as 'an attitude by which a person orients himself to an object either favourably or unfavourably, positively or negatively'. This umbrella concept is further defined in terms of the type and the object of support. First, there is a distinction between support for what a political object is or represents (i.e., diffuse support) and support for what a political object does or achieves (i.e., specific support). These types of support can then be directed towards different political objects: the regime, the authorities, and the political community. Easton considered both legitimacy and trust as expressions of diffuse political support for an authority, but argued that legitimacy is rooted in norms and values, while trust is rooted in perceptions of long-term utility.

Research on public opinion about the EU often uses the concepts of support, legitimacy, and trust interchangeably. The majority of this research is based on mass public opinion surveys, such as the Eurobarometer, the European Values Study, and the European Social Survey. As these surveys are conducted among large numbers of citizens from all EU Member States, they provide insights on public attitudes which are representative for the wider population. Their results thus offer a reliable indication of trends in general public opinion. Yet, a limitation of this widely used method is its reliance on a specific and rather limited set of standard items. Typically, these items use only one question to assess beliefs about whether EU membership is a good or a bad thing, beliefs on whether one's country has benefitted from EU membership, satisfaction with democracy in the EU, and levels of trust in EU institutions. Besides measuring trust, these items seem to specifically measure support for membership of the EU, but not what is generally understood as perceived EU legitimacy.⁶⁷

The precise relationship between support, trust, and legitimacy remains a topic of conceptual debate. Building on prior research, the current research conceives of support as an umbrella concept. Support for the EU represents a general positive attitude that can be directed towards specific policies, institutions, politicians, or the idea of European integration in general. Within this framework, perceived EU legitimacy is a specific type of support, reflecting the belief that the EU has the right to rule and that its exercise of authority is appropriate or rightful. Trust in the EU can be a symptom of perceived legitimacy.

65 Thomassen, Andeweg and van Ham (n 36).

66 Easton (n 33).

67 Dellmuth and Schlipphak (n 39).

1.2.1.3 *Measuring perceived EU legitimacy*

Ever since empirical perspectives on legitimacy emerged as a field of study, not only the question of conceptualization has been a topic of discussion, but also the question of how to accurately *measure* perceived legitimacy.⁶⁸ Directly asking people whether they believe the EU is legitimate can yield ambiguous and unreliable responses, as people may not fully understand the concept of legitimacy or may interpret it differently. Behavioural measures that signal the presence or absence of legitimacy, such as election turnout or participation in protests, could be used, but also carry the limitation that it is not possible to determine whether these behaviours are the result of (a lack of) perceived legitimacy or of another behavioural motivation.⁶⁹

Consequently, it is common practice to assess perceived EU legitimacy through proxies in self-report studies. However, the standard items in mass surveys do not sufficiently capture the complex concept of perceived EU legitimacy. Confronted with this issue, recent work examined what exactly these items measure, conceiving of perceived legitimacy as a multidimensional belief system that consists of an essential dimension of moral convictions and an optional dimension of utility beliefs.⁷⁰ The authors of this recent work described the dimension of utility to be complementary to the morality dimension, because, in its core, legitimacy is about norms and values. Accordingly, perceived legitimacy is considered a more stable attitude, rooted in moral convictions about rightful rule, while support is believed to be dependent on more short-term self-interest calculations and outcome considerations. They found that survey items measuring support (i.e., items on the evaluation and perceived benefits of EU membership) only assess the dimension of utility but fail to capture the value dimension, which is a crucially distinctive aspect of perceived legitimacy. Trust items, on the other hand, were found more likely to contain beliefs on whether the EU conforms to one's own moral principles.⁷¹

The closest indicator of legitimacy therefore seems trust or confidence, as it captures the normative dimension of perceived legitimacy.⁷² When a person believes that an authority is legitimate, meaning that it acts appropriately, this belief is reflected in their confidence that the authority will do what is right.⁷³ Like legitimacy, trust can have various meanings, but in this context it refers specifically to political or institutional trust (i.e., 'trust in the

68 Hurrelmann, Schneider and Steffek (n 63).

69 For example, attitudes about the EU were not the only cause of voting behaviour in the 2016 Dutch referendum of the association treaty between the European Union and Ukraine Wouter van der Brug, Tom van der Meer and Daphne van der Pas, 'Voting in the Dutch "Ukraine-Referendum": A Panel Study on the Dynamics of Party Preference, EU-Attitudes, and Referendum-Specific Considerations' (2018) 53 *Acta Politica* 496.

70 Dellmuth and Schlipphak (n 39).

71 *ibid.*

72 *ibid.*

73 Trinkner and Tyler (n 30).

EU as a political system'), rather than interpersonal trust (i.e., 'trust in other people'). Trust can be directed towards the EU as a whole or towards specific EU institutions. Yet, since patterns of trust in the different institutions are very similar,⁷⁴ it appears that for the purpose of measuring legitimacy it makes little difference whether citizens are asked about their confidence in the EU in general or in specific EU institutions.

In addition to trust, the felt duty or obligation to obey is a commonly used indicator in research on the perceived legitimacy of legal authorities.⁷⁵ This concept reflects the behavioural intention to comply with an authority and its rules. Since voluntary compliance is considered a natural consequence of legitimacy, measuring people's intentions to obey can serve as an indicator of legitimacy. For example, a statement that researchers could use to measure legitimacy is 'It is important to accept decisions made by the EU, even if you think they are wrong'.⁷⁶

Finally, citizens' perceptions that the EU's authority is exercised appropriately could be measured by observing the degree to which citizens believe that the EU has the right to make decisions to influence their lives, and that the EU acts in line with their own feelings of right and wrong.⁷⁷ These positive evaluations would reflect acceptance of the EU's authority and a sense of moral alignment with the EU, which also indicate the presence of legitimacy.

In this dissertation, there are some differences across chapters in the measurement of perceived EU legitimacy, reflecting the evolution of my perspective during the research process. Some chapters assess legitimacy through trust or confidence in the EU, while others incorporate additional indicators, such as perceived lawfulness, perceived morality, and the felt duty to obey, to capture the multidimensional nature of legitimacy. This also allows for a deeper exploration of the differences between these dimensions, as examined in the respective chapters.

1.2.2 Sources of perceived EU legitimacy

1.2.2.1 *The interaction between organization, society, and individual*

As explained, this dissertation focuses on citizens' subjective beliefs in EU legitimacy. Yet, the focus on perceived legitimacy does not imply that these beliefs originate *solely* within individuals' minds. Instead, they develop through the interaction of organizational features, societal context, and

74 Linda Berg, 'Citizens' Trust in the EU as a Political System' in Antonina Bakardjieva Engelbrekt and others (eds), *Trust in the European Union in Challenging Times: Interdisciplinary European Studies* (Springer International Publishing 2019).

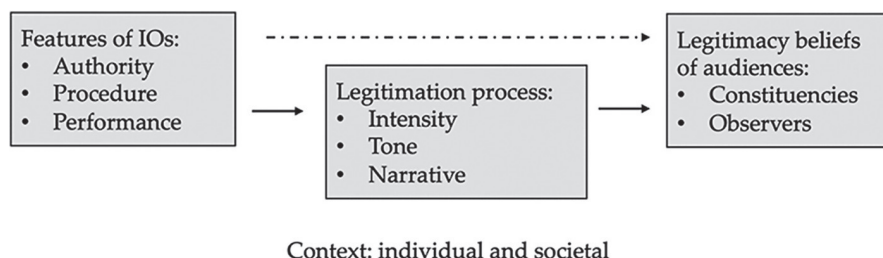
75 See for example, Jonathan Jackson and others, 'Why Do People Comply with the Law?: Legitimacy and the Influence of Legal Institutions' (2012) 52 *British Journal of Criminology* 1051.

76 Adapted from *ibid.*

77 Honorata Mazepus, 'What Makes Authorities Legitimate in the Eyes of Citizens? An Investigation of Perceived Legitimacy in Different Political Regimes' (Leiden University 2016).

individual factors. A theoretical framework that captures this interaction is one that conceptualizes the development of legitimacy perceptions of international organizations.⁷⁸ This framework, depicted in Figure 1, serves as a starting point for examining the complex processes that shape audiences' beliefs about the legitimacy of an international organization.

Figure 1. *Theoretical framework on the legitimacy and legitimation of international organizations*⁷⁹



In brief, the framework holds that people evaluate an organization's institutional features – primarily, the procedures through which it makes decisions and the degree to which it performs⁸⁰ – and while they do, they are influenced by legitimation and delegitimation attempts.⁸¹ This means that the organization itself, proponents, and opponents intend to legitimate or delegitimize the organization through (de)legitimation strategies: intentional attempts to justify or condemn its exercise of power and make it more or less legitimate.⁸² These attempts can take the form of rhetorical measures like framing of policies and the use of symbols (i.e., 'discursive practices') or through institutional and organisational reforms (i.e., 'behavioural practices' or 'organisational practices'), and are often accompanied by a communicative strategy.⁸³ Audiences' perceptions of legitimacy are influenced by these practices. Furthermore, an organization's objective features and legitimation and delegitimation attempts interact with societal factors (e.g., the national political regime and economic system,⁸⁴ regional inequality⁸⁵)

78 Tallberg and Zürn (n 61).

79 *ibid.*

80 See for more on how these features affect perceived legitimacy Lisa Maria Dellmuth, Jan Aart Scholte and Jonas Tallberg, 'Institutional Sources of Legitimacy for International Organisations: Beyond Procedure versus Performance' (2019) 45 *Review of International Studies* 627.

81 Tallberg and Zürn (n 61).

82 Gronau and Schmidtke (n 40).

83 Tallberg and Zürn (n 61).

84 Jan Aart Scholte, 'Social Structure and Global Governance Legitimacy' in Jonas Tallberg, Karin Bäckstrand and Jan Aart Scholte (eds), *Legitimacy in Global Governance: Sources, Processes, and Consequences* (Oxford University Press 2018).

85 Jana Lipps and Dominik Schraff, 'Regional Inequality and Institutional Trust in Europe' (2021) 60 *European Journal of Political Research* 892.

and individual factors (e.g., socioeconomic status or political ideology⁸⁶) in shaping legitimacy perceptions.⁸⁷

While research has traditionally focused on the effects of organizational features and societal context, the role of individual factors in shaping perceived legitimacy of international organizations, including the EU, has recently gained more attention.⁸⁸ This emerging line of research draws from the extensive literature on individual-level sources of support for the EU, leading to some overlap between the two fields. Several key findings from the public support literature will be briefly discussed, because it has a longer history than research on perceived EU legitimacy and has influenced its development.

1.2.2.3 *Explanations of public support for the EU*

Three explanations of support for the EU have been identified.⁸⁹ The first explanation holds that citizens make a cost-benefit analysis of their country's membership of the EU, which subsequently determines whether they support or reject membership. Evidence for this approach comes from work looking at economic indicators on the national and individual level. On the national level, studies have found that perceived national economic benefits on the one hand, and perceived threat to national interests on the other, predict support for the EU.⁹⁰ On the individual level, support has been shown to be affected by socioeconomic status, assuming that individuals with a higher socio-economic status perceive more individual economic advantages of the EU, for example through trade liberalization and free movement of workers, while individuals with a lower socio-economic status mainly perceive disadvantages.⁹¹

The second explanation holds that support is determined by feelings of national and European identity. People who hold exclusive national identi-

86 Lisa Dellmuth and others, 'The Elite–Citizen Gap in International Organization Legitimacy' (2022) 116 *American Political Science Review* 283.

87 Tallberg and Zürn (n 61).

88 Dellmuth and others (n 65).

89 Sara B Hobolt and Catherine E De Vries, 'Public Support for European Integration' (2016) 19 *Annual Review of Political Science* 413.

90 Thomas Christin and Alexander H Trechsel, 'Joining the EU?: Explaining Public Opinion in Switzerland' (2002) 3 *European Union Politics* 415; Joost Van Spanje and Claes De Vreese, 'So What's Wrong with the EU? Motivations Underlying the Eurosceptic Vote in the 2009 European Elections' (2011) 12 *European Union Politics* 405.

91 Matthew Gabel, 'Public Support for European Integration: An Empirical Test of Five Theories' (1998) 60 *Journal of Politics* 333; Armen Hakhverdian and others, 'Euroscepticism and Education: A Longitudinal Study of 12 EU Member States, 1973–2010' (2013) 14 *European Union Politics* 522; Lauren M McLaren, 'Opposition to European Integration and Fear of Loss of National Identity: Debunking a Basic Assumption Regarding Hostility to the Integration Project' (2004) 43 *European Journal of Political Research* 895.

ties are found to be less likely to support the EU,⁹² while a sense of European identity or attachment to the EU has been shown to predict higher support for European integration.⁹³ The identity explanation also includes findings that support for EU membership seems to be undermined by fear of immigrants and hostility towards other cultures.⁹⁴

The third explanation is based on the idea that the EU is too complex or remote for people to understand and evaluate deliberately, and that support for the EU is therefore influenced by informational shortcuts, especially when people have low levels of political knowledge.⁹⁵ For example, whether national parties cue the EU as a risk or opportunity for the national economy or identity in their campaigns has been shown to affect people's support for the EU.⁹⁶ Cues may also take the form of (dis)satisfaction with national institutions, which translates as a mental shortcut to levels of (dis)satisfaction with the EU.⁹⁷ Other examples of heuristics are attitudes

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- 92 Sean Carey and Matthew Lebo, 'In Europe, but Not Europeans: The Impact of National Identity on Public Support for the European Union' 6; Liesbet Hooghe and Gary Marks, 'Does Identity or Economic Rationality Drive Public Opinion on European Integration?' (2004) 37 *PS: Political Science & Politics* 415; Liesbet Hooghe and Gary Marks, 'Calculation, Community and Cues: Public Opinion on European Integration' (2005) 6 *European Union Politics* 419; Lauren M McLaren, 'Explaining Mass-Level Euroscepticism: Identity, Interests, and Institutional Distrust' (2007) 42 *Acta Politica* 233; Lubbers (n 18); Nicolò Conti, Danilo Di Mauro and Vincenzo Memoli, 'The European Union under Threat of a Trend toward National Sovereignty' (2018) 14 *Journal of Contemporary European Research* 231; Nicholas J Clark and Robert Rohrschneider, 'The Relationship between National Identity and European Union Evaluations, 1993–2017' (2019) 20 *European Union Politics* 384; Aleksandra Cislak and others, 'Brexit and Poles: Collective Narcissism Is Associated With Support for Leaving the European Union' (2020) 15 *Social Psychological Bulletin* 1.
- 93 Denis Sindic and others, 'Leave or Remain? European Identification, Legitimacy of European Integration, and Political Attitudes towards the EU' (2019) 29 *Journal of Community & Applied Social Psychology* 32; Conti, Di Mauro and Memoli (n 93).
- 94 Lauren M McLaren, 'Public Support for the European Union: Cost/Benefit Analysis or Perceived Cultural Threat?' (2002) 64 *Journal of Politics* 551; Hooghe and Marks, 'Does Identity or Economic Rationality Drive Public Opinion on European Integration?' (n 93); Claes H de Vreese and Hajo G Boomgaarden, 'Projecting EU Referendums: Fear of Immigration and Support for European Integration' (2005) 6 *European Union Politics* 59; Viren Swami and others, 'To Brexit or Not to Brexit: The Roles of Islamophobia, Conspiracist Beliefs, and Integrated Threat in Voting Intentions for the United Kingdom European Union Membership Referendum' (2018) 109 *British Journal of Psychology* 156.
- 95 Jeffrey A Karp, Susan A Banducci and Shaun Bowler, 'To Know It Is to Love It?: Satisfaction with Democracy in the European Union' (2003) 36 *Comparative Political Studies* 271; Klaus Armingeon and Besir Ceka, 'The Loss of Trust in the European Union during the Great Recession since 2007: The Role of Heuristics from the National Political System' (2014) 15 *European Union Politics* 82; Marcel Lubbers and Peer Scheepers, 'Divergent Trends of Euroscepticism in Countries and Regions of the European Union' (2010) 49 *European Journal of Political Research* 787.
- 96 Hobolt and Brouard (n 18); Michaela Maier, Silke Adam and Jürgen Maier, 'The Impact of Identity and Economic Cues on Citizens' EU Support: An Experimental Study on the Effects of Party Communication in the Run-up to the 2009 European Parliament Elections' (2012) 13 *European Union Politics* 580.
- 97 Maier, Adam and Maier (n 97); Hobolt and Brouard (n 18).

on globalization and supranational governance.⁹⁸ That is, attitudes towards national or global institutions are projected on the EU, influencing attitudes towards the EU.

1.2.2.3 *Delving into the identity explanation*

The public support literature thus defines three approaches to explaining support for the EU: the instrumental or utilitarian explanation, the identity explanation, and the cue-taking explanation. However, although these sources of support may partially explain legitimacy, conclusions about the sources of legitimacy cannot be inferred from studies on support. As previously discussed, the questionnaire items commonly used in studies to measure support for the EU do not fully capture perceived EU legitimacy, which is a distinct concept. Therefore, the factors that explain public support for the EU do not necessarily align with the reasons why citizens find the EU *legitimate*.

In particular, it has been suggested that the instrumental explanation plays a less significant role in shaping perceived EU legitimacy, while the identity explanation is expected to be more influential.⁹⁹ For example, notwithstanding the historically complex and precarious relationship between the United Kingdom and the EU, the outcome of the Brexit referendum – an outcome that could be described as reflecting a very low level of perceived EU legitimacy among citizens of the United Kingdom – was driven not primarily by economic considerations, but by identity-related concerns about immigration, culture, and diversity.¹⁰⁰

Although ‘identity’ is often considered an essential factor for EU legitimacy, also in normative discussions,¹⁰¹ and although research exploring the role of identity for perceived legitimacy of international organizations is emerging,¹⁰² empirical research examining identity in relation to perceived EU legitimacy is still scarce. Tailored research is, however, much needed, given the EU’s unique multi-level governance structure. Values and identity have already shown to have varying effects on perceived legitimacy across international organizations,¹⁰³ but the EU may be a particularly distinct case, due to for example its extensive competences and the rights it confers

98 Conti, Di Mauro and Memoli (n 93); Linus Peitz, Kristof Dhont and Ben Seyd, ‘The Psychology of Supranationalism: Its Ideological Correlates and Implications for EU Attitudes and Post-Brexit Preferences’ (2018) 39 *Political Psychology* 1305.

99 Dellmuth and Schlipphak (n 39); Tallberg and Zürn (n 61).

100 Maria Sobolewska and Robert Ford, *Brexitland: Identity, Diversity and the Reshaping of British Politics* (1st edn, Cambridge University Press 2020).

101 For example, since the beginning of European integration, the development of a European identity based on shared values has been deemed vital for the survival of the European project, Ernst B Haas, *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957* (University of Notre Dame Press 2004).

102 Dellmuth and others (n 65).

103 *ibid.*

upon citizens. Unlike other international organizations, the EU has also become the focal problem-solving authority, competing with the nation state's historical role. Moreover, identity is a broad concept encompassing a range of contents and levels. It is both a personal and a social construct, defined by, for instance, personal values, ambitions, roles, relationships, and group memberships.¹⁰⁴ Little is thus understood about the precise mechanisms by which 'identity' influences perceived EU legitimacy.

To address this gap, this dissertation delves into the role of identity in shaping individuals' beliefs about the legitimacy of the EU. Since identity is such a broad concept, the research focuses on moral values and social identity (i.e., identity defined by group membership) specifically.

Moral values and social identity are expected to be relevant because these factors strongly affect how individuals experience and interact with the world. The moral values and group affiliations central to one's self-concept can alter the way how information is selected, perceived, processed, and interpreted, often in a way that self-relevant information aligns with moral values and group memberships.¹⁰⁵ This effect is amplified when people feel threatened in their identity, because that leads to more rigid information-processing and decision-making (e.g., people rely more on prior beliefs and are less open to new information).¹⁰⁶ The EU challenges existing territorial identities through its redefinition of geographical boundaries and authority. It may therefore provoke such identity threats, affecting how people process information about it.¹⁰⁷ Consequently, the information that people use in developing legitimacy beliefs is filtered through cognitive biases,¹⁰⁸ shaped by their moral beliefs and important group affiliations.

In addition, as European integration and European issues become increasingly politicized, values and identity have become more salient in public debates about the EU. Efforts to legitimate or delegitimize the EU often appeal to people's moral values and important group memberships,

104 Vivian L Vignoles, Seth J Schwartz and Koen Luyckx, 'Introduction: Toward an Integrative View of Identity' in Seth J Schwartz, Koen Luyckx and Vivian L Vignoles (eds), *Handbook of Identity Theory and Research* (Springer 2011).

105 See for example Y Jenny Xiao, Géraldine Coppin and Jay J Van Bavel, 'Perceiving the World Through Group-Colored Glasses: A Perceptual Model of Intergroup Relations' (2016) 27 *Psychological Inquiry* 255; Chloe Kovacheff and others, 'The Problem with Morality: Impeding Progress and Increasing Divides' (2018) 12 *Social Issues and Policy Review* 218; William Hart and others, 'Feeling Validated Versus Being Correct: A Meta-Analysis of Selective Exposure to Information' (2009) 135 *Psychological Bulletin* 555; Benoît Montalan and others, 'Social Identity-Based Motivation Modulates Attention Bias toward Negative Information: An Event-Related Brain Potential Study' (2011) 1 *Socioaffective Neuroscience & Psychology* 5892.

106 Frank RC de Wit, Daan Scheepers and Karen A Jehn, 'Cardiovascular Reactivity and Resistance to Opposing Viewpoints during Intragroup Conflict' (2012) 49 *Psychophysiology* 1691.

107 Hooghe and Marks, 'A Postfunctionalist Theory of European Integration' (n 1).

108 Tobias Lenz and Lora Anne Viola, 'Legitimacy and Institutional Change in International Organisations: A Cognitive Approach' (2017) 43 *Review of International Studies* 939.

particularly national and EU identities. For example, a discourse analysis of the State of the Union addresses from the recent European Commission Presidents revealed a shift from focusing on economic benefits to emphasizing moral values. While President Barroso's speeches (2010-2013) predominantly highlighted economic advantages of EU membership, President Juncker's speeches (2015-2018) increasingly referred to ethical and social values, portraying the EU as a 'Union of values' and referencing symbols of a common European identity, such as common historical experiences.¹⁰⁹ President Von der Leyen continued this trend in her speeches (2020-2023), stressing a common group identity and shared moral values with phrases like 'a strong soul in everything we do', 'a Union grounded in values', 'Team Europe', 'Our Union', 'great European values'. She argued, for example, that 'trust in these common values brought our founders together, after World War Two', that 'these values come from the cultural, religious and humanist heritage of Europe', and that 'they are part of our soul, part of what defines us today'.¹¹⁰ Clearly these references mean to justify the EU beyond mere economic advantages.

At the same time, opponents of European integration have employed a Eurosceptic discourse that pits a common European identity and EU values against national identities and values. By contesting the legitimacy of the EU, more specifically its institutional and constitutional design, these opponents engage in acts of delegitimation in response to European actors' legitimation attempts, as well as to fill the lack of justification that is provided by those actors.¹¹¹ This side of the debate is characterized by a discourse of crisis and threat, portraying the EU as a danger to national sovereignty and identity.¹¹² For example, the absolute obligation, in principle, to follow the rulings of the CJEU over judgments from 'good old English courts' or the sovereign will of Parliament, was a prominent topic in the Brexit campaign and one of the factors that mobilized citizens in the referendum to vote against EU membership.¹¹³ Similar narratives have emerged in other Member States, where national politicians present the EU as an obstacle to

109 Pamela Pansardi and Francesco Battegazzorre, 'The Discursive Legitimation Strategies of the President of the Commission: A Qualitative Content Analysis of the State of the Union Addresses (SOTEU)' (2018) 40 *Journal of European Integration* 853.

110 'State of the Union Address by President von der Leyen' (*European Commission - European Commission*) <https://ec.europa.eu/commission/presscorner/detail/ov/SPEECH_21_4701>.

111 de Wilde and Trenz (n 19).

112 Benjamin Farrand and Helena Carrapico, "'People like That Cannot Be Trusted": Populist and Technocratic Political Styles, Legitimacy, and Distrust in the Context of Brexit Negotiations' (2021) 17 *Journal of Contemporary European Research* 147.

113 See also the UK plans to remove the jurisdiction of the CJEU over the Northern Ireland Protocol (Bill proposed on 13 June 2022) for further evidence of how emotional this is for the British, or at least for a significant subsection of them.

their countries' sovereign authority and values.¹¹⁴ Furthermore, national news outlets tend to adopt nationally oriented narratives that frame the EU as fundamentally at odds with national identity.¹¹⁵

In sum, the current dissertation aims to fill a significant gap in empirical research on public legitimacy perceptions of the EU by elucidating the role of identity. Building on the theoretical framework on the legitimacy and legitimation of international organizations (Figure 1), it zooms in on how the individual-level factors of moral values and social identification interact with organizational- and contextual-level factors to affect perceived legitimacy of the EU, specifically.

1.2.3 Social psychological theories

Given the focus on moral values and social identity, a final building block of the conceptual and theoretical framework of this dissertation are the theories that help elucidate the effects of these factors. The research draws upon social psychological theories because these theories emphasize the social context as a key determinant of individual behaviour. In social psychology, theories provide a structured framework for understanding complex interactions between social-contextual and individual factors. While these theories may not predict individual behaviour with complete precision, they help researchers to reduce the complexity of social psychological processes and identify the most important factors explaining human behaviour, which subsequently enables the design of evidence-based interventions.

1.2.3.1 Social identity theory

There are numerous social psychological theories,¹¹⁶ many of which could be relevant to the behaviours examined in this research. When it comes to the explanatory effects of social identity, social identity theory is particularly applicable. Originally developed as a theory of intergroup relations, it has evolved into one of the major frameworks in social psychology and is now

114 For example, former European Commissioner, Michel Barnier, proposed a French referendum on a 'constitutional shield to disregard European law and rulings in order to regain our freedom of maneuver and interpretation', see P Dallison and E Braun, 'Barnier the Brexiteer? French Candidate Gets Tough with EU on Campaign Trail' *Politico* (9 September 2021). Poland's Prime Minister, Mateusz Morawiecki, argued in a statement to the European Parliament on 19 October 2021, that the national constitution, not EU law, sits at the top of the legal hierarchy.

115 Andrew Anzur Clement, 'Reporting on the "Ever Closer Union": Narrative Framing in National News Medias and Resistance to EU Integration' (2015) 6 *Eastern Journal of European Studies* 123.

116 See for an overview Paul AM Lange, Arie W Kruglanski and E Tory Higgins, *Handbook of Theories of Social Psychology* (SAGE 2012).

considered a core theory for understanding a broad range of individual behaviours within a social context.¹¹⁷

The tenets of social identity theory are that when people think of themselves as members of a group, they seek to make their group positive and distinct from other groups in order to achieve and maintain a positive social identity.¹¹⁸ People desire a positive social identity because it satisfies basic psychological needs such as the need to belong, the need for self-esteem, the need for control, and the need for certainty and a meaningful existence.¹¹⁹ Once an individual identifies with a certain group membership, this group membership thus determines their feelings, attitudes, and behaviours.

These claims form the basis of an extensive body of research that has engaged with and elaborated upon social identity theory. Given its broad applied relevance to various societal issues,¹²⁰ social identity theory is well-suited for the current investigation into understanding and increasing perceived EU legitimacy.

1.2.3.2 *Moral foundations theory*

Selecting a theoretical framework to study the explanatory effects of moral values is less straightforward. A first possibility is the social identity approach to morality, which posits that people's moral beliefs and behaviours are shaped by their social identities, because the groups they belong to define what is considered right and wrong.¹²¹ While valuable, this approach does not specify *which* moral values people have.

A well-known theory that does specify specific values is the Schwartz theory of basic values.¹²² A refined version of this theory describes nineteen values across four higher order dimensions – self-transcendence versus self-enhancement and openness to change versus conservatism – which function

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- 117 Naomi Ellemers and S Alexander Haslam, 'Social Identity Theory' in Paul AM Van Lange, Arie W Kruglanski and E Tory Higgins (eds), *Handbook of theories of social psychology* (SAGE 2012).
 - 118 Henri Tajfel, 'Social Identity and Intergroup Behaviour' (1974) 13 *Social Science Information* 65; Henri Tajfel and John Turner, 'An Integrative Theory of Intergroup Conflict' in William G Austin and Stephen Worchel (eds), *The social psychology of intergroup relations* (Brooks/Cole 1979).
 - 119 Katharine H Greenaway and others, 'Social Identities Promote Well-Being Because They Satisfy Global Psychological Needs' (2016) 46 *European Journal of Social Psychology* 294.
 - 120 S Alexander Haslam, 'Making Good Theory Practical: Five Lessons for an Applied Social Identity Approach to Challenges of Organizational, Health, and Clinical Psychology' (2014) 53 *British Journal of Social Psychology* 1.
 - 121 Naomi Ellemers, Stefano Pagliaro and Manuela Barreto, 'Morality and Behavioural Regulation in Groups: A Social Identity Approach' (2013) 24 *European Review of Social Psychology* 160; Naomi Ellemers and Jojanneke Van der Toorn, 'Groups as Moral Anchors' (2015) 6 *Current Opinion in Psychology* 189.
 - 122 Shalom H Schwartz, 'Universals in the Content and Structure of Values: Theoretical Advances and Empirical Tests in 20 Countries', *Advances in Experimental Social Psychology*, vol 25 (Elsevier 1992).

as trans-situational and motivational guiding principles in a person's life.¹²³ However, this theory emphasizes individual differences in these values and the personal meaning of values to individuals, instead of the social meaning of values.

The current research uses moral foundations theory as a guiding framework instead, because this theory explains how shared values of groups can differ and how these shared values are related to political convictions, making it most applicable to the current research aims. The core premise of moral foundations theory is that all people possess a limited, innate set of moral foundations – originally defined as care, fairness, ingroup loyalty, authority, and purity – which underpin their moral values later in life to varying degrees, depending on cultural influences and personal characteristics.¹²⁴ Moral foundations theory may be particularly relevant to studying the effects of morality on perceived EU legitimacy because it helps explain why people prioritize certain values over others and how this creates societal conflicts. For example, it has shown to have strong predictive power in explaining political beliefs and attitudes in the United States.¹²⁵ While the political landscape in the United States obviously differs from that in Europe, moral foundations theory claims to be a universally applicable framework. It has also proven useful in the European context, such as in analysing the outcomes of the Brexit referendum.¹²⁶

Moreover, although moral foundations theory has often been applied to the American liberal-conservative divide, it is more than a theory about American politics. In fact, it was initially a theory of cultural differences in morality.¹²⁷ Moral foundations theory posits that evolutionary adaptive challenges led to the development of moral modules. Importantly, these modules not only include concerns about protecting the individual from harm and unfair treatment (i.e., individualizing moral foundations), but also concerns about protecting the ingroup and obligations of group membership, respect for authority and the social order, and protecting

123 Shalom H Schwartz and others, 'Refining the Theory of Basic Individual Values' (2012) 103 *Journal of Personality and Social Psychology* 663.

124 Jesse Graham and others, 'Moral Foundations Theory: The Pragmatic Validity of Moral Pluralism' in Patricia Devine and Ashby Plant (eds), *Advances in Experimental Social Psychology*, vol 47 (Academic Press 2013); Jonathan Haidt, Jesse Graham and Craig Joseph, 'Above and Below Left-Right: Ideological Narratives and Moral Foundations' (2009) 20 *Psychological Inquiry* 110.

125 Jesse Graham, Jonathan Haidt and Brian A Nosek, 'Liberals and Conservatives Rely on Different Sets of Moral Foundations' (2009) 96 *Journal of Personality and Social Psychology* 1029; Jonathan Haidt and Jesse Graham, 'When Morality Opposes Justice: Conservatives Have Moral Intuitions That Liberals May Not Recognize' (2007) 20 *Social Justice Research* 98.

126 David S Smith, 'Shaping the Modern World With a Stone-Age Brain: The Brexit Referendum and the Moral Foundations Theory' (2019) 7 *Journal of Social and Political Psychology* 863.

127 Haidt, Graham and Joseph (n 125).

one's physical purity or sanctity (i.e., group-binding moral foundations).¹²⁸ By exploring these moral foundations, it is possible to gain a deeper understanding of how morality may explain variations in perceived EU legitimacy.

Moral foundations theory is thus rooted in evolutionary psychology. It emphasizes that individuals have innate dispositions towards certain moral concerns – shaped by evolutionary adaptive challenges – that influence their sense of right and wrong. In contrast, social identity theory focuses on how these fundamental dispositions are coloured by group membership and what the group deems right and wrong. While these two theories may initially appear difficult to reconcile, I believe they are compatible. In Chapter 7, I will explore how the empirical findings based on these seemingly incompatible theories can be reconciled. The objective is not to discover which theory is more accurate or valid, but rather to advance an integrated understanding of how morality and social identity together explain perceived EU legitimacy by identifying common ground between the two theories.

1.3 RESEARCH QUESTIONS, APPROACH, AND METHODOLOGY

1.3.1 Research questions

Recalling the overarching aim of this dissertation, the research investigates how perceived legitimacy of the EU can be increased in a way that is both psychologically effective and legally feasible. It does so via three steps: 1) understanding how perceptions of EU legitimacy develop; 2) testing the effectiveness of potential legitimization strategies; and 3) exploring how legitimization strategies can be integrated into EU law. The questions underlying these steps are too vast to be fully addressed in a single research project. For example, it is beyond the scope of this dissertation to provide an exhaustive account of all the factors and complex processes that shape perceived EU legitimacy. Therefore, for the reasons explained in the previous sections, the current dissertation takes moral values and social identity as focus of explanation and potential source of improvement. The resulting research question is threefold:

- 1 How do moral values and social identity explain EU citizens' perceptions of the EU's legitimacy?
- 2 What strategies grounded in moral values and social identity could increase perceived EU legitimacy among EU citizens?

128 Jonathan Haidt, 'The New Synthesis in Moral Psychology' (2007) 316 *Science* 998; Haidt, Graham and Joseph (n 125).

- 3 What are the possibilities and limits within the EU legal framework to implement evidence-based EU legitimation strategies grounded in moral values and social identity?

1.3.2 An inductive and interdisciplinary approach

To address the research questions, the research takes an inductive approach. This means that the research begins with research question 1, and that the findings from this phase inform the design of studies aimed at answering research question 2. The analysis for research question 3 is then shaped and defined by the preceding research findings.

In addition, since the overarching research aim requires both a bottom-up understanding of the processes leading to perceived EU legitimacy and a top-down understanding of how those behavioural insights can be implemented, an interdisciplinary, mixed-methods approach is used. Going beyond ‘multidisciplinary’ research, which enriches understanding of a certain topic by examining it through the distinct lenses of separate disciplines, ‘interdisciplinary’ research actively integrates theories, concepts, methods, techniques, and insights from various fields.¹²⁹ This approach emphasizes the synthesis and connection of distinct knowledge systems, with the aim to generate new insights that cannot be obtained within the confines of a single discipline.

As highlighted throughout this chapter, the current research primarily integrates social psychology and EU law.¹³⁰ Research questions 1 and 2 are addressed using social psychological theories (i.e., moral foundations theory and social identity theory) and methods (i.e., surveys and experiments). These studies are designed taking into account the legal reality in the EU. This is for two reasons. First, it creates a more accurate understanding of how individual factors interact with organizational factors in shaping perceived EU legitimacy. Second, it increases their relevance to potential legal applications. Research question 3 is addressed by combining traditional legal doctrinal methods (i.e., evaluating caselaw of the CJEU and analysing the feasibility and implications of legal adjustments), with innovative analytic methods that translate empirical, behavioural insights into legal conclusions. Advantages and disadvantages of this interdisciplinary approach will be examined in Chapter 7.

129 Robert Frodeman, Julie Thompson Klein and Roberto Carlos Dos Santos Pacheco, *The Oxford Handbook of Interdisciplinarity* (Oxford University Press 2017).

130 To a lesser extent, it relies on theories and insights from political science. For example, political science research on the perceived legitimacy of international organizations forms the overarching framework for understanding the relation between organizational features, legitimation and delegitimation processes, and perceived legitimacy.

1.4 STRUCTURE OF THE DISSERTATION

1.4.1 A compilation of articles

This dissertation consists of a collection of separate scientific treatises. The chapters are based on four articles published in peer-reviewed journals and two articles submitted for publication in peer-reviewed journals. This means that all published articles have undergone, and those submitted for publication are undergoing, a double-blinded peer-review process in accordance with the guidelines of the respective journals. To maintain uniformity throughout the dissertation, the citation style of articles that originally used APA 7th edition has been converted to the OSCOLA citation style. For a similar reason, the structure of the article presented in Chapter 3 has been modified to align with the format of the other chapters.

Although I conducted the majority of the research, all articles were co-authored, reflecting the collaborative nature of research, which is particularly evident in interdisciplinary research. Throughout Chapters 2 to 6, the term ‘we’ refers to the collective authorship of the articles on which these chapters are based.

The dissertation is based on the following articles, listed in order of publication date (oldest to newest). As detailed in the next section, the chapters are organized differently. At the beginning of each chapter, the article it is based on will be indicated, along with any amendments made, additional analyses presented, and the contributions of the co-authors.

- 1 E Grosfeld, D Scheepers and A Cuyvers, ‘Value Alignment and Public Perceived Legitimacy of the European Union and the Court of Justice’ (2022) *Frontiers in Psychology* 12:785892.
- 2 E Grosfeld, D Scheepers, A Cuyvers and N Ellemers, ‘The Integration of Subgroups at the Supranational Level: The Relation Between Social Identity, National Threat, and Perceived Legitimacy of the EU’ (2022) 10 *Journal of Social and Political Psychology* 607.
- 3 E Grosfeld, A Cuyvers and D Scheepers, ‘Towards Evidence-Based Legitimacy Interventions in EU Law: Challenges and Directions for Empirical Research’ (2023) *Utrecht Law Review* 87.
- 4 E Grosfeld, D Scheepers and A Cuyvers, ‘Mapping the Moral Foundations of the European Union: Why a Lack of Moral Diversity May Undermine Perceived EU Legitimacy’ (2024) *PNAS Nexus* pgae282.
- 5 E Grosfeld, D Scheepers, A Cuyvers and N Ellemers, ‘Affirmation of EU Identity Reduces Perceived National Identity Threat and Increases Perceived Legitimacy of the European Union’. Submitted for publication in *Journal of Applied Social Psychology*.
- 6 E Grosfeld, A Cuyvers and D Scheepers. ‘The Psychological Potential of Article 4(2) TEU: Bridging the Gap Between Citizens’ Identities and the Identity Clause’. Submitted for publication in *European Law Open*.

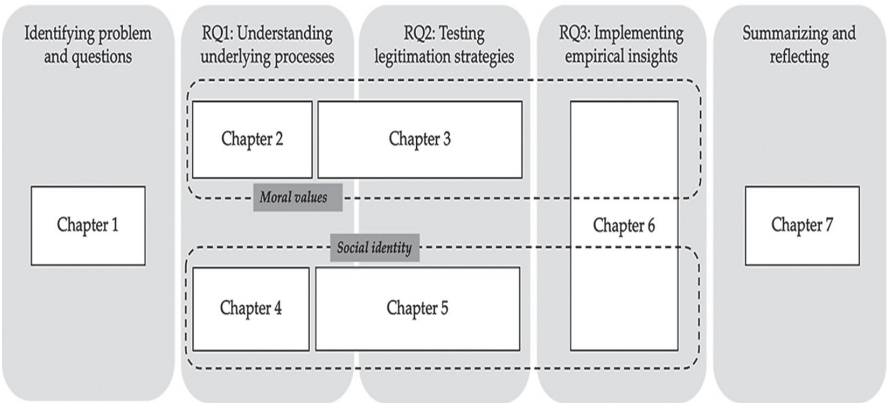
1.4.2 Overview of chapters

The current chapter, Chapter 1, outlines the overarching objective of this dissertation: exploring how empirical insights based on social psychology can inform EU law to make the EU more legitimate to its citizens. The following chapters, as illustrated in Figure 2, address the research questions designed to achieve this objective.

Chapter 2 and 3 focus on the role of moral values in explaining and increasing perceived EU legitimacy. Chapter 2 offers an initial exploration to understand this process, which then is further investigated in Chapter 3. Chapter 3 also uses these insights to develop and test a legitimization strategy grounded in moral values. Chapters 4 and 5 follow a similar structure, but with a focus on social identity. That is, both chapters report studies which aim to understand how social identity influences perceived EU legitimacy, and Chapter 5 builds on these findings to examine how legitimacy could be increased based on social identity mechanisms. Chapter 6 integrates findings from both lines of research to address Research Question 3, which concerns the implementation of legitimization strategies in EU law. Chapter 7, the discussion chapter, reflects on the findings and their implications, as well as on my personal experience with conducting interdisciplinary research.

Given the inductive research approach and the fact that the dissertation consists of a collection of separate scientific treatises developed over a period of four years, during which my understanding of the topic evolved, some overlap but also some inconsistencies between the chapters are inevitable. In the following sections of this chapter, I will elaborate on the contents of Chapter 2 to 6, the coherence among them, and the decisions I made throughout the research process.

Figure 2. Graphical presentation of the dissertation chapters



1.4.2.1 Chapter 2

Chapter 2 explores the relation between personal values and the perceived legitimacy of the EU. Although the research presented here also addresses the relationship between personal values and the perceived legitimacy of the CJEU, that analysis is less central to the primary objectives of this dissertation and will therefore not be discussed in detail here. Drawing on research on the perceived legitimacy of legal authorities, it is hypothesized that people who feel a stronger alignment between their personal values and those of the EU are more likely to perceive the EU as legitimate compared to those who do not share these values. This is expected for two reasons. First, shared values communicate to individuals that they are recognized as valued members of the group that the EU represents. As this fosters a positive EU identity, individuals are more likely to perceive the EU as legitimate. Second, the conviction that the EU acts in accordance with one's own values provides a normative validation of its authority, also reinforcing its legitimacy.

An online survey study conducted among 1136 citizens from six EU Member States (Finland, France, Germany, Italy, Netherlands, Poland) assessed the importance participants place on certain values, their perception of how strongly the EU endorses these values, and their perceptions of EU legitimacy. The study focused on six values: democracy, liberty, fairness, the rule of law, respect for national authority, and respect for tradition. These values were chosen because they are endorsed by the EU, albeit to varying degrees,¹³¹ and because they reflect both individual-focused values and group-focused values, aligning with the principles of moral foundations theory. This selection therefore offers a first insight into how moral foundations in the EU context relate to perceived EU legitimacy. Legitimacy was measured through two indicators: trust in the EU and a felt duty to obey the EU.

In this study, perceived EU legitimacy was relatively high, averaging 4.62 on a 7-point scale,¹³² and was positively associated with higher education levels and a more left-wing political ideology. The results indicated that participants strongly endorsed the values of democracy, liberty, fairness, and the rule of law, more so than they believed the EU did. On average, participants perceived the EU to endorse respect for national authority and respect for tradition to an equal extent as they did themselves: respect for national authority medium to high, and respect for tradition medium. For

131 Democracy, freedom, equality, and the rule of law are foundational EU values protected under Article 2 of the Treaty on European Union. The preamble to that treaty emphasizes the desire to respect the peoples' history, culture, and traditions. Article 4 and 5 describe the principle of conferral, according to which competences not conferred upon the EU remain within the Member States.

132 Meaning that, on average, participants responded to items measuring perceived EU legitimacy with a score between 'neither agree nor disagree' (4) and 'somewhat agree' (5).

all the values examined, perceived EU legitimacy increased when participants believed that the EU endorsed those values.

This increase was most pronounced among participants who strongly supported binding values (i.e., rule of law, respect for national authority, respect for tradition). These participants typically reported slightly lower beliefs in EU legitimacy, unless they believed that the EU shared their values. Conversely, this effect was not observed among participants who strongly supported individualizing values (i.e., democracy, liberty, fairness), possibly because their perceptions of EU legitimacy were already high, indicating a possible ‘ceiling effect’. Despite the study’s limitations, which are detailed in Chapter 2, the findings suggest that a sense of value alignment with the EU plays an important role in shaping beliefs about the EU’s legitimacy.

1.4.2.2 Chapter 3

The study reported in Chapter 2 highlighted a potential effect of value alignment on perceived EU legitimacy, indicating that perceived EU legitimacy is influenced by people’s personal values and by how people perceive the EU’s values. This finding prompted a further investigation into the role of morality in shaping perceived EU legitimacy. One limitation of the previous study was that it did not adequately measure moral foundations, as it did not employ the validated moral foundations questionnaire.¹³³ Additionally, Chapter 3 sought to explore the observation that participants believed that within the EU, respect for national authority and respect for tradition are valued less than democracy, liberty, fairness, and the rule of law. This raised the suspicion that – also given the EU’s origins as a peace project – the EU currently resonates better with individualizing moral foundations than with binding moral foundations. Supporting this expectation, Chapter 3 presents the results of a text analysis of all State of the Union speeches delivered by European Commission presidents from 2010 to 2023. This analysis revealed that these speeches appealed significantly more to care- and fairness-related values than to loyalty-, authority-, and purity-related values.

Chapter 3 further examines whether fundamental moral value differences among citizens, coupled with the EU’s presumed preference for values associated with individualizing foundations, can explain variations in perceived EU legitimacy. To investigate this, an online survey study was conducted among 595 participants from six Member States (France, Germany, Italy, Netherlands, Poland, Sweden). The study assessed participants’ reliance on moral foundations and perceived EU legitimacy, using a single item measuring confidence in the EU. In addition, the study measured to what extent participants found a selection of forty core EU legal norms right

133 For example, the rule of law is not clearly related to the moral foundations because it loaded on both individualizing and binding moral foundations in the factor analysis, nor did this study measure a value related to the care/harm foundation.

or wrong and which moral arguments influenced these judgments. The list included the EU's most important rules and principles, covering areas such as constitutional setup and decision-making procedures, general principles of EU law, market freedoms, fundamental rights, and secondary legislation in various fields of EU competence. Each participant was presented with descriptions of thirteen of these rules and asked to rate how right and wrong they found each one. The average of these ratings served as a measure of the participant's moral alignment with EU law.

In this study, perceived legitimacy averaged 6.71 on a 10-point scale. The first key finding is that moral alignment with EU law was lower among participants who endorsed binding moral foundations more strongly and higher among those with strong individualizing moral foundations. This difference in moral alignment explained the extent to which participants perceived the EU as legitimate. Specifically, individuals with stronger binding moral foundations tended to perceive the EU as less legitimate due to their lower alignment with its values.

The second key finding of this study is that, overall, citizens generally agreed with many of the legal norms presented. For example, the foundational EU values as outlined in Article 2 of the Treaty on European Union (TEU) were supported by 97.5% of the sample, the principle of non-discrimination by 96.6%, judicial independence by 97.6%, and the duty to respect national identities by 93.1%. Two norms were notably contested by a significant portion of the sample. First, 51.1% of respondents, primarily those with strong individualizing moral foundations, opposed limitations on the right to reside in another Member State for people with insufficient financial means, viewing this rule a violation of the Care and Fairness foundations. Second, 31.6% of respondents, mostly those with strong binding moral foundations, opposed the primacy of EU law over national law, perceiving it as a violation of the Authority foundation. These findings suggest that the EU may emphasize values related to individualizing moral foundations more than those associated with binding moral foundations. While this may weaken perceived EU legitimacy among individuals with strong binding moral foundations, it is important to note that many EU legal norms and values still enjoy broad support across the population.

The final study reported in Chapter 3 tested two potential legitimization strategies that were designed based on the findings on morality. Given the positive relation between moral alignment with the EU and perceived EU legitimacy, and since people relying on 'binding' moral foundations tend to have lower moral alignment with the EU, this study investigated whether furthering moral alignment through EU communications and legal norms could increase perceived EU legitimacy among individuals with strong binding moral foundations. These strategies were termed *moral reframing* and *moral rebalancing*. Moral reframing involved adjusting the rhetorical language used to describe a legal norm, reflecting a discursive practice within the framework of legitimacy and legitimation of international orga-

nizations. Moral rebalancing involved altering the actual legal content of the norm, reflecting a behavioural or institutional practice.

In an online experiment with 567 Dutch participants, both strategies were applied to the principle of primacy of EU law. The reformulations of this principle were developed in collaboration with a panel of EU legal experts, who ensured that the reformulations did not transgress the outer boundaries of the legally feasible within the framework of EU law. Perceived EU legitimacy was measured with multiple items assessing trust in the EU, the perceived morality of the EU, the perceived lawfulness of the EU, and the felt duty to obey the EU.

In this study, perceived EU legitimacy averaged 3.15 on a 5-point scale. The findings revealed that framing the principle of primacy in a way that appealed to the loyalty foundation (i.e., emphasizing that primacy helps to protect national constitutional identity and traditions) or to economic benefits (i.e., emphasizing that primacy helps to protect economic growth and prosperity) led to higher perceived EU legitimacy among participants who strongly endorsed binding moral foundations. Importantly, these frames did not *reduce* perceived EU legitimacy among participants who strongly endorsed individualizing moral foundations. On the other hand, making the primacy of EU law conditional upon other values (i.e., the strategy of moral rebalancing), did not increase perceived EU legitimacy among participants with binding moral foundations. Moreover, this approach actually reduced legitimacy among participants who endorsed individualizing moral foundations.

Chapter 3 concludes that while citizens broadly endorse EU values, certain legal norms may conflict with people's values of protecting national identity or authority. This concern, whether stemming from fundamental moral beliefs or political beliefs rooted in group norms, is shared by many EU citizens. To enhance perceived legitimacy, it could be effective to highlight aspects of EU law that safeguard national identity or authority in public communications. Beyond rhetorical strategies, it is important to explore how this value can be meaningfully incorporated in EU law. Yet, this requires further empirical research to understand potentially adverse effects of legal adjustments. While legal reform may be necessary, restricting the absolute nature of primacy seems neither effective nor desirable. Therefore, an alternative approach must be sought to ensure respect for national identities within the framework of EU law.

1.4.2.3 Chapter 4

Chapter 4 delves into the effects of social identity on perceived EU legitimacy, with a particular focus on national and EU identities. This chapter explores how national identification, EU identification, and dual national-EU identification are related to perceived EU legitimacy, and whether these relations are moderated by perceptions of the EU as a threat to national

identity.¹³⁴ To address these questions, the same dataset used in Chapter 2 was analysed, for it included the relevant measures. The analyses described in this study were conducted separately for each of the proxies of perceived EU legitimacy: trust in the EU and felt duty to obey the EU.

Interestingly, participants scored higher on a measure of EU identification than on a measure of national identification. When asked whether they identify exclusively with their nationality, with their nationality and then the EU, with the EU and then their nationality, or with the EU exclusively, most participants indicated to identify first with their nationality and then with the EU. This suggests that while people still primarily see themselves as nationals of their country, they may feel prouder of their EU membership than national membership. People with an exclusive national identity reported significantly lower perceived EU legitimacy than people who also identified with the EU, regardless of whether their EU identity preceded or followed their national identity. Furthermore, both indicators of legitimacy were positively predicted by EU identification and dual national-EU identification, measured on a continuous scale. A stronger national identification was also associated with slightly higher beliefs in EU legitimacy. However, when participants experienced a threat to their national identity, stronger national identification predicted lower trust in the EU and a weaker sense of having to obey the EU. Overall, the perception of a threat to national identity was strongly related to lower perceived EU legitimacy.

These findings indicate that individuals' perceptions of the EU as a threat to their national identity – whether defined as a threat to national sociocultural identity or national authority – pose a risk to public perceived legitimacy of the EU. While a strong national identity alone does not appear to harm perceived EU legitimacy, it can do so when people feel that their national identity is threatened. On the other hand, any form of identification with the EU, even if secondary to national identification, positively predicts perceived EU legitimacy. This is in line with the conclusions from Chapters 2 and 3 that moral alignment with the EU enhances its perceived legitimacy, as shared morality is a key indicator of a common identity. So, both a sense of EU identity and a sense of shared values with the EU are crucial for people to perceive the EU as legitimate. From the study in this chapter, it follows that the EU should not only work to promote a common EU identity and align with citizens' values, but also to avoid posing a threat to citizens' national identities.

134 Chapter 4 refers to threat to national sociocultural identity and threat to national power, but as these constructs yielded almost similar results, I refer to the overarching concept of threat to national identity here. Note that this also includes threat to national power or authority.

1.4.2.4 Chapter 5

Chapter 5 presents three studies designed to further explore the impact of national and EU identity on perceptions of EU legitimacy and to investigate a potential legitimization strategy based on social identity. The first two studies served as preliminary investigations into the relation between national identity threat and perceived EU legitimacy. The first was an online study involving 303 individuals from France and the Netherlands, while the second study, conducted in a polling station during the Dutch national elections, surveyed 150 Dutch individuals. In both studies, national identity threat was experimentally induced, followed by an assessment of perceived EU legitimacy, measured as confidence in the EU. The findings revealed that participants exposed to the national identity threat manipulation reported a slight decrease in perceived EU legitimacy. Additionally, both studies confirmed that self-reported national identity threat is negatively associated with perceived EU legitimacy, even after controlling for political ideology.

In the third and main study, an intervention aimed at reducing national identity threat was developed and tested. This online experimental study was conducted among 904 individuals from twelve EU Member States: Austria, Belgium, France, Germany, Greece, Ireland, Italy, Netherlands, Poland, Romania, Slovenia, and Sweden. The study examined whether positively affirming either national identity or EU identity could alleviate national identity threat and enhance perceptions of EU legitimacy. In addition, it investigated whether the effectiveness of these affirmation strategies was influenced by the strength or content of individuals' national identification. It was hypothesized that for individuals with high national identification, affirming their national identity would be more effective in reducing identity threat. Conversely, it was expected that EU identity affirmation would have a greater impact on those with weaker national identification.

To tailor the national identity affirmation to each nationality, lists of positive aspects of national identities were compiled in collaboration with nationals from the twelve participating Member States. Participants were then randomly assigned to one of three conditions: national identity affirmation, EU identity affirmation, or a control group (no affirmation). Those in the affirmation conditions read a relevant list of positive elements, ranked them by importance, and reflected on why the top-ranked element made them proud to be a national or EU citizen. Perceived EU legitimacy was measured using a composite score of items assessing trust in the EU, perceived morality of the EU, perceived lawfulness of the EU, and felt duty to obey the EU. The average score across participants was 4.67 on a 7-point scale.

The results indicated that participants who engaged in EU identity affirmation reported lower feelings of national identity threat and higher perceptions of EU legitimacy. These effects were notably smaller for those who affirmed their national identity. Interestingly, the strength of national

identification did not moderate these effects, but the content of national identity—i.e. how individuals construe their national identity—did influence the effectiveness of the two affirmation strategies.

Exploratory moderation analyses revealed that national identity affirmation only reduced national identity threat for individuals who were both strongly attached to their nation and held an ethnic conception of national identity. Conversely, EU identity affirmation reduced national identity threat primarily for those who were either not strongly attached to their nation or those who were strongly attached but maintained an inclusive, non-ethnic view of national identity. Across all groups, regardless of how they construed their national identity, participants expressed the most pride in certain elements of EU identity, including: the protection of fundamental human rights and dignity, the freedom to live and work anywhere within the EU, and the principle of equality among Member States and their citizens.

This chapter concludes that the EU offers many citizens a positive social identity, particularly grounded in core values such as human rights, freedom, and equality, which play a key role in shaping this identity. Emphasizing these positive aspects of EU identity appears to help individuals mitigate feelings of national identity threat, suggesting that this could be an effective strategy for strengthening the EU's perceived legitimacy. However, the effectiveness of this approach is limited when individuals view their national identity as exclusive and incompatible with other territorial identities. For such individuals particularly, the EU's legitimacy may hinge on its ability to respect and affirm their national identity alongside fostering a broader European identity.

1.4.2.5 Chapter 6

Chapter 6 explores how the empirical insights described in the previous chapters could inform EU law with the aim of increasing public perceived legitimacy of the EU. In the first part of the chapter, the key findings from the empirical work are summarized. These are: 1) a strong EU identity, rooted in shared values, exists and fosters perceived EU legitimacy; 2) national identity undermines perceived EU legitimacy when seen as exclusive to EU identity or as threatened by the EU; and 3) respect for national identities enhances perceived EU legitimacy among those with an exclusive or threatened national identity. Considering the need to both protect national identities and promote EU identity to safeguard public legitimacy of the EU, the question raised in this chapter is whether the legal institutionalisation of the EU's duty to respect national identity has succeeded in achieving those aims. This duty is, among other places in EU law, particularly manifested in Article 4(2) TEU. In the second part, Chapter 6 examines the current interpretation of this legal provision by the CJEU and evaluates it in line with the social psychological insights.

The CJEU's leading application of Article 4(2) TEU is as a justification of non-compliance with EU law by national measures. In other words, Member States can invoke Article 4(2) TEU to derogate from certain norms of EU law, and the CJEU then decides whether the derogation based on national identity is justified. When looking at the recent case-law, it appears that, in the CJEU's use of Article 4(2) TEU, the balance seems to be tilting towards protection of supranational principles, identity, and values, rather than the protection of distinct national identities. This suggests that the EU's overarching integration goals are prioritized over the protection of national authority and diversity. The chapter evaluates whether this is problematic, based on an empirical, psychological point of view.

The answer is nuanced. On the one hand, limiting national diversity where fundamental EU values are at risk may not necessarily make the EU more legitimate from the perspective of most citizens, given their strong EU identity. On the other hand, a common identity and EU values are not a source of legitimacy for citizens with an exclusive national identity, which also form a substantial group. In addition, overall public perceived EU legitimacy, also among those who do identify with the EU, is likely to benefit from a stronger protection of national identity.

Therefore, this chapter argues that there is a sufficient common EU identity, defined by shared values, to legitimately justify restricting respect for national identity when core EU values are at stake, but that public perceived legitimacy of the EU is nevertheless likely to improve with stronger legal protection of national identity than currently provided. It is proposed that EU law should therefore evolve towards an approach in which respect for national identity could be enhanced, without compromising the core principles and values of EU law.

After discussing the challenges of translating psychological insights into law, associated with the fact-value gap, the chapter presents four suggestions that could be implemented within the EU legal framework. These suggestions aim to inspire and inform further legal research on the duty to respect national identities in EU law. The four suggestions are: improving judicial dialogue, respecting certain substantive areas of national identity, enlarging the margin of discretion for national courts in defining their own constitutional identity and balancing it against EU law, and referring more explicitly to national identity in case law.

1.4.3 Data

In line with open science practices, all preregistrations, data, analysis code, and materials have been made available on my profile on Open Science Framework (<https://osf.io/e74hg/>). Table 1 provides an overview of each dataset collected and used in this dissertation.

Table 1. Overview of datasets

<i>Dataset</i>	<i>Chapter</i>	<i>Collection</i>	<i>N</i>	<i>Sample</i>
1	2, 4	November, 2020 (Prolific)	1136	Dutch, French, Finnish, German, Italian, Polish
2	3	January, 2022 (Prolific)	595	Dutch, French, German, Italian, Polish, Swedish
3	3	November, 2022 (Prolific)	195	Dutch
4	3	December, 2022 (Flycatcher)	567	Dutch
5	5	October, 2023 (Prolific)	303	Dutch, French
6	5	November, 2023 (on-site)	150	Dutch
7	5	March, 2024 (Prolific)	904	Austrian, Belgium, Dutch, French, German, Greek, Italian, Irish, Polish, Romanian, Slovenian, Swedish

1.5 FINAL INTRODUCTORY REMARKS

The conversations I had at a Dutch polling station during the 2023 national elections revealed that people are not hesitant to express their discontent with the EU. This discontent is a logical consequence of the politicization of European integration and is a symptom of a healthy democracy. People increasingly see themselves as holders of a political mandate that they can, rightfully, exercise to influence European decision-making. However, if this discontent escalates into a public legitimacy crisis, the EU’s effectiveness as a problem-solving authority could be severely compromised. Even if such a crisis does currently not exist, it is crucial to prevent one from arising. Therefore, it is important to rethink how the EU should be structured through EU law in order to maintain and increase public legitimacy, a question far more important than the often debated question of ‘in or out of the EU’. This interdisciplinary dissertation, grounded in original social psychological research, offers an evidence-based perspective on how the EU legal system could be adapted to foster a more legitimate EU.

Value alignment and public perceived legitimacy of the European Union and the Court of Justice

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ABSTRACT

The present study aims to extend research on the role of values for the perceived legitimacy of legal authorities by focusing on (1) supranational legal authorities and (2) a broad range of values. We examine how (alignment between) people's personal values and their perception of the values of the European Union (EU) are related to perceived legitimacy of the Court of Justice of the EU (CJEU) and the EU more broadly. Inspired by moral foundations theory, we distinguish between individualizing (i.e., 'democracy', 'liberty', and 'fairness') and binding values (i.e., 'rule of law', 'respect for national authority', and 'respect for tradition'). An online survey was conducted in six EU Member States ($n = 1136$). A factor analysis confirmed a two-factor model (individualizing vs. binding values) for both personal values and perceived EU values. Four regression models were run for each of the value factors, including personal values, perceived EU values, and their interaction, on each of the outcomes (i.e., perceived CJEU and EU legitimacy). Perceived endorsement by the EU of both individualizing and binding values predicted higher legitimacy perceptions of the CJEU and EU. Furthermore, personal binding values had a negative effect on perceived EU legitimacy when participants perceived the EU to weakly support binding values, but a positive effect when the EU was perceived to strongly support binding values. The results suggest that value alignment plays an important role in perceived legitimacy of the CJEU and EU, and that better representing binding values might be a strategy to improve perceived EU legitimacy.

2.1 INTRODUCTION

Although disputed, the perceived legitimacy of the Court of Justice of the European Union (CJEU) is according to some studies declining.¹ Perceived legitimacy can be defined as the belief that an institution exercises its authority appropriately.² Analyses of Eurobarometer data suggest that since 2010, following the trend of trust in the European Union (EU) more generally, public trust in the CJEU has declined while distrust has increased.³ The same may be true for perceptions of CJEU legitimacy among national authorities, who show resistance in terms of non-compliance with CJEU rulings and efforts to limit the effectiveness of CJEU decisions.⁴ Regardless of whether the CJEU's and EU's legitimacy levels are actually declining or not, it is generally agreed upon that legal authorities require a widespread basis of perceived legitimacy to maintain social order, settle disputes, and solve societal issues.⁵ Moreover, low legitimacy may have far-reaching consequences for the EU as a whole. For example, taking back control over British law was one of the red lines of the Leave-campaign in the Brexit referendum. It is therefore important to understand when and why people perceive the CJEU and EU as legitimate.

In this chapter, we examine how people's personal values, their perceived values of the EU, and alignment between these values relate to public perceived legitimacy of the CJEU and EU. In doing so we will look beyond 'individualizing' values and also consider 'binding' values. In what follows, we first discuss theories on how moral judgments may influence the perceived legitimacy of legal authorities, and then elaborate on how individual differences in moral intuitions may explain why some people perceive the CJEU and EU to be legitimate and others do not.

Through interactions with the legal system throughout their lives, individuals develop a relationship with legal authorities. When this relationship is based on the subjective belief that power is exercised appropriately, rather than on fear for punishments, people are more likely to accept the law, even when it goes against their own self-interest.⁶ Such legitimacy attributions develop in an ongoing dialogue between power-holders, which claim that

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- 1 Mark A Pollack, 'The Legitimacy of the Court of Justice of the European Union' (2018) SSRN Electronic Journal 18.
 - 2 Tom R Tyler, 'Psychological Perspectives on Legitimacy and Legitimation' (2006) 57 *Annual Review of Psychology* 375.
 - 3 Pollack (n 1).
 - 4 Andreas Hofmann, 'Resistance against the Court of Justice of the European Union' (2018) 14 *International Journal of Law in Context* 258.
 - 5 Tom R Tyler and E Allan Lind, 'A Relational Model of Authority in Groups' in Mark P Zanna (ed), *Advances in Experimental Social Psychology*, vol 25 (Elsevier 1992); Tyler (n 2); Rick Trinkner and Tom R Tyler, 'Legal Socialization: Coercion versus Consent in an Era of Mistrust' (2016) 12 *Annual Review of Law and Social Science* 417.
 - 6 Trinkner and Tyler (n 5).

their authority and exercise of power is rightful, and members of the 'audience', which process and respond to these claims.⁷

Legal authorities draw a large part of their legitimacy from 'value alignment', that is, the extent to which the values they endorse align with people's personal values.⁸ There are two routes through which value alignment is thought to promote legitimacy. First, shared values communicate to people that they are valued members of the group, which provides them with status and a positive social identity.⁹ As a consequence, personal concerns become less relevant, and people are more likely to internalize the conviction that it is right to obey the rules which are imposed upon them.¹⁰ Second, the belief that an authority is acting morally appropriate and in line with one's own sense of right and wrong normatively validates its power and forms a source of trust.¹¹

A central way in which *national* legal authorities create value alignment with their audience is through procedural justice. Perceived fair procedures contribute to positive group identification and express the moral appropriateness of authority.¹² Over the past decades, research has convincingly shown that perceived procedural justice is positively related to the perceived legitimacy of the police, judges, and other court officials.¹³ In sum,

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- 7 Anthony Bottoms and Justice Tankebe, 'Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice Criminology' (2012) 102 *Journal of Criminal Law and Criminology* 119.
 - 8 Jonathan Jackson and others, 'Why Do People Comply with the Law?: Legitimacy and the Influence of Legal Institutions' (2012) 52 *British Journal of Criminology* 1051.
 - 9 Tyler and Lind (n 5); Tom R Tyler, 'The Psychology of Legitimacy: A Relational Perspective on Voluntary Deference to Authorities' (1997) 1 *Personality and Social Psychology Review* 323.
 - 10 Tom R Tyler and Jonathan Jackson, 'Future Challenges In The Study Of Legitimacy And Criminal Justice' in Justice Tankebe and Alison Liebling (eds), *Legitimacy and Criminal Justice* (Oxford University Press 2013).
 - 11 Mark C Suchman, 'Managing Legitimacy: Strategic and Institutional Approaches' (1995) 20 *The Academy of Management Review* 571; Jonathan Jackson and others, 'Empirical Legitimacy as Two Connected Psychological States' in Gorazd Meško and Justice Tankebe (eds), *Trust and Legitimacy in Criminal Justice: European Perspectives* (Springer International Publishing 2015).
 - 12 Jackson and others (n 8); Tom R Tyler and Steven L Blader, 'The Group Engagement Model: Procedural Justice, Social Identity, and Cooperative Behavior' (2003) 7 *Personality and Social Psychology Review* 349; Jackson and others (n 11).
 - 13 Kees Van Den Bos, Lynn Van Der Velden and E Allan Lind, 'On the Role of Perceived Procedural Justice in Citizens' Reactions to Government Decisions and the Handling of Conflicts' (2014) 10 *Utrecht Law Review* 1; Hilke AM Grootelaar and Kees van den Bos, 'How Litigants in Dutch Courtrooms Come to Trust Judges: The Role of Perceived Procedural Justice, Outcome Favorability, and Other Sociolegal Moderators' (2018) 52 *Law & Society Review* 234; Tom R Tyler, Phillip Atiba Goff and Robert J MacCoun, 'The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement' (2015) 16 *Psychological science in the public interest* 75; Glenn D Walters and P Colin Bolger, 'Procedural Justice Perceptions, Legitimacy Beliefs, and Compliance with the Law: A Meta-Analysis' (2019) 15 *Journal of Experimental Criminology* 341; Jason Sunshine and Tom R Tyler, 'The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing' (2003) 37 *Law & Society Review* 513.

legal authorities can generate legitimacy by demonstrating value alignment through procedural justice.

However, this is not to say that procedural justice is the only foundation of value alignment. The expression of other values, such as effectiveness or distributive justice, may also justify the exercise of legal power.¹⁴ Where *supranational* authorities are concerned, values such as democracy and transparency have for example been found relevant.¹⁵ For the legitimacy of the CJEU's supranational authority, procedural justice may also play a less important role. Although EU law is an integral part of national legal systems, and the CJEU plays a central role in upholding EU law and safeguarding its uniform interpretation and application, lay people seldom interact with the CJEU, and many are even not very aware of its existence. To begin with, the standing of non-privileged parties, such as private individuals, for direct actions to the CJEU is very limited. In addition, the chances of an individual ending up in front of the CJEU via a preliminary reference procedure—in which national courts ask the CJEU for a judgment on the interpretation or validity of EU law within the context of a national dispute—are extremely limited as well.¹⁶ For these reasons, legitimacy of the CJEU as perceived by the public may not solely rely on procedural justice.

Moreover, when people have no information about the trustworthiness or objective legitimacy of a supranational organization, they are inclined to resort to their feelings about more well-known and visible related authorities, which has been termed the 'vertical legitimacy spillover effect'.¹⁷ Prior research has for example shown that the perceived legitimacy of the CJEU is strongly related to the perceived legitimacy of national legal systems,¹⁸ and of the EU in general.¹⁹ People may thus partly base their legitimacy judgments about the CJEU on value alignment with the EU.

In sum, what matters is that people experience a sense of shared values. This in turn depends on which values people *personally* endorse. According to moral foundations theory, the range of human moral values can be classified into two main categories.²⁰ On the one hand, there are 'individualizing' moral foundations, which are focused on protecting the *individual*.

14 Bottoms and Tankebe (n 7); Jackson and others (n 11).

15 Lisa Maria Dellmuth, Jan Aart Scholte and Jonas Tallberg, 'Institutional Sources of Legitimacy for International Organisations: Beyond Procedure versus Performance' (2019) 45 *Review of International Studies* 627.

16 See Judicial Activity in Court of Justice of the European Union, 'Annual Report 2020' (2021).

17 Patrick Haack, Michael D Pfarrer and Andreas Georg Scherer, 'Legitimacy-as-Feeling: How Affect Leads to Vertical Legitimacy Spillovers in Transnational Governance' (2014) 51 *Journal of Management Studies* 634.

18 Erik Voeten, 'Public Opinion and the Legitimacy of International Courts' (2013) 14 *Theoretical Inquiries in Law* 411.

19 *ibid*; Pollack (n 1); Gregory A Caldeira and James L Gibson, 'The Legitimacy of the Court of Justice in the European Union: Models of Institutional Support' (1995) 89 *American Political Science Review* 356.

20 Jonathan Haidt, 'The New Synthesis in Moral Psychology' (2007) 316 *Science* 998.

These values are 'care' and 'fairness'. On the other hand, there are 'binding' moral foundations, such as 'ingroup loyalty', 'respect for authority', and 'purity', which are focused on protecting the *group*. While some people are predominantly drawn to individualizing foundations, others are equally or even more drawn to binding foundations.²¹ These dispositions in turn have shown to underlie political values and opinions, as political liberals typically only rely on individualizing moral foundations, while political conservatives endorse all five foundations equally.²² For example, the Brexit campaign showed to appeal to all of the public's moral foundations, which may have influenced votes to leave the EU.²³

In western societies, there is a narrow focus on individualizing moral foundations.²⁴ Values that resonate strongly with these foundations, such as freedom, equality, and respect for human rights, form the very foundation of the EU and EU law.²⁵ Yet, in these same societies, a large number of people also endorse binding moral foundations.²⁶ Considering that value alignment constitutes an important element of perceived legitimacy,²⁷ and that individuals have different moral intuitions, it is necessary to look beyond individualizing values when trying to understand perceived legitimacy. For example, people who appreciate tradition and loyalty to their nation may not perceive their values to be particularly represented in EU law, which claims supremacy over even the national constitution.

The present study therefore examines how personal values and perceived values of the EU, as well as alignment between personal and perceived EU values, are related to the perceived legitimacy of the CJEU and EU. These associations are tested for a range of values, which differ in their individualizing (i.e., 'democracy', 'liberty', 'fairness') versus binding orientation (i.e., 'rule of law', 'respect for national authority', 'respect for tradition').

21 *ibid.*

22 Jonathan Haidt and Jesse Graham, 'When Morality Opposes Justice: Conservatives Have Moral Intuitions That Liberals May Not Recognize' (2007) 20 *Social Justice Research* 98; Jesse Graham, Jonathan Haidt and Brian A Nosek, 'Liberals and Conservatives Rely on Different Sets of Moral Foundations' (2009) 96 *Journal of Personality and Social Psychology* 1029.

23 David S Smith, 'Shaping the Modern World With a Stone-Age Brain: The Brexit Referendum and the Moral Foundations Theory' (2019) 7 *Journal of Social and Political Psychology* 863.

24 Haidt (n 20).

25 Article 2 of the Treaty on the European Union.

26 Haidt (n 20).

27 Jackson and others (n 8).

2.2 METHOD

2.2.1 Procedure

We collected data among 1180 individuals from Finland, France, Germany, Italy, the Netherlands, and Poland via the online participant platform Prolific. The data collection comprised multiple measures, of which some parts are used in this chapter and some parts appear in Chapter 4. After providing informed consent, participants filled in an online questionnaire, which was designed with Qualtrics software and took approximately ten minutes. After that, participants were debriefed and reimbursed with £1. The data and material can be accessed at <https://osf.io/6hwcw4/>. Data collection was ethically approved by the Psychology Research Ethics Committee of the Faculty of Social Sciences at Leiden University (2020-10-22-D.T. Scheepers-V1-2710).

2.2.2 Participants

After removing data of participants who failed to correctly answer both of two attention checks ($n = 36$), who finished the study in less than five minutes ($n = 6$), and whose data were missing ($n = 2$), the total sample consisted of 1136 participants ($n_{\text{Finland}} = 164$, $n_{\text{France}} = 197$, $n_{\text{Germany}} = 195$, $n_{\text{Italy}} = 200$, $n_{\text{Netherlands}} = 196$, $n_{\text{Poland}} = 184$). The mean age was 27.60 ($SD = 8.98$). Of the participants, 456 identified as female (40.1%), 663 as male (58.4%), 15 as other (1.3%), and 2 did not indicate their gender (0.2%). The sample was on average highly educated, with 29.8%, 26.1%, and 5.5% having earned respectively a university's bachelor, master, and doctoral degree. Only 3.3% received primary education, whereas 19.5% received secondary education, and 15.8% vocational or professional education. The sample was leaning towards the left on the political spectrum ($M = 28.11$, $SD = 24.46$, on a 100-point scale ranging from left/progressive to right/conservative). Most participants were either not very aware (32.9%) or somewhat aware (46.6%) of the CJEU, and only few participants had never heard of it (9.9%) or were very aware of it (10.7%).

2.2.3 Materials

2.2.3.1 Political ideology

Political ideology was measured to test whether the values we included in the study followed the individualizing-binding pattern predicted by MFT. We asked participants: 'In political matters people talk of "the left" and "the right". How would you place your views on this scale with regard to the economic and social dimension?'. Only responses on the social dimension mattered for the current study. Participants could indicate their social political orientation on a scale from 1 ('Left/ progressive') to 100 ('Right/ conservative').

2.2.3.2 Awareness CJEU

Awareness of the CJEU was measured with one item: 'The Court of Justice of the European Union sits in Luxembourg and is the highest court of the European Union as a whole. How aware would you say you are of this court?', with four answer options: never heard of it before now, not very aware, somewhat aware, very aware.

2.2.3.3 Values and value alignment

The perceived values of the EU were measured with the question: 'To what extent do you consider each of these values to be endorsed by the European Union?', for each of the values: 'Democracy', 'Liberty', 'Fairness', 'Rule of law (e.g., respect for independence of the judiciary, the integrity and impartiality of the electoral system)', 'Respect for national authority', and 'Respect for tradition'. Answers were provided on 5-point Likert scales ranging from *not at all endorsed* to *extremely endorsed*. After measuring EU values, we also measured personal values by asking participants to indicate for the same values: 'How important are each of these values to yourself?', using 5-point Likert scales ranging from *not at all important* to *extremely important*. Value alignment was operationalized as overlap between personal values and perceived EU values.

2.2.3.4 Perceived legitimacy

The perceived legitimacy of the CJEU and EU was operationalized as institutional trust and felt duty to obey. We adapted items from previous work that measured the perceived legitimacy of the police,²⁸ resulting in a total scale of nine items ($\alpha_{\text{CJEU}} = .95$, $\alpha_{\text{EU}} = .93$; e.g., 'I have confidence in the CJEU [EU]', 'People should obey decisions from the CJEU [laws made by the EU] even if they will not be caught for breaking them'), which were answered on 7-point Likert scales ranging from *strongly disagree* to *strongly agree*.

2.2.4 Data analysis

The data were analysed in RStudio (Version 1.3.959). After descriptive analyses, we performed a maximum-likelihood Confirmatory Factor Analysis (CFA) for the set of personal values and the set of perceived EU values, where individualizing values and binding values were specified as two separate factors. Then, two times two ordinary least squares (OLS) regression models with fixed effects were run for each of the value factors (i.e., individualizing values and binding values) on each of the outcome

28 Sunshine and Tyler (n 13); Jackson and others (n 8).

variables (i.e., perceived legitimacy of the CJEU and perceived legitimacy of the EU). The models controlled for country, age, and education. Predictor variables were personal endorsement of [individualizing/binding] values, perceived endorsement by the EU of [individualizing/binding] values, and the interaction term between [individualizing/binding] values, which was used as an indicator of value alignment. All continuous variables were mean-centred.

2.3 RESULTS

Figure 1 presents the distribution of personal values and perceived EU values for each value separately and in each of the country subsamples. With regard to both the personal and perceived EU values democracy, liberty, fairness, and rule of law, the data were left-skewed, indicating that most participants highly supported these values and also perceived the EU to support these values. Respect for national authority and respect for tradition were more evenly distributed among all samples, both regarding personal endorsement and perceived endorsement by the EU. Means, standard deviations and skewness scores are reported in the appendix to Chapter 2 (Supplementary Table 1).

Figure 1. The distribution of personal values and perceived values of the EU in all country subsamples

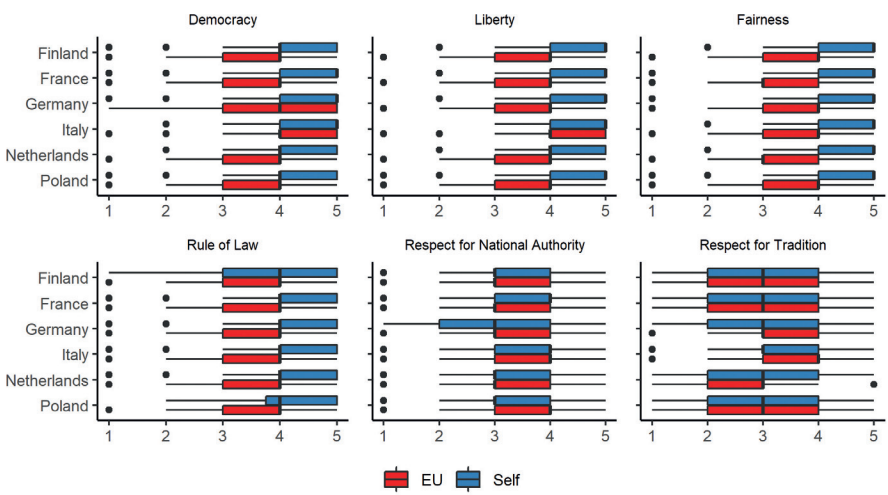
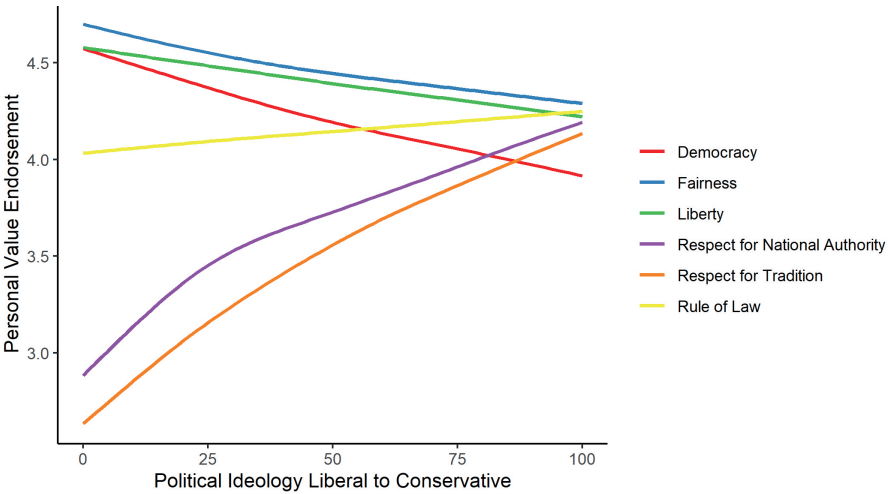


Figure 2 shows the relation between each of the personal values and political ideology. Pearson correlations showed that more right-oriented political ideology was related to lower scores on individualizing values ($r = -.23$, $p < .001$) and higher scores on binding values ($r = .33$, $p < .001$). An OLS regression model in which personal values were regressed on political ide-

ology, controlling for demographic variables (age, gender, and education), confirmed that political ideology was predicted by personal values. More specifically, a more right-oriented political ideology was positively predicted by respect for national authority ($b = 4.71, SE = 0.74, p < .001$) and respect for tradition ($b = 4.46, SE = 0.62, p < .001$), and negatively predicted by democracy ($b = -4.98, SE = 0.87, p < .001$), liberty ($b = -2.74, SE = 0.97, p = .005$), and fairness ($b = -2.92, SE = 1.02, p = .004$). Personal endorsement of the rule of law did not predict political ideology ($b = 0.31, SE = 0.83, p = .705$).

Figure 2. The relation between personal values and political ideology



Both the CFA on personal values and the CFA on perceived EU values revealed a good fit for the two specified factors, where democracy, liberty and fairness loaded on ‘individualizing values’ and rule of law, respect for national authority, and respect for tradition loaded on ‘binding values’ (see Supplementary Tables 2 and 3 in the appendix to Chapter 2).²⁹ The analyses were therefore continued with the factors.

Table 1 shows descriptive statistics and Pearson correlations between the variables. The average perceived legitimacy of the CJEU and EU were both relatively high, with the former being still somewhat higher than the latter, $\Delta_{\text{means}} = 0.39, 95\% \text{ CI } [0.30, 0.49], t(2270) = 8.18, p < .001$. Legitimacy perceptions of both institutions were highly correlated. Moreover, for both

29 As also shown in Supplementary Table 3 and 4 in the appendix to Chapter 2, the rule of law loaded on both factors, and regarding perceived EU values, the loading on individualizing values was even higher than on binding values. This is not surprising, since the rule of law could be reasonably considered a value which not only relates to binding values, but also to individualizing values—breaches of the rule of law have even become illustrative for conservative governments in Poland and Hungary, which may enhance the significance of this value for people with individualizing values who are often more liberal.

individualizing and binding values, the CJEU and EU were perceived as more legitimate when participants personally endorsed these values and when they perceived the EU to endorse them.

Table 1. Descriptive statistics and Pearson correlations between study variables

	1	2	3	4	5	6	7	8	9	10
1. Age										
2. Education	.20***									
3. Political ideology	.11***	-.09**								
4. Awareness CJEU	.12***	.15***	-.03							
5. Pers. ind. values	.10***	.16***	-.23***	.13***						
6. Pers. bind. values	.09**	.02	.33***	.12***						
7. Perc. ind. values EU	-.07*	.09**	-.22***	.12***	.30***	.11***				
8. Perc. bind. values EU	-.07*	.03	-.21***	.09**	.21***	.15***	.67***			
9. Perc. legitimacy CJEU	.12***	.24***	-.18***	.23***	.22***	.12***	.51***	.46***		
10. Perc. legitimacy EU	<.01	.17***	-.24***	.13***	.18***	.09**	.61***	.56***	.80***	
M	27.60	-	28.11	2.58	4.46	3.55	3.65	3.36	5.02	4.62
SD	8.98	-	24.46	0.81	0.55	0.82	0.87	0.85	1.15	1.15

Note. Pers. = personal; perc. = perceived; ind. = individualizing; bind. = binding.
* $p < .05$, ** $p < .01$, *** $p < .001$.

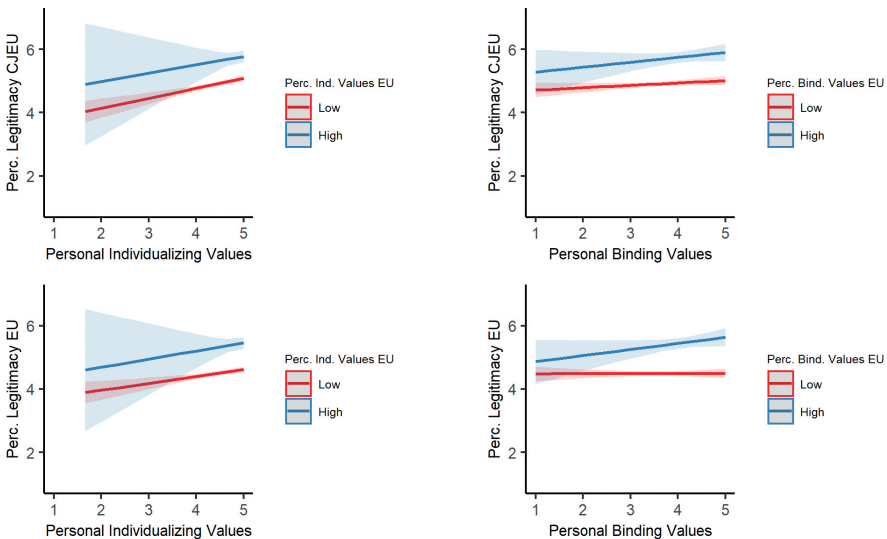
The regression model with individualizing values on perceived legitimacy of the CJEU showed that perceived individualizing values of the EU was a significant positive predictor of perceived CJEU legitimacy, $b = 0.49$, $SE = 0.03$, 95% CI [0.43, 0.54], $p < .001$, indicating that the more participants perceived the EU to endorse individualizing values, the higher the perceived legitimacy of the CJEU. The regression model with binding values showed a similar effect of perceived binding values of the EU on perceived legitimacy of the CJEU, $b = 0.44$, $SE = 0.03$, 95% CI [0.38, 0.49], $p < .001$. Perceived legitimacy of the CJEU was not predicted by personal individualizing/binding values nor by the interaction between personal values and perceived EU values (see Supplementary Tables 4 and 5 in the appendix to Chapter 2 for the results of these models).

The model with individualizing values on perceived legitimacy of the EU showed that perceived individualizing values of the EU was a significant positive predictor, $b = 0.60$, $SE = 0.03$, 95% CI [0.55, 0.65], $p < .001$. This suggests that perceived legitimacy of the EU is higher when people perceive

the EU to endorse individualizing values. The model with binding values also showed a significantly positive effect of perceived binding values of the EU on perceived EU legitimacy, $b = 0.52$, $SE = 0.03$, 95% CI [0.47, 0.58], $p < .001$. This model in addition revealed a positive, significant interaction between personal binding values and perceived binding values of the EU, $b = 0.07$, $SE = 0.02$, 95% CI [0.02, 0.11], $p = .002$ (see Supplementary Tables 6 and 7 in the appendix to Chapter 2 for the results of these models). Simple slope analyses were conducted to better understand this interaction. These showed that personal binding values had a significantly negative effect on perceived EU legitimacy when participants perceived that the EU weakly represents binding values (1 SD below mean; $\beta = -0.06$, $SE = 0.03$, 95% CI [-0.12, 0], $p = .070$), but that this effect was positive when participants perceived that the EU strongly represents binding values ($\beta = 0.08$, $SE = 0.04$, 95% CI [0.01, 0.15], $p = .030$).

In sum, as illustrated in Figure 3, the CJEU and EU were perceived as more legitimate when the EU's endorsement of individualizing and binding values was high (1 SD above mean) versus low (1 SD below mean). The bottom-right panel of Figure 3 shows that the positive effect of EU binding values on perceived EU legitimacy was qualified by an interaction with personal binding values. This interaction entails that personal binding values were unrelated to perceived EU legitimacy when the EU was perceived to weakly endorse binding values (red line); however, personal binding values predicted perceived EU legitimacy when the EU was perceived to strongly support them (blue line).

Figure 3. Slopes of the interaction between personal values and perceived values of the EU on perceived legitimacy of the CJEU and EU



2.4 DISCUSSION

How do people come to perceive the CJEU and EU as (il)legitimate? Understanding these processes is important for the effectiveness and viability of these legal institutions, especially now that the rule of law crisis in *inter alia* Poland and Hungary openly challenges the CJEU's power to uphold EU law in the face of national opposition. Prior research has proposed that alignment between the values of a legal authority and its audience is a key source of perceived legitimacy, but this work has predominantly focused on national legal authorities and procedural justice.³⁰ In the present study, we extended these findings to the supranational level and explored which other values are relevant to the perceived legitimacy of the CJEU and EU. As the EU is a diverse society, comprising multiple countries and cultures, we investigated how perceived legitimacy of the CJEU and EU is related to both individualizing (i.e., democracy, liberty, fairness) and binding values (i.e., rule of law, respect for national authority, respect for tradition).

The findings showed that legitimacy perceptions of the CJEU and EU are, after controlling for demographic variables, higher when people perceive the EU to support both individualizing and binding values. Except for one model, we found no interactions between personal values and perceived EU values. However, although we conceptualized value alignment as the interaction between personal values and perceived EU values, we would not argue that these results should be interpreted as meaning that value alignment is not a source of perceived legitimacy. After all, there was little variation on personal individualizing values scores, showing that all participants strongly supported democracy, liberty, and fairness (i.e., a ceiling effect). Considering the positive effect of perceived endorsement of these values by the EU on perceived legitimacy of the CJEU and EU, it could be argued that value alignment with regard to these values is a source of legitimacy, but that people with individualizing moral foundations find their values already represented by the EU.

For the model where we did find an interaction, i.e., the model where binding values were regressed on perceived legitimacy of the EU, scores on personal values were more evenly distributed across participants. Here the results revealed that legitimacy decreased as personal support for binding values increased, and that this effect was neutralized and actually reversed into a positive effect when participants believed that the EU also supports binding values. These findings are indicative of a value alignment effect for binding values, implying that when the EU fails to serve people with binding moral foundations, the EU may be perceived as less legitimate by these people. Practically, these findings may imply that when the EU better represents binding values, in addition to individualizing values, there will be a positive effect on perceived legitimacy of the EU.

30 Tyler and Jackson (n 10); Jackson and others (n 8); Jackson and others (n 11).

Furthermore, the findings indicated that the CJEU is still not widely known among the public. Awareness increased with higher education but was unrelated to political ideology. As suggested by the high correlation between perceived legitimacy of the CJEU and EU, people's conferral of legitimacy to the CJEU is partly derived from their feelings towards the EU. This is consistent with the vertical legitimacy spill-over effect, which holds that people use affect heuristics to judge the legitimacy of a transnational authority.³¹ Although we cannot say with certainty that perceived values of the EU causally spill over to the perceived legitimacy of the CJEU, the findings provide correlational evidence to suggest that this effect also applies to international courts.

The findings should be interpreted while noting the study's limitations. First, our sample included people from only six Member States, who may have represented a certain social class as they were required to be fluent in English, limiting generalizability of the findings. In addition, due to the study's cross-sectional nature, the results cannot give insight into causality. Furthermore, we based our expectations about the differences between individualizing and binding values on MFT but did not measure the 'traditional' moral foundations. Although the values that were included in our study were closely related to the values of MFT and followed a similar pattern with regard to political ideology, it would nevertheless be interesting to see whether the results remain when using the traditional MFT items. The value of freedom, moreover, may represent a sixth moral foundation, which has been identified as not belonging to the individualizing or binding moral foundations: liberty, which is characterized by strong endorsement of individual liberty and resentment of any sign of domination or repression.³² Follow-up studies could look into when and how freedom/liberty is relevant for perceived legitimacy of the EU. For example, by studying how political parties' framing of freedom affects perceived legitimacy, as it could be framed as 'the freedom of minority groups to make individual choices without oppression from majority elites' but also as 'the freedom to decide for "ourselves" without interference from "Brussels"".

Finally, no scholarly consensus exists about the meaning of perceived legitimacy and the best way to measure it. Here, we operationalized perceived legitimacy as institutional trust and felt duty to obey.³³ However, legitimacy, trust, and duty to obey may overlap and differ, and can differently affect law-related behaviour.³⁴ It is therefore important that future research finds novel ways to measure perceived legitimacy, for example

31 Haack, Pfarrer and Scherer (n 17).

32 Ravi Iyer and others, 'Understanding Libertarian Morality: The Psychological Dispositions of Self-Identified Libertarians' (2012) 7 PLoS ONE e42366.

33 Sunshine and Tyler (n 13); Jackson and others (n 8).

34 Jonathan Jackson and Jacinta M Gau, 'Carving up Concepts? Differentiating between Trust and Legitimacy in Public Attitudes towards Legal Authority', *Interdisciplinary perspectives on trust: Towards theoretical and methodological integration* (Springer International Publishing 2016).

with behavioural measures, which would also improve our conceptual understanding of perceived legitimacy.³⁵

As for other future directions, future research should test the causal directions between value alignment, identification with the EU, and perceived legitimacy of the EU in more controlled lab experiments. Another direction is to examine whether it matters how *effective* the EU is in the eyes of the public at safeguarding their values, since effectiveness in achieving policy objectives has been defined as an institutional source of legitimacy.³⁶ Finally, it would be interesting to take into account and better understand the different discourses that may lead to perceived (il)legitimacy of the CJEU and EU, since Euroscepticism can be rooted in different concerns and narratives.³⁷

Notwithstanding these limitations, our study sheds light on social psychological processes that lead to perceived legitimacy of the CJEU and EU, highlighting the role of value alignment. Although individualizing values are important to protect, our findings suggest that improving these values may not result in a net increase of perceived legitimacy. Instead, they suggest that some citizens find it equally important that the EU respects binding values such as respect for tradition and national authority, and that these values are currently not perceived by the public as sufficiently safeguarded by the EU. Better serving people with binding values could therefore be a strategy to improve perceived legitimacy of the CJEU and EU. Of course, this perspective brings new legal and political difficulties, for it is harder for authorities to represent everyone's values in multicultural societies.³⁸ However, this only underlines the demand for a better understanding of the potential and pitfalls of value alignment for perceived legitimacy of the CJEU and EU.

35 Lisa Dellmuth and Bernd Schlipphak, 'Legitimacy Beliefs towards Global Governance Institutions: A Research Agenda' (2020) 27 *Journal of European Public Policy* 931.

36 Dellmuth, Scholte and Tallberg (n 15).

37 Pieter de Wilde and Hans-Jörg Trenz, 'Denouncing European Integration: Euroscepticism as Polity Contestation' (2012) 15 *European Journal of Social Theory* 537.

38 Tyler and Jackson (n 10).

Mapping the moral foundations of the European Union: Why a lack of moral diversity may undermine perceived EU legitimacy

This chapter is based on: E Grosfeld, D Scheepers and A Cuyvers, 'Mapping the moral foundations of the European Union: Why a lack of moral diversity may undermine perceived EU legitimacy' (2024) PNAS Nexus pgae282. The chapter has a different structure than the original article, in which the methodology section was the final section, to create greater consistency throughout the dissertation. Additional, exploratory analyses are reported in §3.3.3. These analyses are not described in the original article.

Author contributions: Conceptualization: E.G., D.S. and A.C.; Data curation: E.G.; Formal analysis: E.G.; Funding acquisition: D.S. and A.C.; Investigation: E.G.; Methodology: E.G., D.S. and A.C.; Project administration: E.G.; Supervision: D.S. and A.C.; Visualization: E.G.; Writing – original draft preparation: E.G.; Writing – review & editing: D.S. and A.C.

ABSTRACT

The stability and effectiveness of supranational organizations, like the European Union (EU), will improve when citizens perceive them as legitimate. Across three studies, two of which were preregistered, and a preregistered pilot study, we combined EU legal expertise with social psychological theory on morality to understand how perceived EU legitimacy is influenced by a sense of moral alignment with the EU. We propose that, currently, the EU gives more weight to values linked to “individualizing” moral foundations (e.g., compassion, social justice, and equality) than to values linked to “binding” moral foundations (e.g., patriotism, religion, and traditionalism). As this may leave people who endorse binding moral foundations feel unrepresented, we investigated whether the EU could gain legitimacy by appealing to values that resonate with binding moral foundations. In Study 1, text analyses revealed that the European Commission President’s State of the Union speeches indeed appeal more to individualizing than to binding moral foundations. Study 2 ($n = 595$) provided correlational evidence that the negative relationship between binding moral foundations and perceived EU legitimacy was mediated by lower moral alignment with EU law. Finally, Study 3 ($n = 567$) showed through an experiment that reframing or rebalancing EU law to better align it with binding moral foundations could increase perceived EU legitimacy among people who endorse these moral foundations. The results illustrate the importance of understanding and attending to moral diversity among EU citizens. More generally, our work shows how a collaboration between social psychology and law contributes to safeguarding the legitimacy of supranational organizations.

3.1 INTRODUCTION

Supranational organizations like the European Union (EU) rely to a large extent on the public's voluntary acceptance of their authority to be stable and effective. Public legitimacy is, in liberal democracies, not only considered normatively desirable,¹ it also increases citizen participation, strengthens the policy mandate and decision-making capacity, and increases rule compliance. Hence, the effectiveness of these organizations can be limited when the public does not perceive them as legitimate.² As the number of problems that require effective EU action grows (e.g., climate change, migration, geopolitical instability), so accordingly does the need to secure public legitimacy of the EU. However, only 47% of European citizens tends to trust the EU.³

We suggest that part of the EU's public legitimacy problem is rooted in the values perceived to underlie EU communications and laws. It has been shown that an authority will be perceived as more legitimate when people believe in the moral rightness of its actions and laws.⁴ A sense of moral alignment is thus a condition for perceived legitimacy. We propose that the EU and its legal order is currently less aligned with 'binding moral foundations' (which focus on notions of patriotism, traditionalism, and religion) than with 'individualizing moral foundations' (which focus on notions of compassion, social justice, and equality). This holds not only for individual legal norms or public statements, but also, on a more fundamental level, the

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- 1 See, for example, the Preamble to the Treaty on European Union: "resolved to continue the process of creating an ever close union among the people of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity." See also European Commission. Directorate General for Communication., 'White Paper on the Future of Europe: Reflections and Scenarios for the EU27 by 2025.' (Publications Office 2017).
 - 2 Rick Trinkner and Tom R Tyler, 'Legal Socialization: Coercion versus Consent in an Era of Mistrust' (2016) 12 Annual Review of Law and Social Science 417; Allen Buchanan and Robert O Keohane, 'The Legitimacy of Global Governance Institutions' (2006) 20 Ethics & International Affairs 405; Ian Hurd, 'Legitimacy and Authority in International Politics' (1999) 53 International Organization 379; Liesbet Hooghe, Tobias Lenz and Gary Marks, 'Contested World Order: The Delegation of International Governance' (2019) 14 The Review of International Organizations 731.
 - 3 European Commission, Directorate-General for Communication, 'Standard Eurobarometer STD101 : Standard Eurobarometer 101 - Spring 2024' <http://data.europa.eu/88u/dataset/s3216_101_3_std101_eng>.
 - 4 Tom R Tyler and Jonathan Jackson, 'Future Challenges In The Study Of Legitimacy And Criminal Justice' in Justice Tankebe and Alison Liebling (eds), *Legitimacy and Criminal Justice* (Oxford University Press 2013); Jonathan Jackson and others, 'Why Do People Comply with the Law?: Legitimacy and the Influence of Legal Institutions' (2012) 52 British Journal of Criminology 1051; Jonathan Jackson and others, 'Empirical Legitimacy as Two Connected Psychological States' in Gorazd Meško and Justice Tankebe (eds), *Trust and Legitimacy in Criminal Justice: European Perspectives* (Springer International Publishing 2015); Anthony Bottoms and Justice Tankebe, 'Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice Criminology' (2012) 102 Journal of Criminal Law and Criminology 119.

EU's foundational values and general principles of law. We propose that this relative prevalence of individualizing moral foundations leads those EU citizens whose moral intuitions are based on binding moral foundations to perceive lower moral alignment with the EU than citizens who endorse individualizing moral foundations, and therefore to perceive the EU as less legitimate.

If proof for the suggested psychological process is found, however, this would also enable novel interventions to improve perceived EU legitimacy. Prior research has shown that support for policies can be increased by connecting the values underlying those policies with people's moral foundations.⁵ Therefore, in this paper, we test the effectiveness of two strategies which intend to create a higher sense of moral alignment with the EU: 1) changing communications about the EU in such a way that they better align with people's values (i.e., moral reframing strategy); 2) changing the actual moral balance within specific EU norms and legal principles, whilst remaining within the normative boundaries imposed by the EU legal order, ensuring that these norms better align with certain underrepresented values (i.e., moral rebalancing strategy).

3.1.1 Shared values increase perceived legitimacy

Research suggests that perceived legitimacy – the perception that an authority's exercise of authority is appropriate⁶ – arises when people believe that the authority behaves in the way it ought to behave, based on their internalized values about how authorities should make decisions, treat people, respect power boundaries, and create morally right laws.⁷ Morally right actions and laws thus signal rightful power exercise, leading to an approval of the authority that is not rooted in fear of sanctions.⁸ In sum, perceived legitimacy is promoted by a sense of shared values.⁹

The dominant framework for explaining the perceived legitimacy of authorities in empirical legal studies has been the procedural justice model, showing that authorities are perceived as more legitimate when they demonstrate they treat people in fair ways, make neutral decisions, and engage

5 Matthew Feinberg and Robb Willer, 'Moral Reframing: A Technique for Effective and Persuasive Communication across Political Divides' (2019) 13 *Social and Personality Psychology Compass* e12501.

6 Tom R Tyler, 'Psychological Perspectives on Legitimacy and Legitimation' (2006) 57 *Annual Review of Psychology* 375.

7 Trinkner and Tyler (n 2).

8 Tyler and Jackson (n 4); Jackson and others, 'Why Do People Comply with the Law?' (n 4).

9 Jackson and others, 'Empirical Legitimacy as Two Connected Psychological States' (n 4); Tyler (n 6).

in fair procedures.¹⁰ While the importance of procedural justice is widely acknowledged, demonstrating procedural justice is not the only way in which a sense of moral alignment can be promoted. Whereas procedural justice creates legitimacy through the fairness of the *procedures* in which authorities interact with people, legitimacy also requires that the moral underpinnings of *substantive* laws are perceived as consistent with one's personal or group-based values.¹¹

Furthermore, research within moral foundations theory (MFT) has demonstrated that people's moral palette goes well beyond concerns about fairness.¹² According to MFT, there is a set of universally existing moral intuitions, so-called moral foundations, which are rooted in evolutionary adaptive challenges.¹³ Two of these moral foundations are focused on protecting the individual from harm and unfair treatment, being the care and fairness foundations. These foundations emphasize respectively human welfare and social equality and justice, and because of their focus on the individual are jointly grouped as the individualizing moral foundations. The three other moral foundations are rooted in concerns about protecting the group. In these so-called binding moral foundations – loyalty, authority, and purity – the focus is in the core not on protecting individuals but on protecting groups (e.g., societal institutions, families, tribes). Binding moral foundations emphasize group-binding loyalty and nationalism, respect for authority and tradition, and (spiritual) purity and religion.

According to MFT, people start off with the same cognitive moral learning modules, but life experiences and cultural and social contexts determine which moral foundations become more important to them and subsequently guide their moral judgments.¹⁴ The care and fairness foun-

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- 10 Jason Sunshine and Tom R Tyler, 'The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing' (2003) 37 *Law & Society Review* 513; Glenn D Walters and P Colin Bolger, 'Procedural Justice Perceptions, Legitimacy Beliefs, and Compliance with the Law: A Meta-Analysis' (2019) 15 *Journal of Experimental Criminology* 341; Mike Hough and others, 'Procedural Justice, Trust, and Institutional Legitimacy' (2010) 4 *Policing: A Journal of Policy and Practice* 203.
 - 11 Importantly, this is about subjective moral alignment, and it is therefore irrelevant for perceived legitimacy whether these behaviors are considered desirable in normative frameworks, see Jackson and others, 'Empirical Legitimacy as Two Connected Psychological States' (n 4). To illustrate, granting more rights to native residents than to immigrants may align well with some people's moral concerns and accordingly create legitimacy for the decision-making authorities in question among these people, regardless of whether procedures leading to such a decision are perceived as fair or unfair, and regardless of their normative legitimacy or even legality.
 - 12 Jonathan Haidt, 'The New Synthesis in Moral Psychology' (2007) 316 *Science* 998; Jesse Graham and others, 'Mapping the Moral Domain' (2011) 101 *Journal of Personality and Social Psychology* 366.
 - 13 Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (Penguin Books 2013).
 - 14 Jesse Graham and others, 'Moral Foundations Theory: The Pragmatic Validity of Moral Pluralism' in Patricia Devine and Ashby Plant (eds), *Advances in Experimental Social Psychology*, vol 47 (Academic Press 2013).

dations are thought to be the most universal ones; endorsement of these foundations is high among most people.¹⁵ However, people from Eastern cultures,¹⁶ religious people,¹⁷ and ideological conservatives,¹⁸ show an equally high or even higher dispositional preference for binding moral foundations, which define their norms and values accordingly. As a group-binding type of morality is fundamentally different than an individual-focused morality, people may not always recognize each other's values as moral.¹⁹ However, individualizing and binding moral foundations are not placed on two opposite sides of the same axis; endorsement of individualizing moral foundations does not exclude endorsement of binding moral foundations, and the other way around.

3.1.2 Lack of moral diversity in the EU?

While the EU claims to reflect and preserve the common values of the European peoples,²⁰ we propose that EU legal norms typically reflect more of an individualizing than a binding understanding of what is 'right'. Ever since the founding of the European Communities in the 1950s, the EU has been highly concerned with the protection of values that trigger the fairness and care foundations, because violations of those moral foundations had been witnessed in the two world wars and should never be allowed to happen again. Therefore, for example, equality and individual human rights are foundational EU values which enjoy constitutional status.²¹ On the other

15 Haidt (n 13).

16 Mohammad Atari and others, 'Morality beyond the WEIRD: How the Nomological Network of Morality Varies across Cultures.' (2023) 125 *Journal of Personality and Social Psychology* 1157.

17 Jesse Graham and Jonathan Haidt, 'Beyond Beliefs: Religions Bind Individuals Into Moral Communities' (2010) 14 *Personality and Social Psychology Review* 140.

18 Jesse Graham, Jonathan Haidt and Brian A Nosek, 'Liberals and Conservatives Rely on Different Sets of Moral Foundations' (2009) 96 *Journal of Personality and Social Psychology* 1029; Jonathan Haidt and Jesse Graham, 'When Morality Opposes Justice: Conservatives Have Moral Intuitions That Liberals May Not Recognize' (2007) 20 *Social Justice Research* 98; J Matias Kivikangas and others, 'Moral Foundations and Political Orientation: Systematic Review and Meta-Analysis' (2021) 147 *Psychological Bulletin* 55.

19 Haidt and Graham (n 18).

20 See preambles to the Treaty on European Union and the Charter of Fundamental Rights. The Court of Justice of the European Union (CJEU) has also repeatedly held that the EU is founded on values that are common to the Member States (e.g., Case C-619/18 *Commission v. Poland*). In addition, the State of the Union Addresses employ a "Community of values" narrative, which emphasizes moral similarity and overlap among EU citizens, see Pamela Pansardi and Francesco Battezzar, 'The Discursive Legitimation Strategies of the President of the Commission: A Qualitative Content Analysis of the State of the Union Addresses (SOTEU)' (2018) 40 *Journal of European Integration* 853.

21 Article 2 Treaty on European Union. Research has shown that human rights are primarily supported by people with higher individualizing moral foundations, while greater reliance on binding moral foundations reduces endorsement of human rights, see Dominic Stolerman and David Lagnado, 'The Moral Foundations of Human Rights Attitudes' (2020) 41 *Political Psychology* 439.

hand, values based on the loyalty, authority, and purity foundations may have received less priority. For example, the EU's exercise of competences,²² the primacy of EU law over all national laws,²³ and voting rules,²⁴ could be perceived as violations of traditional social hierarchies and loyalty to the national ingroup, which hence sit uneasily with binding moral foundations.

Based on MFT, it could be argued that individualizing moral foundations are indeed more commonly shared amongst EU citizens than binding moral foundations. However, as discussed, more ideologically conservative people, whose number should not be underestimated considering the rise of right-wing voters across the entire continent, are to an equal or even stronger extent guided by binding moral foundations. This means that a disproportionate emphasis on individualizing moral foundations in EU law – which likely spills over to the value framework in public communications as these communications have to be in line with EU law – could undermine a sense of moral alignment with the EU among people who have a dispositional preference for binding moral foundations. It is therefore expected that people who endorse binding moral foundations will perceive the EU to be less legitimate than people who more strongly endorse individualizing moral foundations.

3.1.3 Increasing legitimacy through moral reframing and rebalancing

Research on moral reframing has demonstrated that the moral alignment between a certain position and an individual's values can be increased.²⁵ Moral reframing is a technique that involves framing a position that a person would normally not support in such a way that it becomes (more) consistent with that person's moral foundations. This technique has demonstrated to be effective in persuading people on opposite sides of a polarized debate to become more open to each other's positions, because it uses arguments and language that people find intuitively more compelling.²⁶ The rationale behind moral reframing is that on certain morally charged issues, moral arguments from the opposite side can be perceived as offensive,

22 The EU may only act in those areas in which the Member States have conferred competences upon the EU (Article 5 Treaty on European Union). However, the EU also manages to legislate in those areas where it does not have competence, a phenomenon known as "competence creep", see Sacha Garben, 'Collective Identity as a Legal Limit to European Integration in Areas of Core State Powers' (2020) 58 JCMS: Journal of Common Market Studies 41.

23 The principle of primacy – established in the judgment *Costa v. ENEL* (ECJ Case 6/64) – asserts that when there is a primacy between a provision of national law and a provision of EU law, EU law will prevail and the national law must be set aside by national judges.

24 For example, the Council of Ministers adopts in principle (i.e., except where the Treaties provide otherwise) legislation through qualified majority voting (Article 16 Treaty on European Union). This means that single Member States cannot block legislation.

25 Matthew Feinberg and Robb Willer, 'From Gulf to Bridge: When Do Moral Arguments Facilitate Political Influence?' (2015) 41 *Personality and Social Psychology Bulletin* 1665.

26 Feinberg and Willer (n 5).

leading people to automatically reject them. By changing the moral rhetoric into a style that acknowledges and matches someone's moral foundations, a person is more likely to perceive overlap between the argument and their personal moral convictions,²⁷ more likely to process the information fluently,²⁸ and more likely to see the source of information as an ingroup member who is trustworthy.²⁹ So far, most research on moral reframing has been conducted in the context of moral oppositions underlying the political liberal-conservative divide in the United States to study how support for political issues and political candidates can be increased.³⁰ In the current research, we examined whether reframing information about the EU in such a way that it resonates with people's moral foundations could also enhance people's sense of moral alignment with the EU and perceived EU legitimacy.

Whereas moral reframing is about creating moral alignment through rhetoric, we also explored a second, more legally substantive way in which perceived EU legitimacy might be increased: moral rebalancing. Operating on a more fundamental level, moral rebalancing aims to enhance moral alignment by adapting the actual EU legal norm to a person's moral values. Whereas reframing targets the rhetorical level only, rebalancing substantively alters the legal norm to make it more consistent with people's moral foundations, while still staying within the overarching system and logic of EU law.

3.1.4 Overview of the current research

The current research investigates whether public communications from the European Commission President (Study 1) and a set of EU legal norms (Study 2) resonate better with individualizing than with binding moral foundations, whether this influences perceived EU legitimacy (Study 2), and whether moral reframing and moral rebalancing could increase perceived EU legitimacy (Study 3).

27 Feinberg and Willer (n 25).

28 Blair Kidwell, Adam Farmer and David M Hardesty, 'Getting Liberals and Conservatives to Go Green: Political Ideology and Congruent Appeals' (2013) 40 *Journal of Consumer Research* 350.

29 Naomi Ellemers and Joanneke Van der Toorn, 'Groups as Moral Anchors' (2015) 6 *Current Opinion in Psychology* 189.

30 Christopher Wolsko, Hector Ariceaga and Jesse Seiden, 'Red, White, and Blue Enough to Be Green: Effects of Moral Framing on Climate Change Attitudes and Conservation Behaviors' (2016) 65 *Journal of Experimental Social Psychology* 7; Kristin Hurst and Marc J Stern, 'Messaging for Environmental Action: The Role of Moral Framing and Message Source' (2020) 68 *Journal of Environmental Psychology* 101394; Jan G Voelkel and Matthew Feinberg, 'Morally Reframed Arguments Can Affect Support for Political Candidates' (2018) 9 *Social Psychological and Personality Science* 917; Jan G Voelkel, Joseph S Mernyk and Robb Willer, 'Moral Reframing Increases Support for Economically Progressive Candidates' 23 *PNAS Nexus* 1.

The preregistrations for Studies 2 and 3 (including the pilot study), study materials, anonymized data files, and analysis codes are available via the Open Science Framework: <https://osf.io/mrbtq/>. Study 1 did not involve human subjects. Study 2 was approved by the Psychology Research Ethics Committee of Leiden University. Study 3 was approved by the Ethics and Data Committee of Leiden Law School. All participants provided informed consent.

3.2 METHOD

3.2.1 Study 1

The aim of Study 1 was to analyse the relative balance between moral foundations in State of the Union speeches. Since their introduction by the Lisbon Treaty (2007), twelve State of the Unions have been delivered. The texts were retrieved from the official website of the European Commission (<https://ec.europa.eu/>) and analysed using the extended Moral Foundations Dictionary (eMFD) in Python.³¹ This dictionary-based word frequency analysis calculated the probability for each word in the text that was found in the dictionary, the probability that it belonged to one of the moral foundations. These probabilities were averaged, resulting in the average moral foundation probabilities. We performed this analysis for each of the twelve speeches. We also conducted an Analysis of Variance (ANOVA) to test whether the moral foundation probabilities were significantly different from each other.

3.2.2 Study 2

The aim of Study 2 was to examine whether people with binding moral foundations perceive a lower sense of moral alignment with EU law than people with individualizing moral foundations, and whether this in turn influences their beliefs in EU legitimacy. Our hypothesis was that individualizing moral foundations are positively related to perceived EU legitimacy through higher moral alignment with EU law, while binding moral foundations are negatively related to legitimacy through lower moral alignment with EU law. In an online study, we measured to what extent participants from six Member States experienced a sense of moral alignment with forty rules of EU law, as well as their endorsement of individualizing and binding moral foundations and perceived EU legitimacy.

31 Frederic R Hopp and others, 'The Extended Moral Foundations Dictionary (eMFD): Development and Applications of a Crowd-Sourced Approach to Extracting Moral Intuitions from Text' (2021) 53 Behavior Research Methods 232.

The required sample size to have sufficient power ($>.80$) to detect small indirect effects with a percentile bootstrap test of mediation is 558.³² To ensure a relatively representative sample of EU citizens, and to account for potential dropout, we invited a hundred participants from each of six Member States (France, Germany, Italy, Netherlands, Poland, Sweden) to participate in the study. The total number of participants included in the final sample was 595. No participants had to be removed for incorrectly answering the attention checks. Demographic characteristics (age, gender, education level, political ideology, prior knowledge EU law) of the entire sample and country subsamples are summarized in Table 1.

Table 1. Demographic characteristics of the sample in Study 2

	Total	France	Germany	Italy	Nether-lands	Poland	Sweden
<i>n</i>	595	100	101	100	100	100	94
Age							
<i>M</i>	29.11	29.07	29.52	26.96	29.22	26.51	33.62
<i>SD</i>	10.28	10.16	6.37	8.00	11.94	8.82	11.56
Range	18-75	19-58	18-60	19-58	18-75	18-67	18-69
Gender (%)							
Male	49.24	53.00	40.59	46.00	48.00	54.00	54.26
Female	49.58	45.00	58.42	53.00	51.00	44.00	45.74
Non-binary	0.84	1.00	0.99	1.00	0	2.00	0
Not indicated	0.34	1.00	0	0	1.00	0	0
Education level (%)							
Primary	0.84	0	0.99	0	0	1.00	3.19
Secondary	23.36	11.00	17.82	11.00	32.00	34.00	35.11
Vocational	8.57	4.00	14.85	3.00	9.00	13.00	7.45
Higher vocational	13.95	8.00	1.98	32.00	25.00	12.00	4.26
Academic bachelor	23.36	17.00	38.61	30.00	19.00	20.00	14.89
Academic master	27.56	55.00	23.76	23.00	14.00	19.00	30.85
Doctoral	2.35	5.00	1.98	1.00	1.00	1.00	4.26
Political Ideology (1-10)							
<i>M</i>	4.01	4.01	3.85	3.51	4.08	4.41	4.21
<i>SD</i>	2.04	2.03	1.71	1.95	1.94	2.11	2.39
Prior Knowledge EU Law (1-5)							
<i>M</i>	2.21	2.05	2.31	2.28	2.00	2.34	2.30
<i>SD</i>	0.79	0.88	0.81	0.70	0.68	2.30	0.88

Participants were recruited via the online recruitment platform Prolific. The study was administered in Qualtrics. All materials were translated to

32 Matthew S Fritz and David P MacKinnon, ‘Required Sample Size to Detect the Mediated Effect’ (2007) 18 *Psychological Science* 233.

participants' native languages by professional translators. After participants provided demographic information and indicated their prior knowledge about EU law, endorsement of moral foundations was measured with the 30-item Moral Foundations Questionnaire (MFQ-30).³³ Two attention checks were included. In line with previous conceptualizations,³⁴ the items measuring harm and fairness were combined into the scale 'individualizing moral foundations' ($\alpha = .75$), and the items measuring loyalty, authority, and purity were combined into the scale 'binding moral foundations' ($\alpha = .86$).

Participants were then asked to read several descriptions of rules from a list of forty rules. This list was designed to cover the most important rules and principles, including constitutional setup and decision-making procedures, general principles, market freedoms, fundamental rights, and secondary legislation in various main fields of EU competence. All rules were either based on Treaty articles, case law of the CJEU, or secondary legislation, and were described in a few sentences to make them understandable to a non-expert audience, while staying as close as possible to the original legal formulations (see Supplementary Table 1 in the appendix to Chapter 3 for stimuli). Participants were not informed that these were rules of EU law, although this might have become clear upon reading them and answering the question about knowledge of EU law. To avoid fatigue, a random subset of thirteen rules, rather than the entire list of forty rules, was presented to the participants. After each rule, participants were asked to answer the question: 'On a scale from 1 to 5, how wrong or right do you consider it [the rule in question] to be?'. Answers could be provided on 5-point Likert scales ranging from *very wrong* to *very right*. For each participant, we averaged all scores for the thirteen rules that were presented to that participant. This mean score was used as a measure of moral alignment with EU law.

Perceived legitimacy of the EU was measured at the end of the survey with a single item, as is common in scholarship on perceived legitimacy of international organizations:³⁵ 'How much confidence do you personally have in the EU on a scale from 1 (no confidence) to 10 (complete confidence)?'. The study took approximately fifteen minutes. After the study, participants were debriefed and redirected to Prolific where they were reimbursed with £2.50.

3.2.3 Pilot Study 3

Before conducting Study 3, we ran a pilot study to examine the understandability of the information provided to participants and to establish effect sizes to determine the desired sample size. This was done because morally

³³ Graham and others (n 12).

³⁴ *ibid.*

³⁵ Lisa Maria Dellmuth, Jan Aart Scholte and Jonas Tallberg, 'Institutional Sources of Legitimacy for International Organisations: Beyond Procedure versus Performance' (2019) 45 *Review of International Studies* 627.

reframing and rebalancing the law is a new paradigm. The design and procedure of the pilot study and main study were therefore similar, except that the pilot study was conducted in a Dutch convenience sample and the main study in a highly representative Dutch sample.

The aim of Study 3 was to investigate whether manipulating the value language (reframing) or the value content (rebalancing) of an EU legal norm could increase a sense of moral alignment with the EU among people with binding moral foundations, and with that, their beliefs in EU legitimacy. The EU legal norm we focused on was the primacy of EU law, because 1) it was one of the norms showing low alignment for people with binding moral foundations in Study 2, leaving significant scope for improvement, 2) it is one of the core legal principles regulating the relation between the EU and the legal orders of the Member States, and 3) it is often disputed by right-wing politicians. This principle holds that, in case of a conflict between EU law and a national legal norm, EU law always wins, even trumping the national constitution.

We presented participants with different reframed and rebalanced sets of information on the primacy of EU law. For both the reframed and rebalanced sets, there was one condition based on the individualizing foundations care and equality, one based on the binding foundation loyalty, one based on the binding foundation authority, one based on the value of individual liberty,³⁶ and one based on instrumental arguments regarding economic growth and prosperity.³⁷ In addition, there was a control condition that described primacy neutrally without reframing or rebalancing. Thus, in total, there were eleven different conditions.

36 Although liberty is not considered to be a canonical moral foundation, moral judgments may also be explained by this value, Ravi Iyer and others, 'Understanding Libertarian Morality: The Psychological Dispositions of Self-Identified Libertarians' (2012) 7 *PLoS ONE* e42366. We were therefore also interested in the effects of a liberty frame.

37 Another explanation of beliefs in the legitimacy of the EU focuses not on morality but on self-interest. Although moral processes are potentially more relevant in establishing legitimacy perceptions, utilitarian processes, such as calculations about the costs and benefits of EU membership, may also play a role in how people construct the legitimacy of the EU, Lisa Dellmuth and Bernd Schlipphak, 'Legitimacy Beliefs towards Global Governance Institutions: A Research Agenda' (2020) 27 *Journal of European Public Policy* 931. In fact, the explanatory power of identity-based versus utilitarian-based factors in predicting support for the EU and Euroscepticism has been topic of scholarly debate ever since the rejection of the Constitutional Treaty. See for example Sara B Hobolt and Catherine E De Vries, 'Public Support for European Integration' (2016) 19 *Annual Review of Political Science* 413; Liesbet Hooghe and Gary Marks, 'Does Identity or Economic Rationality Drive Public Opinion on European Integration?' (2004) 37 *PS: Political Science & Politics* 415; Marijn Van Klingeren, Hajo G Boomgaarden and Claes H De Vreese, 'Going Soft or Staying Soft: Have Identity Factors Become More Important Than Economic Rationale When Explaining Euroscepticism?' (2013) 35 *Journal of European Integration* 689.. As this question remains largely unresolved, the potential effects of utilitarian considerations should not be ignored in research on perceptions of EU legitimacy. Therefore, we also exploratively test effects of an economic benefits reframing/rebalancing on legitimacy.

Participants for the pilot study ($n = 195$, see Supplementary Table 2 in the appendix to Chapter 3 for participant characteristics) were recruited via Prolific. Participants were reimbursed with £1.35.

The effect sizes for the interaction effects between endorsement of binding moral foundations and experimental condition on perceived EU legitimacy were $\eta^2 = .05$ (reframed conditions) and $\eta^2 = .06$ (rebalanced conditions). This means that for a desired power of .80, and an alpha level of .05, the required sample size for linear multiple regressions with eleven predictors (binding moral foundations, five dummy variables for experimental condition, and five interaction terms) is 327 for detecting effects of reframing primacy and 273 for detecting effects of rebalancing primacy (G*Power). The pilot study showed that understandability was high for all reframed and rebalanced conditions.

3.2.4 Study 3

Following a similar design as the pilot study, Study 3 investigated whether reframing or rebalancing the primacy of EU law could increase perceived EU legitimacy for people who strongly endorse binding moral foundations. The greatest increase in legitimacy for these people was expected in the binding reframed and rebalanced conditions (loyalty and authority). We also measured support for primacy as another outcome variable.

Based on the sample size calculation of the pilot study, the data of 603 participants were collected via the Dutch research company Flycatcher. Participants were randomly sampled from the Flycatcher panel balancing for gender, age, education, and province (see Table 2 for demographic characteristics). Participants completed the survey online in Dutch in Qualtrics and were recruited and compensated for participation via Flycatcher. We excluded the responses from 36 participants because they failed to correctly answer the attention check, resulting in a final sample size of 567.

Table 2. Demographic characteristics of the sample in Study 3

	Total	Participants with reframed conditions	Participants with rebalanced conditions
<i>n</i>	567	284	283
Age			
<i>M</i>	51.56	52.82	50.30
<i>SD</i>	17.38	17.25	17.46
Range	19-85	19-85	20-83
Gender (%)			
Male	55.03	58.10	51.94
Female	44.97	41.90	48.10

	Total	Participants with reframed conditions	Participants with rebalanced conditions
Education level (%)			
Low	24.69	23.24	26.15
Medium	40.74	42.61	38.87
High	34.57	34.15	34.98
Province (%)			
Drenthe	4.23	5.99	2.47
Flevoland	2.47	2.11	2.83
Friesland	3.88	3.52	4.24
Gelderland	11.46	11.62	11.31
Groningen	4.23	4.23	4.24
Limburg	7.23	7.04	7.42
Noord-Brabant	15.17	15.85	14.49
Noord-Holland	16.58	17.25	15.90
Overijssel	7.23	4.93	9.54
Utrecht	7.41	6.69	8.13
Zeeland	2.47	3.17	1.77
Zuid-Holland	17.64	17.61	17.67

Note. The category low education level includes no or primary education, LBO / VMBO / MBO1 / VBO, MAVO / HAVO or VWO 4th grade / VMBO. The category medium education includes all other MBO levels, HAVO or VWO degree, HBO propaedeutic. The category high education includes HBO bachelor, HBO master, academic bachelor, academic master, academic doctoral or postdoctoral.

We first measured endorsement of moral foundations with the updated version of the MFQ: the MFQ-2 (see Supplementary Table 3 in the appendix to Chapter 3 for the results of a confirmatory factor analysis³⁸).³⁹ Participants were then randomly assigned to the control condition or to one of the reframed or rebalanced conditions (see Supplementary Table 4 in the appendix to Chapter 3 for stimuli). The information provided in the control condition was neutral information about the primacy of EU law. Participants in the reframed conditions read information about primacy that was rephrased to better align it with either one of the moral foundations, the value of individual liberty, or the instrumental argument of economic growth and prosperity. In the rebalanced conditions, information was not just rephrased, but its content was substantively changed to better align it with one of the moral foundations or values. The formulations of primacy in the rebalanced conditions were thus not similar to the current interpretation of primacy by the Court of Justice of the European Union (CJEU),

38 To assess whether proportionality, loyalty, authority, and purity could be combined into one factor ('binding moral foundations') and care and equality into another factor ('individualizing moral foundations'), we conducted confirmatory factor analysis of the MFQ-2. This analysis showed that a two-factor solution was not a good fit of the data, and suggested that care, equality, and proportionality form three distinct dimensions. For the current research purposes this was not so much an issue, because it was particularly important that we could reliably combine the binding moral foundations in a single factor. As this was the case, this factor was used for the analyses.

39 Atari and others (n 16).

but were inspired by competing interpretations by national constitutional courts.⁴⁰ At the same time, we ensured that the rebalanced norms did not transgress the outer boundaries of the legally feasible within the EU legal order. To that end, we submitted each rebalanced norm to a panel of five legal experts within the field of EU law. Based on their feedback, the texts in the rebalanced conditions were adapted to improve legal feasibility. We reduced variability between the texts in terms of length, level of abstractness, and ingroup/outgroup related terminology, so that they only varied regarding the moral foundations or values that were manipulated.

After the experimental manipulation, participants filled out a comprehension check, showing that most participants understood the texts very well (64.0%) or fairly well (28.8%). We then measured support for primacy by asking for agreement with the statement ‘The primacy of EU law over national law is a good thing’ on a scale from 1 (*strongly disagree*) to 5 (*strongly agree*). Finally, perceived EU legitimacy was measured with eight items, capturing four dimensions of perceived EU legitimacy (trust, morality, lawfulness, duty to obey) on a 5-point Likert scale ($\alpha = .95$). These items were: ‘I have confidence in the EU’; ‘The EU is trustworthy’; ‘I think that the EU will do what is right’; ‘The EU has the same sense of right and wrong as I do’; ‘I believe that the EU acts within the law’; ‘The EU has the right to make decisions that influence my life’; ‘I am willing to obey the decisions and laws of the EU’; ‘It is important to have respect for decision and laws of the EU’.

3.3 RESULTS

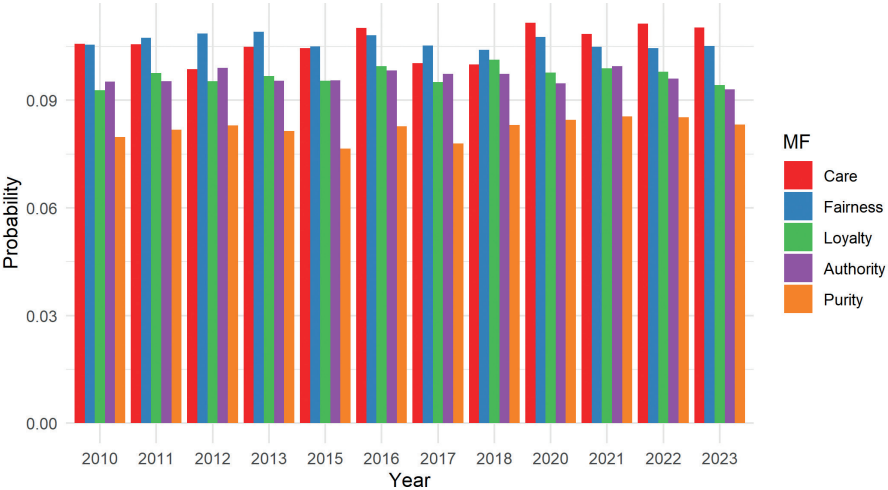
3.3.1 Study 1

An ANOVA revealed significant differences between the average probabilities of moral foundations, $F(4, 55) = 142, p < .001, \eta^2 = .91$. A Tukey’s HSD test for differences between groups showed that the probabilities that moral words in all State of the Union addresses were related to care or fairness were significantly higher than that they were related to loyalty, authority, or purity (see Supplementary Table 5 in the appendix to Chapter 3 for details). The probabilities that words were related to loyalty or authority were also significantly higher than that they were related to purity. We thus found that on average across years, State of the Union addresses by the Commis-

40 For example, the care/equality condition makes primacy conditional upon fundamental human rights protection (e.g., *Solange I* judgment of the German constitutional court), the loyalty condition makes it conditional upon the protection of national constitutional identity (e.g., *Lisbon* judgment of the German constitutional court), and the authority condition upon ultra vires review (e.g., *Maastricht* judgment of the German constitutional court). This approach allowed us to test if the position taken by many national constitutional courts aligns better with some binding moral foundations.

sion President place greater emphasis on care and fairness than on loyalty and authority, and least emphasis on purity (see Figure 1 for an illustration). This demonstrates that the moral language used in these speeches does not comprise a well-balanced representation of all moral foundations, but instead mainly resonates with the individualizing moral foundations.

Figure 1. Probabilities that words from State of the Union addresses from 2010 to 2023, present in the eMFD, belong to each of the moral foundations



3.3.2 Study 2

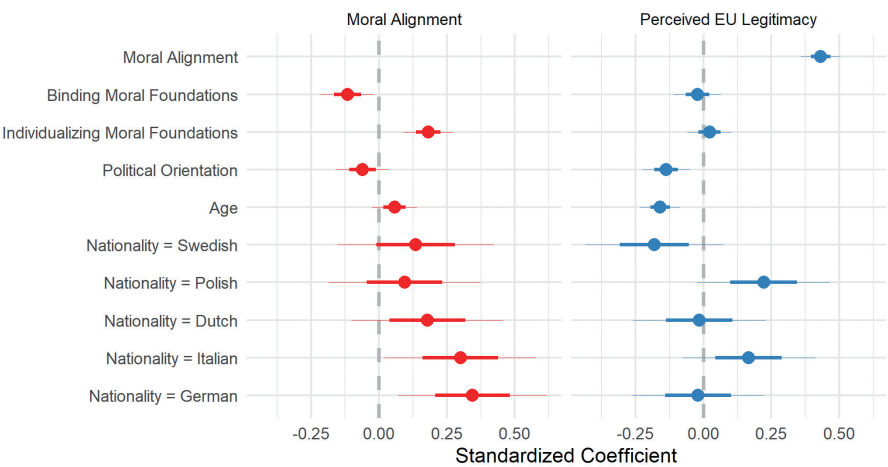
To test the hypotheses, we conducted linear regression analyses using a bootstrap test of mediation. As perceived EU legitimacy ($M = 6.71$, $SD = 2.00$) was significantly related to age ($r = -.19$, $p < .001$) and political ideology ($r = -.25$, $p < .001$), and the data came from six countries, the models controlled for age, political ideology, and country (dummy-coded). All numeric variables were mean-centred to reduce multicollinearity. Standardized coefficients are reported.

As illustrated in Figure 2, the mediation analysis showed support for the hypothesized mediation effect (see Supplementary Table 6 in the appendix to Chapter 3 for details). Moral alignment with EU law was significantly positively predicted by individualizing moral foundations ($\beta = 0.18$, $SE = 0.05$, $p < .001$) and negatively by binding moral foundations ($\beta = -0.12$, $SE = 0.05$, $p = .019$), $F(9, 583) = 5.42$, $p < .001$, adjusted $R^2 = .06$. Moral alignment, in turn, significantly predicted perceived EU legitimacy while controlling for individualizing and binding moral foundations ($\beta = 0.43$, $SE = 0.04$, $p < .001$), $F(10, 582) = 24.01$, $p < .001$, adjusted $R^2 = .28$. The average causal mediation effect (ACME) of the relation between individualizing moral foundations and legitimacy was significant, $ab = 0.08$, 95% CI $[0.04, 0.12]$, $p < .001$, proportion mediated = .75. The ACME of the relation between

binding moral foundations and legitimacy was also significant, $ab = -0.05$, 95% CI $[-0.10, -0.01]$, $p = .008$, proportion mediated = .64.

Study 2 confirmed the mediating role of moral alignment in the relation between moral foundations and perceived EU legitimacy. Although the mediation analysis only provided correlational evidence, theoretically, moral foundations underlie moral judgments, so there is good reason to assume that moral foundations indeed predict the extent to which values in EU law align with personal values. This study also found a strong relation between moral alignment and perceived EU legitimacy. Given this relation, and since binding moral foundations were found to be less represented in both EU communications (Study 1) and EU law (Study 2), Study 3 investigated whether increasing moral alignment in EU communications or legal norms could also increase perceived EU legitimacy among people who endorse binding moral foundations.

Figure 2. Standardized coefficients of linear regression models predicting moral alignment and perceived EU legitimacy



3.3.3 Exploratory results Study 2

In addition to asking participants how right each rule was on a continuous scale, we also asked participants whether they thought the rule was right or wrong. This dichotomous question was then followed by a set of arguments based on moral foundations, from which participants were asked to select all arguments that applied to their judgment of the rule being ‘right’ or ‘wrong’ (see Table 3).⁴¹ If none of the arguments applied, they could indicate that they had another reason for selecting one of the two

41 See for a similar procedure, Pontus Strimling and others, ‘The Connection between Moral Positions and Moral Arguments Drives Opinion Change’ (2019) 3 Nature Human Behaviour 922.

answers. This allowed us to explore whether and which moral arguments were relevant for judging EU rules as moral or immoral. Supplementary Table 7 in the appendix to Chapter 3 reports for each rule the percentage of participants judging it to be right, and per rule the proportion of selected (coded as 1) versus not selected (coded as 0) arguments. For example, for the principle of primacy of EU law over national law, 68.4% of participants thought it was right and 31.6% thought it was wrong. Of all participants who indicated that it was right, 70% selected fairness as relevant argument. Of all participants who indicated that it was wrong, 48% selected authority as relevant argument. This exploratory analysis gives an indication of the moral reasons underlying people’s judgments towards EU law.

Table 3. Arguments presented to participants after reading a rule of EU law and indicating whether it is right or wrong

Argument	<i>I think this rule is right, because...</i>	<i>I think this rule is wrong, because...</i>
Harm	It protects people from suffering and /or ensures care for vulnerable people	It does not protect people from suffering and/or restricts care for vulnerable people
Fairness	It shows that everyone is treated fairly and/or equally	It shows that some people are treated unfairly and/or differently from others
Loyalty	It demonstrates group loyalty and/or love for my country	It demonstrates group betrayal and/or a lack of love for my country
Authority	It shows respect for authority/traditions of society, and/or prevents disorder	It shows no respect for authority/traditions of society, and/or causes disorder
Purity	It adheres to my standards of purity, decency, and/or religion	It violates my standards of purity, decency, and/or religion
Liberty	It ensures liberty and/or protects people from oppression or domination	It restricts liberty and/or does not protect people from oppression or domination
Other	Some other reason	Some other reason

3.3.4 Study 3

To test the hypotheses, we conducted two regression models: one with the reframed conditions and one with the rebalanced conditions. Each model regressed binding moral foundations, a dummy variable for experimental condition (using the neutral condition as reference group), and the interaction between binding moral foundations and experimental condition on perceived EU legitimacy.⁴² Significant interactions were followed up with simple slope analyses to test the effects of the experimental conditions for

42 To reduce the length of the chapter, we did not run separate regression models for each of the moral foundations, deviating from the preregistration.

people who scored low (1 *SD* below *M*), moderate (between 1 *SD* below and above *M*), and high (1 *SD* above *M*) on binding moral foundations. Supplementary Table 8 in the appendix to Chapter 3 reports the means and standard deviations of perceived EU legitimacy and support for primacy per condition. Supplementary Figures 1 and 2 in the appendix depict the density and summary statistics of perceived EU legitimacy in the different reframed conditions for people low, moderate, and high in binding moral foundations. As perceived EU legitimacy ($M = 3.15$, $SD = 0.89$) was significantly related to age ($r = -.22$, $p < .001$) and education level, $F(2, 564) = 22.17$, $\eta^2 = .07$, $p < .001$ (see Supplementary Table 9 in the appendix to Chapter 3 for Tukey comparisons), the models controlled for age and highest education level (dummy-coded). All numeric variables were mean-centred to reduce multicollinearity concerns. Standardized coefficients are reported.

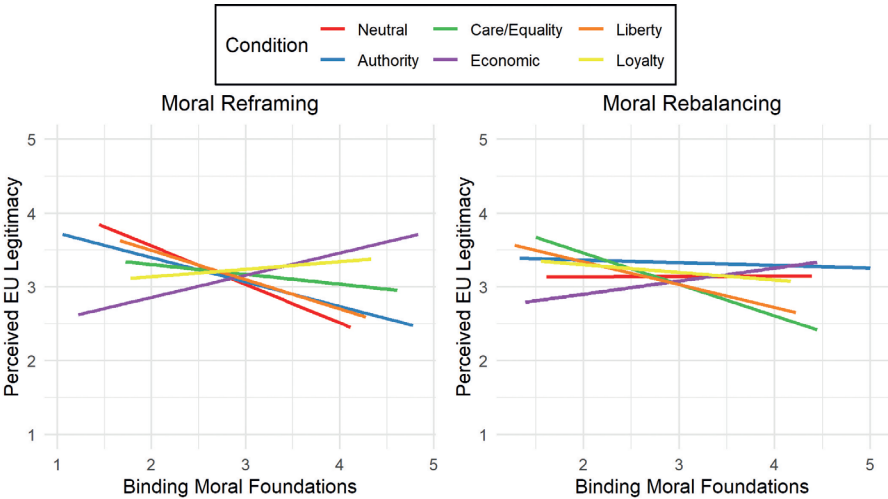
The model with the reframed conditions revealed significant interaction effects between binding moral foundations and the loyalty condition ($\beta = 0.46$, $t = 1.98$, $p = .049$), and between binding moral foundations and the economic condition ($\beta = 0.65$, $t = 3.12$, $p = .002$) on legitimacy. Simple slope analysis showed that people who scored high (but not low) on binding moral foundations reported significantly higher perceived EU legitimacy in the loyalty condition ($\beta = 0.79$, $SE = 0.29$, $t = 2.74$, $p = .007$) and the economic condition ($\beta = 0.84$, $SE = 0.29$, $t = 2.91$, $p = .004$) compared to the control condition. These findings suggest that emphasizing that primacy helps to protect national constitutional identity and traditions, or that it helps to protect economic growth and prosperity, results in higher perceived EU legitimacy for people who strongly endorse binding moral foundations. The model with the rebalanced conditions revealed no significant interactions. See Figure 3 for an illustration of the interaction effects for both models. See Supplementary Tables 10 and 11 in the appendix to Chapter 3 for details.

Exploratively, we ran the same regression models on support for primacy (see Supplementary Tables 14 and 15 in the appendix to Chapter 3 for details). The model with the reframed conditions revealed a significant interaction effect between binding moral foundations and the economic condition on support for primacy ($\beta = 0.42$, $t = 2.00$, $p = .047$). Simple slope analysis showed that only people who scored high on binding moral foundations reported significantly higher perceived EU legitimacy in the economic condition ($\beta = 0.69$, $SE = 0.29$, $t = 2.34$, $p = .020$) compared to the control condition. The model with the rebalanced conditions revealed a significant interaction effect between binding moral foundations and the authority condition on support for primacy ($\beta = 0.43$, $t = 2.29$, $p = .023$). Simple slope analysis showed that people high on binding moral foundations ($\beta = 1.03$, $SE = 0.29$, $t = 3.60$, $p < .001$) and people moderate on binding moral foundations ($\beta = 0.60$, $SE = 0.21$, $t = 2.84$, $p = .005$), but not people low on binding moral foundations, reported significantly higher support for primacy in the authority condition compared to the control condition. This result suggests that providing information that EU law only has primacy

when it does not exceed the competences conferred upon the EU by the Member States improves support for primacy among people who moderately or strongly endorse binding moral foundations.

Finally, we analysed whether reframing or rebalancing the primacy of EU law in consistency with binding moral foundations decreased perceived EU legitimacy among participants with high individualizing moral foundations. Most studies have found nonsignificant effects of moral reframing for the untargeted group (i.e., people who already support the position that is being argued for).⁴³ In line with this, we found that there was no significant interaction between individualizing moral foundations and the reframed binding (loyalty and authority) conditions. However, regarding the rebalanced conditions, there were significant negative interactions between individualizing moral foundations and all rebalanced conditions (Supplementary Tables 12 and 13 in the appendix to Chapter 3 for details). This suggests that making the primacy of EU law conditional upon any other value has a risk of decreasing perceived EU legitimacy among people strongly endorsing individualizing moral foundations.

Figure 3. Changes in perceived EU legitimacy as a function of binding moral foundations endorsement and reframed and rebalanced conditions



43 Feinberg and Willer (n 5).

3.4 DISCUSSION

3.4.1 Findings

Supranational organizations that are liberal democracies, like the EU, can more effectively tackle societal challenges if they are legitimate in the eyes of citizens. These organizations, however, may threaten some people's moral intuitions about ingroup loyalty and respect for tradition because they challenge traditional constructs such as sovereignty and national identity. The current research suggests that EU communication and EU law currently appeal more to individualizing than to binding moral foundations, and that this explains lower beliefs in EU legitimacy among people who endorse binding moral foundations. In Study 1, we found that there was a higher probability of words related to individualizing than to binding moral foundations in the State of the Union speeches from the European Commission presidents. In Study 2, we found that for a selection of forty important rules and principles of EU law, on average, moral alignment was lower among participants with high binding moral foundations and higher among participants with high individualizing moral foundations. We also found that this difference in moral alignment explained the extent to which participants perceived the EU to be legitimate. These results, which were in line with the preregistered hypotheses and conducted according to preregistered analyses, were found in a sample comprising multiple EU Member States.

As moral reframing research has demonstrated that moral alignment with a position is malleable,⁴⁴ the current research also investigated whether perceived EU legitimacy among people who typically have lower beliefs in EU legitimacy (i.e., people who strongly endorse binding moral foundations) could be increased by morally reframing or rebalancing a norm of EU law. Focusing on the legal principle of 'primacy of EU law over national law', one of the core legal principles regulating the relation between the EU and the legal orders of its Member States, Study 3 showed that appealing to the loyalty foundation (i.e., emphasizing that primacy helps to protect national constitutional identity and traditions) or to economic benefits (i.e., emphasizing that primacy helps to protect economic growth and prosperity) resulted in higher perceived EU legitimacy for participants who strongly endorsed binding moral foundations. Importantly, these frames did not lower perceived EU legitimacy for participants who strongly endorsed individualizing moral foundations, in line with prior work showing that moral reframing has no effects on the untargeted group.⁴⁵ In contrast to the reframing strategy, Study 3 showed that the rebalancing of primacy could lead to both positive and negative results as a function of moral alignment. That is, although rebalancing in a way that improves alignment with the

44 *ibid.*

45 *ibid.*

authority foundation increased support for primacy among participants high on binding moral foundations, each rebalancing condition decreased perceived EU legitimacy among participants who endorsed individualizing moral foundations. Thus, unlike reframing, rebalancing might generate negative effects in the untargeted group. These results were obtained in a nationally representative sample with sufficient statistical power.

We deem our interdisciplinary approach, integrating social psychology and EU law, novel and promising. By combining expertise, the study materials of both studies were developed in such a way that they formed a sound measurement of psychological phenomena and simultaneously connected to the legal reality. As validated by a panel of experts in EU law, all reframed and rebalanced descriptions of primacy stayed within the realm of the legally feasible, meaning that the experts consulted thought that the reframed or rebalanced formulation would not be incompatible with the fundamental principles and doctrines underpinning the EU legal order. This significantly enhances the ecological validity and practical applicability of the research findings. To illustrate, the authority and care/equality rebalanced conditions described the primacy of EU law as conditional upon respectively an *ultra vires* check and a fundamental rights check by national courts. The data showed that participants reported higher support for primacy when they read these reframed descriptions compared to the neutral description of primacy. Although these interpretations of primacy conflict with the current case law of the CJEU, the EU legal experts that were consulted during the design phase of the conditions confirmed that the reformulation of primacy could be viable if the *ultra vires* and fundamental rights checks are conducted by the CJEU and not by national courts, or alternatively, if these checks are accompanied by sufficient procedural and substantial safeguards. These conditions thus require some legal evolution, but remain within the realm of the legally possible. This example shows how a collaboration between social psychologists and EU lawyers can deepen the understanding of societal issues and facilitate the concrete application of behavioural knowledge to legal practices. The already promising findings set the groundwork for further interdisciplinary research on this topic.

3.4.2 Theoretical and practical contributions

Our work makes several important contributions. First, we illustrate how the collaboration between two distinct fields (social psychology and EU law) could contribute to the understanding of the complex and multidimensional societal issue of EU legitimacy, and might, eventually, be key to solving it. Second, we show that legitimacy beliefs rest not only on

perceptions of procedural justice during interactions with an authority,⁴⁶ but also on the experience of moral alignment with substantive norms, which is affected by the moral foundations a person endorses. In this way, as a third contribution, we broaden the use of MFT, which has been mostly used to understand political attitudes in the United States, to the European context. As a theory of morality, MFT offers a framework to analyse alignment between a person's personal values and the values enshrined in EU communication and law. It allows recognition of which moral foundations may be lacking weight, and as such MFT has legal utility and offers a tool to strengthen legitimacy. Finally, we find evidence that emphasizing the economic benefits of an EU legal norm could increase perceived EU legitimacy among people who strongly value loyalty, authority, and purity, or among people who find care and equality less important. This confirms the suggestion by prior work that, in addition to moral judgments, instrumental considerations related to economic interests and other benefits also shape perceived EU legitimacy.⁴⁷

What do our findings imply practically? First, the appeal to the presumed universally shared values of fundamental rights protection and equality, as often done by for example European Commission presidents,⁴⁸ possibly does not work as well as the EU may hope or expect. As our findings show, not all people are persuaded by these values. Appealing to these values, therefore, does not effectively target those people who more strongly endorse other moral foundations.⁴⁹ This raises the question whether protection of care- and equality-based values is a sufficient justification for the violation of other, more binding values, or whether perceived legitimacy is potentially harmed by undermining these moral principles. An alternative way of legitimation may be to complement a common values discourse with laws and policies that more explicitly also recognize and engage with group-based (i.e., binding) concerns. Future research should help to explore the conditions under which this could be effective whilst conforming to the normative limits imposed by EU law. Furthermore, while our findings do not raise concerns as to the potential backlash of such a strategy among people who are in favour of EU integration or who endorse individualizing values, more evidence is needed to estimate potential backlash.

Second, because rebalancing targets the values underlying a legal norm, it might have been expected to produce larger legitimation effects than reframing. However, this was not the case. This might suggest that people

46 Sunshine and Tyler (n 10); Walters and Bolger (n 10); Hough and others (n 10); Kees Van Den Bos, Lynn Van Der Velden and E Allan Lind, 'On the Role of Perceived Procedural Justice in Citizens' Reactions to Government Decisions and the Handling of Conflicts' (2014) 10 *Utrecht Law Review* 1.

47 Dellmuth and Schlipphak (n 37).

48 Pansardi and Battegazzorre (n 20).

49 This finding is of particular relevance now that the CJEU is increasingly relying on the foundational values of the EU in its case law, not in the last place in high-profile cases against Poland and Hungary on the rule of law.

are indeed more likely to respond to more subtle rhetorical messages than to substantive transformations of the law that are not communicated in a morally appealing way. In a way, this could be seen as a promising result, because institutional legitimization strategies require more time and effort to implement in practice than discursive strategies. They also face greater legal challenges within the overarching structure and nature of EU law. For example, the interpretations of primacy as presented in some of the rebalanced conditions might require Treaty change or a significant evolution in the case law of the CJEU, both of which are not easy to realize. Moreover, the rebalancing conditions even harmed perceived EU legitimacy for people who strongly endorse individualizing moral foundations, casting further doubt on the desirability of this strategy in the context of primacy.

Finally, our findings show that people can be convinced by economic and other instrumental arguments. While instrumental considerations may not form a sufficiently stable basis of EU legitimacy because they are sensitive to changing circumstances,⁵⁰ meaning that building legitimacy on values may be more sustainable, economic arguments are more morally neutral and could therefore overcome morally sensitive debates. Research has shown that redirecting the focus from values to economic interests may be a way to deal with moral conflict and bridge the divide between people with diverging values.⁵¹ Emphasizing economic benefits could thus be a first step before legitimization through values becomes possible, because people with binding moral foundations are more likely to accept rules that are economically attractive to them. An interesting avenue for future research is therefore the interaction between instrumental and moral arguments in shaping perceived EU legitimacy, something that we did not investigate in the current research.

It is important to note that psychological insights must be grounded in thoroughly developed and tested empirical work if they are to be used to develop practical interventions or inform legal debates.⁵² For example, it is essential to understand whether a sense of moral alignment with EU law and perceived EU legitimacy are *caused* by moral foundations, because assuming that people's concerns are rooted in moral foundations implies that they are not amoral or immoral and thus *should* be tolerated and valued following a normative perspective on legitimacy.⁵³ If moral alignment and perceived EU legitimacy are not the causal result of moral foundations but of another psychological process, the normative conclusion might be different. In addition, even when empirical conclusions are substantial, the

50 Daniel Nettle and Rebecca Saxe, 'Preferences for Redistribution Are Sensitive to Perceived Luck, Social Homogeneity, War and Scarcity' (2020) 198 *Cognition* 104234.

51 Marina Kouzakova and others, 'The Implications of Value Conflict: How Disagreement on Values Affects Self-Involvement and Perceived Common Ground' (2012) 38 *Personality and Social Psychology Bulletin* 798.

52 Ivo Giesen, 'The Use and Incorporation of Extralegal Insights in Legal Reasoning' (2015) 11 *Utrecht Law Review* 1.

53 Haidt (n 13).

normative desirability of moral reframing or rebalancing depends on the purposes of these strategies. It is important to reflect on these purposes before implementing empirical conclusions in the practical reality.

3.4.3 Limitations and conclusion

Several limitations of the current work must be mentioned. First, the correlational nature of Study 2 prevents drawing conclusions regarding the causal nature of the relationship between moral foundations, moral alignment with the EU, and perceived EU legitimacy. A central question thus remains whether notions of right and wrong in the context of EU law are the *result* of stable, dispositional moral foundations. The causal relationship flowing from moral foundations to moral judgments and political ideology, as posed by MFT,⁵⁴ is disputed. Some studies have provided evidence for the reverse causal relationship, showing that moral judgments are post-hoc justifications of existing political beliefs, group values, and other ideological worldviews, rather than that these worldviews are informed by moral foundations.⁵⁵ Binding moral foundations are, in that perspective, considered expressions or by-products of conservative preferences.⁵⁶ In line with research on motivated social cognition,⁵⁷ binding moral foundations, just like other conservative values serving certainty, safety, and predictable order, are thought to be the product of underlying psychological needs to reduce uncertainty and threat.⁵⁸ Experiences of threat have for example been related to higher endorsement of binding moral foundations.⁵⁹ This could mean that moral foundations are less stable and dispositional than assumed by MFT, and that binding moral foundations are, instead, predicted by chronical or temporally activated feelings of uncertainty and threat, such as political rhetoric. As this would influence the normative implications of empirical findings on legitimacy, more research is needed to disentangle these processes.

⁵⁴ Graham and others (n 14).

⁵⁵ Kevin B Smith and others, 'Intuitive Ethics and Political Orientations: Testing Moral Foundations as a Theory of Political Ideology' (2017) 61 *American Journal of Political Science* 424; Peter K Hatemi, Charles Crabtree and Kevin B Smith, 'Ideology Justifies Morality: Political Beliefs Predict Moral Foundations' (2019) 63 *American Journal of Political Science* 788; David J Ciuk, 'Assessing the Contextual Stability of Moral Foundations: Evidence from a Survey Experiment' (2018) 5 *Research & Politics* 2053168018781748.

⁵⁶ Michael Strupp-Levitsky and others, 'Moral "Foundations" as the Product of Motivated Social Cognition: Empathy and Other Psychological Underpinnings of Ideological Divergence in "Individualizing" and "Binding" Concerns' (2020) 15 *PLOS ONE* e0241144.

⁵⁷ John T Jost and others, 'Political Conservatism as Motivated Social Cognition.' (2003) 129 *Psychological Bulletin* 339.

⁵⁸ Strupp-Levitsky and others (n 56).

⁵⁹ Julie Van de Vyver and others, 'Boosting Belligerence: How the July 7, 2005, London Bombings Affected Liberals' Moral Foundations and Prejudice' (2016) 27 *Psychological Science* 169.

Here, the cross-sectional research designs could not test for the causal nature of the relationships found. Although our data are not conclusive about the causal direction of the relationships, the results of Study 2 do show that moral foundations have additional explanatory power beyond left-right ideological preferences in predicting moral alignment with EU law. Furthermore, even if ideological values and not moral foundations underlie moral alignment with EU law, this does not mean that the concerns in which these values are rooted are different from the intuitions reflected in moral foundations. That is, moral considerations and political ideologies are closely intertwined and may address the same underlying needs. In other words, ideological values about the inferiority of other groups are related to the loyalty foundation and ideological commitment to tradition is related to the authority foundation.⁶⁰ In that regard, our findings show that 1) EU law in general better reflects the concerns of people who endorse individualizing moral foundations than those of people who endorse binding moral foundations, regardless of whether these concerns are rooted in moral foundations or in ideological preferences, and 2) the protection of national identity and authority form important 'binding concerns'.

A second limitation is that the experimental effects of Study 3 were not consistently found for both dependent variables and in each strategy. However, all effects that were found were in line with the preregistered hypotheses and no opposite effects were found. Clearly, more research is needed to replicate the findings directly and conceptually, but provided that the current research is the first to examine moral reframing and rebalancing in the context of EU law, we believe the results provide a promising starting point for exploring the potential of these legitimization strategies for the EU, and more generally, for other supranational and regional organizations.

Finally, it must be noted that the field of EU law is broad and that it is therefore inevitable that the studies focused on specific aspects of EU law or specific institutions. Study 1 focused on the State of the Union speeches, which only reflect the position of the Commission President directly, and of the Commission indirectly, and not that of other institutions including the Council and the European Council. Study 2 focused on a subset of forty EU legal norms, and Study 3 on the principle of primacy. At the same time, the subset of norms in Study 2 was created in collaboration with a group of EU law experts so as to form a representative selection of the most important norms and principles of EU law, as well as a balanced selection in terms of primary/secondary law and fields of EU competence. In addition, primacy is a foundational EU legal norm which applies in all fields of EU law. More research, however, is needed to investigate the legitimating effects of reframing and rebalancing EU law beyond the principle of primacy. Possibly, because primacy is such an abstract principle, these effects might be even stronger and more consistent for more concrete laws and policies.

60 Hatemi, Crabtree and Smith (n 55); Strupp-Levitsky and others (n 56).

Future research should also examine these strategies in other European samples, because Study 3 was conducted in an exclusively Dutch sample, which puts limits on the generalizability of the findings to other European samples.

Notwithstanding these limitations, the current research should be seen as a demonstration of the idea that one of the reasons for reduced perceived legitimacy is that people feel a moral distance from the EU, either through the way EU leaders address them or through the incapacity of EU law to sufficiently represent an important subset of citizens' moral concerns. Our work provides suggestive evidence that perceived EU legitimacy can be safeguarded by being mindful of the full spectrum of citizens' moral concerns and the moral inclusiveness of the EU and its legal system. This result raises a range of interesting further questions, both for political scientists (e.g., how would changing the value rhetoric by the EU affect interactions between political actors?), lawyers (e.g., what are legal possibilities to accommodate for citizens' different values?), and psychologists (e.g., could the European community or institutions be the object of group-binding foundations?). More broadly, our work illustrates how integrating social psychology and law could be an innovative way forward to creating more effective and sustainable supranational organizations.

The integration of subgroups at the supranational level: The relation between social identity, national threat, and perceived legitimacy of the EU

This chapter is based on: E Grosfeld, D Scheepers, A Cuyvers and N Ellemers, 'The Integration of Subgroups at the Supranational Level: The Relation Between Social Identity, National Threat, and Perceived Legitimacy of the EU' (2022) 10 Journal of Social and Political Psychology 607. §4.3.1 reports additional descriptive findings as compared to the original article in order to give a more comprehensive outline of the results.

Author contributions: Conceptualization: E.G., D.S., A.C. and N.E.; Data curation: E.G.; Formal analysis: E.G.; Funding acquisition: D.S., A.C. and N.E.; Investigation: E.G.; Methodology: E.G., D.S., A.C. and N.E.; Project administration: E.G.; Supervision: D.S. and A.C.; Visualization: E.G.; Writing – original draft preparation: E.G.; Writing – review & editing: D.S., A.C. and N.E.

ABSTRACT

Previous research suggests that social identity influences public attitudes about the European Union, but little is known about the role of social identity for perceived legitimacy of the EU. This study explores the relation between different forms of identification (national, EU, dual) and EU legitimacy perceptions, and the moderation of this relationship by experienced threat to national power and sociocultural identity. A survey was conducted in six countries ($n = 1136$). A factor analysis of legitimacy items resulted in two subscales (institutional trust and duty to obey). Separate regression analyses were therefore run on these subscales. All forms of identification were positively related to perceived EU legitimacy, while threat was a strong and universal negative predictor. However, the results suggest that national identification only positively predicted legitimacy when participants experienced no threat to their nation by the EU, while dual identification positively predicted legitimacy even when participants experienced threat. Overall, respect for national identities and their values may offer opportunities to safeguard and improve the perceived legitimacy of the EU. Findings are discussed in terms of the literature on the ingroup projection model and the common ingroup model.

4.1 INTRODUCTION

To address major global challenges, such as health pandemics and climate change, people need to cooperate in increasingly large and complex groups.¹ Partly resulting from this need, regional integration became a global trend in the last century,² for example in Europe (European Union; EU), Asia (Associations of Southeast Asian Nations), Africa (East African Community, Economic Community of West African States, African Union), and South America (Mercosur, Andean Community). Yet, to be effective in solving problems, these regional organizations must be perceived as legitimate by their citizens. That is, the effectiveness and viability of international governance organizations largely depend on whether the public believes that these institutions are entitled to exercise authority, because such legitimacy appraisals safeguard people's voluntary deference and long-term support.³ Perceived legitimacy constitutes, in that sense, an essential feature of sustainable regional cooperation.

Scholars, most notably from political science, are therefore interested in individual- and societal-level factors which explain when and why people perceive international governance organizations as (il)legitimate.⁴ One of the main individual-level factors suggested to be relevant here is social identity.⁵ Social identity is however a complex and dynamic concept, involving multiple (nested) group memberships which interact with contextual factors.⁶ This chapter aims to complement prior research on public

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- 1 Peter J Richerson and Robert Boyd, 'The Evolution of Human Ultra-Sociality' in Irenäus Eibl-Eibesfeldt and Frank Kemp Salter (eds), *Indoctrinability, ideology, and warfare: Evolutionary perspectives* (Berghahn 1988).
 - 2 Andrew Hurrell, 'Explaining the Resurgence of Regionalism in World Politics' (1995) 21 *Review of International Studies* 331.
 - 3 Allen Buchanan and Robert O Keohane, 'The Legitimacy of Global Governance Institutions' (2006) 20 *Ethics & International Affairs* 405; Tom R Tyler, 'Psychological Perspectives on Legitimacy and Legitimation' (2006) 57 *Annual Review of Psychology* 375; Tom R Tyler and Jonathan Jackson, 'Future Challenges In The Study Of Legitimacy And Criminal Justice' in Justice Tankebe and Alison Liebling (eds), *Legitimacy and Criminal Justice* (Oxford University Press 2013).
 - 4 Jonas Tallberg and Michael Zürn, 'The Legitimacy and Legitimation of International Organizations: Introduction and Framework' (2019) 14 *The Review of International Organizations* 581.
 - 5 Lisa Dellmuth and others, 'The Elite–Citizen Gap in International Organization Legitimacy' (2022) 116 *American Political Science Review* 283; Lisa Maria Dellmuth, Jan Aart Scholte and Jonas Tallberg, 'Institutional Sources of Legitimacy for International Organisations: Beyond Procedure versus Performance' (2019) 45 *Review of International Studies* 627; Lisa Dellmuth and Bernd Schlipphak, 'Legitimacy Beliefs towards Global Governance Institutions: A Research Agenda' (2020) 27 *Journal of European Public Policy* 931.
 - 6 Naomi Ellemers, 'The Influence of Socio-Structural Variables on Identity Management Strategies' (1993) 4 *European Review of Social Psychology* 27; J Turner, 'Some Current Issues in Research on Social Identity and Self-Categorization Theories' in Naomi Ellemers, Russell Spears and Bertjan Doosje (eds), *Social identity* (Blackwell 1999).

legitimacy perceptions of regional organizations by elucidating the role of social identity processes.

We focus on the EU, for which declining perceived legitimacy is one of its current key challenges,⁷ because the EU is a unique form of supranational cooperation, positioned between a state and an international organization. Since nationality is one of the most important group memberships of EU citizens,⁸ we are interested in the question how national identities affect people's legitimacy perceptions of the EU. A survey was conducted to explore how different forms of social identification (i.e., national identification, EU identification, dual national-EU identification) are related to perceived legitimacy of the EU and whether these relations are moderated by the extent to which the EU is seen as a threat to the nation in instrumental (i.e., threat to power) and symbolic (i.e., threat to sociocultural identity) terms. By examining these social psychological dynamics, we seek to contribute to a better understanding of how EU legitimacy perceptions develop. In turn, such an understanding may ultimately inform the ongoing scholarly and societal debate on how to better design the constitutional nature and structure of the EU, including its relationship with Member States, so as to enable sustainable cooperation in Europe.

4.1.1 Conceptualizing and operationalizing perceived EU legitimacy

In the broadest sense, legitimacy is about the relationship between an object of legitimacy and an audience, which is characterized by 1) mutual expectations, 2) conformity to these expectations by the object, and 3) assent by the audience.⁹ Depending on academic literature and unit of analysis, different definitions and operationalizations exist. As in the current chapter we are interested in the audience as unit of analysis, legitimacy becomes a perception that an audience (here, EU citizens) holds about an object (here, the EU) or about their relationship with it. Accordingly, perceived legitimacy is defined as 'a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions'.¹⁰

As the concept of legitimacy may be too complex for people to understand, perceived legitimacy is often assessed through related – but conceptually distinct – constructs, such as support, trust, confidence, acceptance, or the felt duty to obey.¹¹ From these constructs, 'support' may be the least adequate to measure legitimacy. To illustrate, according to a recent article,

7 European Commission. Directorate General for Communication., 'White Paper on the Future of Europe: Reflections and Scenarios for the EU27 by 2025.' (Publications Office 2017).

8 Denis Sindic, 'Psychological Citizenship and National Identity' (2011) 21 *Journal of Community & Applied Social Psychology* 202.

9 Eric W Schoon, 'Operationalizing Legitimacy' (2022) 87 *American Sociological Review* 478.

10 Dellmuth and Schlipphak (n 5).

11 Schoon (n 9).

perceived legitimacy is a multidimensional belief system including moral convictions, which are not necessarily but sometimes complemented with self-interest calculations.¹² This article showed that support items mainly capture the self-interest dimension, while trust items may tap into the moral dimension. Support for EU membership, for example, can be driven purely by perceived economic benefits, without the presence of any feeling of attachment to the EU. Outcome satisfaction, however, may not be sufficient for believing in the *rightness* of authority.¹³

A common approach in the literature on the perceived legitimacy of international organizations is therefore to measure legitimacy through self-reported 'confidence', which is argued to capture a feeling of faith that goes beyond self-interest.¹⁴ Closely related to confidence is 'trust', which is often used to measure legitimacy in research on national authorities.¹⁵ In these studies, items measuring the 'felt duty to obey' an authority are typically also employed as an indicator of legitimacy. Feeding this back to the broad definition of legitimacy, trust and confidence items capture the conviction that an authority will conform to mutual expectations (e.g., 'I have confidence in the EU'), while duty to obey measures capture the feeling of assent to the authority (e.g., 'I feel I should accept the decisions made by the EU').

In this chapter, we therefore operationalize perceived legitimacy as institutional trust and felt duty to obey. As will be discussed in the method section in more detail, a principal factor analysis revealed these two indicators of legitimacy as different factors, leading us to treat them as separate outcome variables in the main analyses. Thus, our operationalization does not include self-interest calculations nor moral convictions, which we consider to be antecedents rather than elements of legitimacy.

4.1.2 Social identity and perceived EU legitimacy

Legitimacy is closely related to morality and identity. Sharing moral values with other people contributes to a sense of belonging to the same group, and both moral alignment and group identification in turn lead to higher trust in other group members.¹⁶ Similar processes have been shown to lead

12 Dellmuth and Schlipphak (n 5).

13 *ibid*; Tallberg and Zürn (n 4).

14 See for example Dellmuth, Scholte and Tallberg (n 5).

15 Jonathan Jackson and others, 'Why Do People Comply with the Law?: Legitimacy and the Influence of Legal Institutions' (2012) 52 *British Journal of Criminology* 1051; Jason Sunshine and Tom R Tyler, 'The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing' (2003) 37 *Law & Society Review* 513.

16 Naomi Ellemers, Stefano Pagliaro and Manuela Barreto, 'Morality and Behavioural Regulation in Groups: A Social Identity Approach' (2013) 24 *European Review of Social Psychology* 160; Naomi Ellemers and Jojanneke Van der Toorn, 'Groups as Moral Anchors' (2015) 6 *Current Opinion in Psychology* 189.

to trust in political authorities.¹⁷ That is, when people feel respected by, and identify with the group an authority represents, they perceive this authority to be more trustworthy and legitimate and are in turn more willing to voluntarily accept and obey it.¹⁸ Relatedly, when people perceive an authority to have an appropriate sense of right and wrong, they are more likely to justify its power exercise and show more obedience.¹⁹ Factors signalling identity and shared values, such as perceived procedural justice, but also receiving positive outcomes, may therefore be sources of legitimacy.²⁰

The idea that stressing a common EU identity increases the perceived legitimacy of the EU can thus be based on previous psychological theories.²¹ Public opinion studies have, correspondingly, found that identification with the EU is associated with higher support for political unification and integration in the EU,²² and lower support for leaving the EU.²³

In addition, the extent to which the EU identity leaves room for national identities may equally be relevant for predicting the perceived legitimacy of the EU. Through European integration, a new, superordinate group membership was imposed on citizens. The integration of a new identity with existing identities can take different forms.²⁴ Prior research has shown that a 'dual identification', which entails a form of simultaneous identification where subgroup identities are not de-emphasized but rather recognized and valued within the superordinate group, generates positive social iden-

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- 17 Linda Berg, 'Citizens' Trust in the EU as a Political System' in Antonina Bakardjieva Engelbrekt and others (eds), *Trust in the European Union in Challenging Times: Interdisciplinary European Studies* (Springer International Publishing 2019).
 - 18 Tom R Tyler, 'The Psychology of Legitimacy: A Relational Perspective on Voluntary Deference to Authorities' (1997) 1 *Personality and Social Psychology Review* 323; Tyler and Jackson (n 3); Tom R Tyler and E Allan Lind, 'A Relational Model of Authority in Groups' in Mark P Zanna (ed), *Advances in Experimental Social Psychology*, vol 25 (Elsevier 1992).
 - 19 Jackson and others (n 15); Jonathan Jackson and others, 'Empirical Legitimacy as Two Connected Psychological States' in Gorazd Meško and Justice Tankebe (eds), *Trust and Legitimacy in Criminal Justice: European Perspectives* (Springer International Publishing 2015).
 - 20 Tom R Tyler and Steven L Blader, 'The Group Engagement Model: Procedural Justice, Social Identity, and Cooperative Behavior' (2003) 7 *Personality and Social Psychology Review* 349.
 - 21 See for a similar argument Denis Sindic and others, 'Leave or Remain? European Identification, Legitimacy of European Integration, and Political Attitudes towards the EU' (2019) 29 *Journal of Community & Applied Social Psychology* 32.
 - 22 Adam William Chalmers and Lisa Maria Dellmuth, 'Fiscal Redistribution and Public Support for European Integration' (2015) 16 *European Union Politics* 386; Sindic and others (n 21).
 - 23 Julie Van de Vyver and others, 'Brexit or Bremain? A Person and Social Analysis of Voting Decisions in the EU Referendum' (2018) 28 *Journal of Community & Applied Social Psychology* 65.
 - 24 Catherine E Amiot and others, 'Integration of Social Identities in the Self: Toward a Cognitive-Developmental Model' (2007) 11 *Personality and Social Psychology Review* 364.

ties.²⁵ With regards to the European context, dual identification would entail a form of common EU identification in which the national identity is positively integrated, resulting in a positive social identity. High dual identifiers could therefore be expected to perceive the EU as more legitimate.

It is however less clear how a strong *national* identity, which is arguably deeper rooted than an EU identity, is related to legitimacy perceptions of the EU. A pressing question is therefore whether national identities are an obstacle to EU identity and legitimacy, and if so, under which circumstances.²⁶ Prior studies have shown that exclusive identification with one's country is associated with lower support for EU membership,²⁷ lower trust in the EU and its institutions,²⁸ and higher support for leaving the EU.²⁹ Yet, to measure national and EU identification, these studies often employ the so-called 'Moreno' question, which asks respondents to select one of four identification categories (see Materials section), and which is included in every Eurobarometer, the Commission's public opinion survey. This question has its limitations, however, because it assumes a tension between national and EU identity and fails to capture varying strengths of both identities.³⁰ Indeed, when national identity is assessed with continuous measures, findings on the relation between national identity and supportive

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- 25 Richard J Crisp and Miles Hewstone, 'Multiple Social Categorization', *Advances in Experimental Social Psychology*, vol 39 (Academic Press 2007); John F Dovidio, Samuel L Gaertner and Tamar Saguy, 'Another View of "We": Majority and Minority Group Perspectives on a Common Ingroup Identity' (2007) 18 *European Review of Social Psychology* 296; Matthew J Hornsey and Michael A Hogg, 'Assimilation and Diversity: An Integrative Model of Subgroup Relations' (2000) 4 *Personality and Social Psychology Review* 143; Katharina Schmid and others, 'Antecedents and Consequences of Social Identity Complexity: Intergroup Contact, Distinctiveness Threat, and Outgroup Attitudes' (2009) 35 *Personality and Social Psychology Bulletin* 1085; Matthew J Hornsey and Michael A Hogg, 'Subgroup Relations: A Comparison of Mutual Intergroup Differentiation and Common Ingroup Identity Models of Prejudice Reduction' (2000) 26 *Personality and Social Psychology Bulletin* 242.
 - 26 Hans-Dieter Fuchs, 'Cultural Diversity, European Identity and Legitimacy of the EU: A Theoretical Framework' in Dieter Fuchs and Hans-Dieter Klingemann (eds), *Cultural Diversity, European Identity and the Legitimacy of the EU* (Edward Elgar Publishing 2011).
 - 27 Sean Carey, 'Undivided Loyalties: Is National Identity an Obstacle to European Integration?' (2002) 3 *European Union Politics* 387; Liesbet Hooghe and Gary Marks, 'Calculation, Community and Cues: Public Opinion on European Integration' (2005) 6 *European Union Politics* 419.
 - 28 Nicholas J Clark and Robert Rohrschneider, 'The Relationship between National Identity and European Union Evaluations, 1993–2017' (2019) 20 *European Union Politics* 384; Lauren M McLaren, 'Explaining Mass-Level Euroscepticism: Identity, Interests, and Institutional Distrust' (2007) 42 *Acta Politica* 233.
 - 29 Aleksandra Cislak and others, 'Brexit and Poles: Collective Narcissism Is Associated With Support for Leaving the European Union' (2020) 15 *Social Psychological Bulletin* 1.
 - 30 Michael Bruter, 'Legitimacy, Euroscepticism & Identity in the European Union – Problems of Measurement, Modelling & Paradoxical Patterns of Influence' (2008) 4 *Journal of Contemporary European Research* 273; Marc Guinjoan and Toni Rodon, 'A Scrutiny of the Linz-Moreno Question' (2016) 46 *Publius: The Journal of Federalism* 128.

attitudes towards the EU are more mixed.³¹ Thus, although it seems that an *exclusive* national identification undermines perceived EU legitimacy, it remains unclear how the *relative strength* of national identification affects EU legitimacy perceptions.

In forming expectations about the relation between national identification and perceived EU legitimacy, the ingroup projection model is particularly relevant.³² According to this model, people tend to project typical ingroup characteristics on the superordinate group, a tendency that is positively related to ingroup identification. More precisely, when people strongly identify with their ingroup, for example their country, they are also more motivated to promote their group's power, status, values, and distinctiveness.³³ One way of achieving this is by portraying the ingroup as more prototypical of an overarching superordinate identity, more than other groups falling under this umbrella. Thus, people who strongly identify with their nation may be more likely to project their nation's norms and values on the EU. Accordingly, given that legitimacy is the perception that the actions of an authority fit people's existing cognitive system of norms and values, people who highly identify with their nation may perceive the EU to be more legitimate through ingroup projection.

4.1.3 Social identity, EU legitimacy, and threat to the nation

Understanding how individuals relate to groups not only requires insight into individual levels of social identification, but also into how these levels interact with contextual and social factors.³⁴ For example, other groups that threaten the own group's power, resources, values, or identity elicit defensive responses, especially among people who strongly identify with their group.³⁵ In superordinate group situations, this may also concern a threat

31 See for example Hajo G Boomgaarden and others, 'Mapping EU Attitudes: Conceptual and Empirical Dimensions of Euroscepticism and EU Support' (2011) 12 *European Union Politics* 241; Carey (n 27).

32 Mauro Bianchi and others, 'What Do You Mean by "European"? Evidence of Spontaneous Ingroup Projection' 36 *Personality and Social Psychology Bulletin* 960; Michael Wenzel, Sven Waldzus and Melanie C Steffens, 'Ingroup Projection as a Challenge of Diversity: Consensus about and Complexity of Superordinate Categories' in Chris G Sibley and Fiona Kate Barlow (eds), *The Cambridge Handbook of the Psychology of Prejudice* (Cambridge University Press 2016); Michael Wenzel, Amélie Mummendey and Sven Waldzus, 'Superordinate Identities and Intergroup Conflict: The Ingroup Projection Model' (2007) 18 *European Review of Social Psychology* 331.

33 Henri Tajfel and John Turner, 'An Integrative Theory of Intergroup Conflict' in William G Austin and Stephen Worchel (eds), *The social psychology of intergroup relations* (Brooks/Cole 1979); Henri Tajfel, 'Social Identity and Intergroup Behaviour' (1974) 13 *Social Science Information* 65.

34 Turner (n 6).

35 Nyla Branscombe and others, 'The Context and Content of Social Identity Threat' [1999] *Sepsis* 35; Kimberly Rios, Nicholas Sosa and Hannah Osborn, 'An Experimental Approach to Intergroup Threat Theory: Manipulations, Moderators, and Consequences of Realistic vs. Symbolic Threat' (2018) 29 *European Review of Social Psychology* 212.

to the own group's distinctiveness.³⁶ In a similar vein, attitudes towards superordinate bodies are not a mere function of social identification, but are formed in interaction with the perceived threat of superordinate group membership to one's subgroup identities.³⁷

Following this reasoning, legitimacy perceptions of the EU may be influenced by the dynamics between people's social identification and concerns about the EU. While the EU can be a source of a positive 'EU identity', it may also conflict with national identities.³⁸ For example, people have shown to judge and experience the loss of national power and culture due to European integration as highly threatening.³⁹ A perceived threat to the national identity has been negatively related to support for EU membership.⁴⁰ It has also been positively related to rejecting the Constitutional Treaty in 2005 and voting 'Leave' in the UK membership referendum in 2016.⁴¹

Yet, as the consequences of these identity concerns for legitimacy perceptions of the EU remain unclear, the aim of this study is to clarify the relation between threat and legitimacy. We expect that experienced threat to a relevant subgroup identity, such as a Member State of the EU, will undermine the perceived legitimacy of supranational authority. As indicated above, legitimacy arises in the presence of an authority's conformity to expectations that people hold about the right way to exercise power.⁴² To some extent respecting national interests, autonomy, and values is something that people, especially those with high national identification, should expect from the EU. Indeed, the EU has promised to respect national identities, in particular as inherent in their fundamental political and constitutional structures (see preamble to the Treaty on the European Union and Article 4 of this treaty as well as the further respect inherent in the prin-

36 Michael A Hogg and Deborah J Terry, 'Social Identity and Self-Categorization Processes in Organizational Contexts' (2000) 25 *The Academy of Management Review* 121.

37 Denis Sindic and Stephen D Reicher, "'Our Way of Life Is Worth Defending': Testing a Model of Attitudes towards Superordinate Group Membership through a Study of Scots' Attitudes towards Britain' (2009) 39 *European Journal of Social Psychology* 114.

38 Liesbet Hooghe and Gary Marks, 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus' (2008) 39 *British Journal of Political Science* 1.

39 Boomgaarden and others (n 31); Laurent Licata, 'Representing the Future of the European Union: Consequences on National and European Identifications' (2003) 12 *Papers on Social Representations* 5.1.

40 Carey (n 27); Sandra Obradović and Jennifer Sheehy-Skeffington, 'Power, Identity, and Belonging: A Mixed-Methods Study of the Processes Shaping Perceptions of EU Integration in a Prospective Member State' (2020) 50 *European Journal of Social Psychology* 1425; Thomas Christin and Alexander H Trechsel, 'Joining the EU?: Explaining Public Opinion in Switzerland' (2002) 3 *European Union Politics* 415.

41 Sara B Hobolt and Sylvain Brouard, 'Contesting the European Union? Why the Dutch and the French Rejected the European Constitution' (2011) 64 *Political Research Quarterly* 309.

42 Schoon (n 9); Mark C Suchman, 'Managing Legitimacy: Strategic and Institutional Approaches' (1995) 20 *The Academy of Management Review* 571.

ciples of conferral, subsidiarity, and proportionality). In addition to these formal guidelines regarding the relation between the EU and its peoples, the protection of national sovereignty and identity is for many people a deeply engrained moral intuition.⁴³ When the EU threatens national power and values, it might thus breach mutual expectations about what the EU should do for its members states and member peoples, harming the relationship with its audience. This may in turn undermine the perceived legitimacy of the EU.

Following this line of reasoning, we propose that the relation between social identification and perceived legitimacy of the EU is influenced by the experience of threat to the nation. More specifically, the relation between national identification and legitimacy may depend on people's perception of threat because strong national identifiers are more likely to project national attributes on the EU.⁴⁴ Consequently, strong national identifiers will tend to feel more 'betrayed' when they perceive the EU to pose a threat to their country's interests. As indicated above, for people with a strong EU identification or people whose national identities are positively integrated into the EU identity (i.e., high dual identifiers), generally higher legitimacy perceptions are expected. Whether this relation further depends on the experience of threat remains an open question. On the one hand, high dual identifiers may be less influenced by threat to the nation because they have higher levels of attachment to the EU and accordingly are less affected by a perceived interference of the EU with their country. On the other hand, they may simultaneously have high levels of national identification, meaning that concerns about national power and values may also decrease their perceptions of EU legitimacy.

4.1.4 The present research

A survey study was conducted in six EU Member States. The main aims of this study were to examine (1) how different levels of social identification (i.e., national, EU, and dual) are related to the perceived legitimacy of the EU, and (2) whether experiencing the EU as a threat to the nation's power and/or sociocultural identity moderates these relations. We also aimed to obtain descriptive information on social identification and threat experiences among EU citizens. Considering the limitations of the Moreno question, we included not only this question but also other, validated scales of identification in the survey. As there were no specific expectations before data collection and analysis, this chapter provides an exploratory examination of social identity dynamics and threat in determining EU legitimacy perceptions.

43 Gilad Feldman, 'Personal Values and Moral Foundations: Examining Relations and Joint Prediction of Moral Variables' (2021) 12 *Social Psychological and Personality Science* 676.

44 Wenzel, Mummendey and Waldzus (n 32).

4.2 METHOD

4.2.1 Procedure

Data were collected via the online participant recruitment platform Prolific using a self-report questionnaire designed with Qualtrics software. This questionnaire was the same as the one administered for the study in Chapter 2, which focused on different measures in the questionnaire.⁴⁵ Based on nationality and the criterium to be fluent in English, 1200 individuals from Finland, France, Germany, Italy, the Netherlands, and Poland were invited to participate in the study. These countries were selected to cover a more or less balanced spread in terms of their political and economic power, geographical location, and date of accession. When individuals agreed to participate, they were directed to Qualtrics. Before starting the study, which took approximately ten minutes, participants provided informed consent. After the study, participants were thanked, debriefed, and redirected to Prolific, where they were reimbursed with £1. The study was approved by the Psychology Research Ethics Committee of the Faculty of Social Sciences at Leiden University. The data and materials are available at <https://osf.io/ejhyc/>.

4.2.2 Participants

Responses from a total of 1180 participants were recorded. The data of participants who failed to pass two attention checks ($n = 36$) or finished the study in less than five minutes ($n = 6$) were removed from the sample. Furthermore, two participants from Finland were removed from the sample due to missing data. This resulted in a final sample of 1136 participants from six nationalities ($M_{\text{age}} = 27.60$, $SD = 8.98$, 58.4% male). Participants were asked to indicate their political orientation on two scales ranging from 'Left' (1) to 'Right' (100) covering both an economic ($M = 43.47$, $SD = 26.47$) and social ($M = 28.11$, $SD = 24.46$) dimension of political orientation. As described in more detail and for each of the country subsamples separately in Supplementary Table 1 and Supplementary Figure 1 in the appendix to Chapter 4, participants were relatively young, highly educated, and politically oriented to the left.

⁴⁵ These items concerned personal and perceived EU values, and perceived legitimacy of the Court of Justice of the European Union.

4.2.3 Materials

4.2.3.1 National identification

National identification was measured using the social identity scale.⁴⁶ This validated scale assesses three components of social identity: self-categorization (3 items, e.g., 'I am like other [nationality] people'), group self-esteem (4 items, e.g., 'I feel good about [nationality] people'), and commitment to the group (3 items, e.g., 'I would like to continue belonging to [nationality] people'). The items were measured on a Likert scale ranging from 1 (not at all) to 7 (very much). For the current analyses, we used the composite of all items ($\alpha = .90$).

4.2.3.2 EU identification

EU identification was measured with the same ten items as national identification, adjusted to the EU identity (e.g., 'I am like other people in the EU'; $\alpha = .89$).

4.2.3.3 Dual identification

To measure dual identification, we used one item: 'I feel I belong to both [nationality] people and people in the EU', which was answered using a Likert scale ranging from 1 (not at all) to 7 (very much).

4.2.3.4 Moreno question

The Moreno question, derived from the Standard Eurobarometer, asked: 'Do you see yourself as:', with four answer categories: [nationality] only; [nationality] and European; European and [nationality]; and European only. These four answer options represent four levels of social identification. The first option concerns exclusive national identification; the second and third options both concern dual identification but differ in the precedence of either the national or EU identity; the final option concerns exclusive EU identification.

4.2.3.5 Threat to national power and sociocultural identity

We created 12 items to measure threat to national power and sociocultural identity. Items were answered on 7-point Likert scales ranging from 1 (strongly disagree) to 7 (strongly agree). An exploratory factor analysis revealed a two-factor solution (see Supplementary Table 2 in the appendix

46 Naomi Ellemers, Paulien Kortekaas and Jaap Ouwerkerk, 'Self-Categorisation, Commitment to the Group and Group Self-Esteem as Related but Distinct Aspects of Social Identity' (1999) 29 *European Journal of Social Psychology*.

to Chapter 4 for items and details of the analysis), one factor that could be interpreted as 'national power threat' and one factor that could be interpreted as 'sociocultural identity threat'. However, since these factors were strongly correlated ($r = .77$), since we had similar predictions for both types of threat, and to simplify the analyses, both scales were combined into one composite variable, i.e., 'threat to nation'. Additional regression analyses for the separate forms of threat showed highly similar results to the results of the analyses for the composite scale.⁴⁷

4.2.3.6 Perceived legitimacy

The perceived legitimacy of the EU was measured with nine items covering two subscales: institutional trust and felt duty to obey. We adapted four previously used items reflecting institutional trust and five items reflecting felt duty to obey.⁴⁸ Answers could be provided on 7-point Likert scales ranging from *strongly disagree* to *strongly agree*. We conducted exploratory principles axis factoring, using oblique promax rotation, to assess the factor structure (see Table 1).⁴⁹ A scree plot suggested that two factors should be retained. The final solution revealed one factor with four items to assess institutional trust (eigenvalue = 2.94; $\alpha = .90$) and one factor with six items to assess felt duty to obey (eigenvalue = 3.17; $\alpha = .91$). We therefore decided to run the regression analysis separately for both subscales.

47 There were two exceptions. First, the interaction effect of dual identification and threat on trust became significant in the model with sociocultural identity threat but not in the model with power threat (see Supplementary Tables 12 and 14 in the appendix to Chapter 4). Second, the interaction effect of national identification and threat on duty to obey was less strong in the model with threat to power than in the model with threat to sociocultural identity (see Supplementary Tables 13 and 15 in the appendix to Chapter 4). These differences were small but could indicate that social identification interacts stronger with experienced threat to national sociocultural identity than with experienced threat to national power.

48 Devon Johnson, Edward R Maguire and Joseph B Kuhns, 'Public Perceptions of the Legitimacy of the Law and Legal Authorities: Evidence from the Caribbean' (2014) 48 *Law & Society Review* 947.

49 Serena Carpenter, 'Ten Steps in Scale Development and Reporting: A Guide for Researchers' (2018) 12 *Communication Methods and Measures* 25.

Table 1. Oblique promax rotated factor loadings of a principal axis factor analysis of items measuring two subscales of legitimacy (i.e., felt duty to obey and institutional trust)

Item	Factor 1: Duty to obey	Factor 2: Trust		
1. I have confidence in the EU		.87*		
2. The EU is trustworthy		.99*		
3. The EU acts within the law		.77*		
4. Most EU civil servants do their job well		.70*		
5. People should obey laws made by the EU even if it goes against what they think is right	.81*			
6. People should obey laws made by the EU even if they will not be caught for breaking it	.61*	.17		
7. People should do what the EU tells them to do even if they disagree with it	.96*			
8. People should do what the EU tells them to do even if they don't like the way the EU treats them	.90*			
9. I feel I should accept the decisions made by the EU	.63*	.30		
Model fit indices				
TLI	RMSEA	χ^2	df	p
.95	.10	229.46	19	< .001

Note. Results from a three-factor solution revealed that a third factor had an eigenvalue lower than 1, hence two factors were retained. Factor loadings with an asterix indicate onto which final factors the item loaded, based on a recommended cut-off level of .32.⁵⁰

4.3 RESULTS

4.3.1 Identification and threat across countries

The average ratings of all levels of identification were relatively high, with EU identification ($M = 5.33$, $SD = 0.97$) being higher than national identification ($M = 4.83$, $SD = 1.14$). When looking at the country subsamples, a similar pattern was found for each of the identification dimensions (i.e., self-categorisation, group self-esteem, and group commitment) in each country subsample, except in the Finnish and Dutch samples (see Table 2). This means that on average, except for Finnish and Dutch participants, participants had a higher cognitive awareness of EU membership than national membership, a higher positive connotation to the EU than to the national

50 ibid.

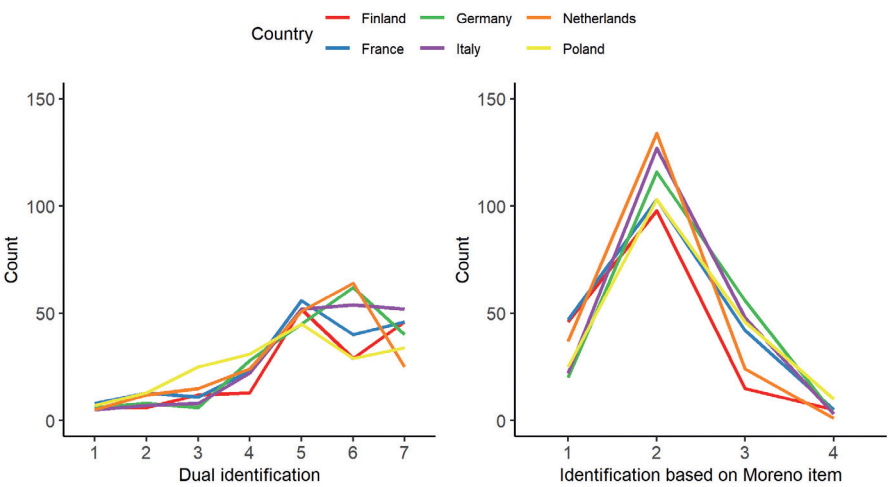
group, and a higher sense of emotional involvement with the EU than with the national group.

Table 2. Means and standard deviations in parentheses of three dimensions of national identification and EU identification and the composite score of these three dimensions in each country subsample

Variable	Country					
	Finland	France	Germany	Italy	Netherlands	Poland
Self-categorisation: national	4.39 (1.39)	4.03 (1.39)	3.71 (1.16)	3.71 (1.27)	4.34 (1.21)	3.58 (1.48)
Group self-esteem: national	5.87 (1.04)	5.09 (1.09)	5.22 (1.08)	5.06 (1.07)	5.66 (0.94)	4.37 (0.93)
Group commitment: national	5.86 (1.28)	5.22 (1.43)	5.26 (1.19)	5.09 (1.35)	5.59 (1.08)	4.27 (1.70)
Total national identification	5.42 (1.09)	4.81 (1.10)	4.78 (0.96)	4.66 (1.03)	5.24 (0.90)	4.11 (1.26)
Self-categorisation: EU	4.17 (1.29)	4.29 (1.45)	4.48 (1.30)	4.69 (1.31)	3.76 (1.35)	4.45 (1.37)
Group self-esteem: EU	5.77 (1.00)	5.57 (1.03)	5.89 (0.97)	5.88 (0.89)	5.63 (0.93)	5.33 (1.04)
Group commitment: EU	5.85 (1.21)	5.82 (1.24)	6.07 (1.02)	6.08 (1.09)	5.66 (1.13)	5.69 (1.16)
Total EU identification	5.32 (1.01)	5.26 (1.03)	5.56 (0.87)	5.58 (0.90)	5.08 (0.94)	5.17 (0.98)

Figure 1 compares the dual identification scores with the scores on the Moreno question, which measures four categories of dual identification. When only looking at the Moreno question, the findings suggest that across countries, a dual identification representation where national identity had precedence over EU identification was the most common identification (see Figure 1). Only a few participants, ten of which came from the Polish sample, identified exclusively with the EU ($n = 27$). Yet, when also considering the levels of dual identification ($M = 5.13$, $SD = 1.57$), it becomes clear that this does not imply that dual identification in general in the entire population was low. The descriptive statistics of both dual identification variables in all country subsamples are reported in Supplementary Table 3 in the appendix to Chapter 4.

Figure 1. Levels of dual identification and categories of identification based on the Moreno question

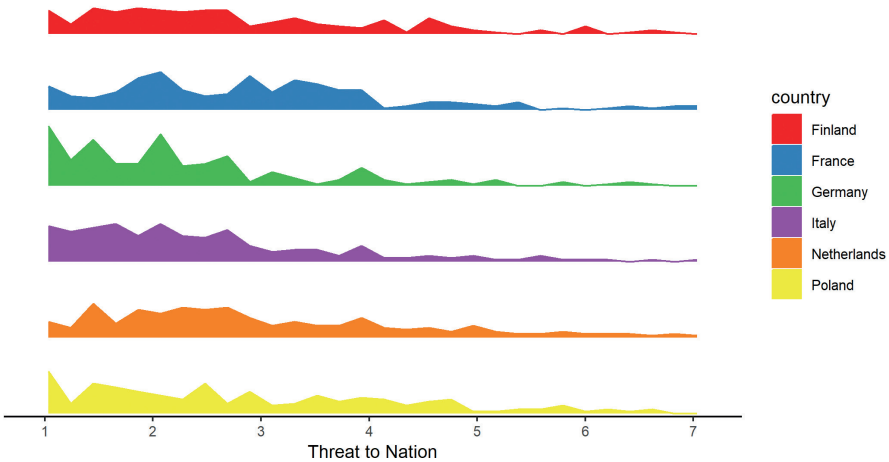


The distribution of the threat scores for all country subsamples are depicted in Figure 2 and reported in Table 3. The average ratings of threat scores in the entire sample suggest a fairly low level of threat to national sociocultural identity ($M = 2.42$, $SD = 1.25$), and a slightly higher level of threat to national power ($M = 2.98$, $SD = 1.51$). One-way analyses of variance (ANOVA) revealed small to medium significant differences between countries in power threat, $F(5, 1130) = 6.89$, $p < .001$, partial $\eta^2 = .03$, and identity threat, $F(5, 1130) = 9.539$, $p < .001$, partial $\eta^2 = .04$ (see Supplementary Tables 4 and 5 in the appendix to Chapter 4 for the results from Tukey HSD pairwise comparisons).

Table 3. Means and standard deviations in parentheses of perceived threat to national power and perceived threat to national sociocultural identity from the EU and the composite score of these two dimensions in each country subsample

Variable	Country					
	Finland	France	Germany	Italy	Netherlands	Poland
Threat to power	3.29 (1.54)	3.39 (1.53)	2.67 (1.47)	2.91 (1.49)	3.36 (1.55)	3.10 (1.61)
Threat to sociocultural identity	2.30 (1.34)	2.50 (1.35)	1.97 (1.14)	2.06 (1.19)	2.68 (1.46)	2.59 (1.44)
Total threat	2.80 (1.37)	2.95 (1.33)	2.32 (1.23)	2.48 (1.24)	3.02 (1.42)	2.84 (1.44)

Figure 2. Experienced threat to national power and sociocultural identity by the EU



The average rating of perceived legitimacy of the EU for the entire sample was 4.62 ($SD = 1.15$). An ANOVA on perceived legitimacy showed a small significant difference between countries, $F(5, 1130) = 5.35, p < .001$, partial $\eta^2 = .02$. Perceived legitimacy was lowest in the Polish sample ($M = 4.40, SD = 1.17$) and highest in the Italian sample ($M = 4.88, SD = 1.03$), $\Delta M = 0.48$, 95% CI $[-0.81, -0.15], p < .001$ (see Supplementary Table 6 in the appendix to Chapter 4 for the descriptive statistics of legitimacy in all country subsamples and the results from Tukey HSD pairwise comparisons). Another ANOVA showed a large significant difference on perceived legitimacy between categories of dual identification, $F(3, 1132) = 77.36, p < .001$, partial $\eta^2 = .17$. Exclusive national identifiers had lower legitimacy perceptions ($M = 3.84, SD = 1.33$) than dual identifiers with a precedence of the national identity ($M = 4.74, SD = 1.04$), $\Delta M = -1.21$, 95% CI $[-1.47, -0.96], p < .001$, and than dual identifiers with a precedence of the EU identity ($M = 4.99, SD = 0.97$), $\Delta M = -1.78$, 95% CI $[-2.09, -1.47], p < .001$.

To examine the relationships between the main variables, Pearson correlations were calculated (Table 4). These showed that perceived legitimacy had a small positive association with national identification and strong positive associations with EU and dual identification. National identification correlated higher with the duty to obey subscale of legitimacy, while EU and dual identification correlated higher with the trust subscale. Furthermore, power and sociocultural identity threat were strongly related to each other and negatively related to the perceived legitimacy of the EU.

Table 4. Pearson correlations between the main study variables

Variable	1	2	3	4	5	6	7	8	9
1. Age	-								
2. Political orientation economic	-.08**	-							
3. Political orientation social	.11***	.43***	-						
4. National identification	.15***	.08**	.18***	-					
5. EU identification	.04	-.16***	-.27***	.19***	-				
6. Dual identification	.04	-.11***	-.16***	.34***	.65***	-			
7. Threat to nation	.10***	.28***	.49***	.13***	-.58***	-.38***	-		
8. Perceived legitimacy: trust	-.05	-.14***	-.29***	.05	.63***	.50***	-.66***	-	
9. Perceived legitimacy: duty to obey	.04	-.12***	-.16***	.07*	.45***	.39***	-.50***	.66***	-
10. Perceived legitimacy: total	<.01	-.14***	-.24***	.06*	.58***	.48***	-.63***	.88***	.94***

Note. * $p < .05$. ** $p < .01$. *** $p < .001$.

With regard to the demographic variables, an ANOVA revealed small significant differences between different levels of education regarding perceived legitimacy, $F(1, 1134) = 32.10, p < .001, \eta_p^2 = .03$, although perceived legitimacy did not linearly increase with every higher level in education (see Supplementary Table 7 in the appendix to Chapter 4 for the results from Tukey HSD pairwise comparisons). Political orientation on both the economic and social dimension were negatively related to perceived legitimacy. Age was unrelated to perceived legitimacy.

4.3.2 Predicting legitimacy from identification and threat

We conducted two basic multiple linear regression models where the three types of identification (national, EU, dual) were regressed on the subscales of perceived legitimacy of the EU. To examine whether the relation between identification and legitimacy is moderated by threat to the nation, threat was included as an interaction term with each of the identification predictors. Since we were not interested in the question which variable could explain the most variance in the outcome variables, the models were not hierarchical. All continuous variables were mean-centred.

As some of the main variables (i.e., political ideology, EU identification, threat to the nation, institutional trust, felt duty to obey) were highly correlated, we conducted an overall factor analysis to test whether these variables were empirically distinct or loaded on the same dimension. The results confirmed that the items that measured the two subscales of

legitimacy loaded on a different factor than the items that measured EU identification and threat to the nation (see in the appendix to Chapter 4: Supplementary Figure 2 and Supplementary Tables 8 and 9). Trust was thus an indicator of legitimacy, and closer related to legitimacy than to EU identification. Political ideology loaded on the same factor as the items assessing threat to national power. Finally, multicollinearity was not an issue in any of the regression models (all VIF's > 1.12 and < 3.03).

Country was included as a control variable, as significant differences between countries on threat and legitimacy were found. We did not control for age, which was unrelated to legitimacy, nor for education, because differences between education levels on legitimacy were small and prior research suggested that education does not causally influence political attitudes about the EU.⁵¹ Controlling for political orientation on both economic and social dimensions resulted in negative regression coefficients for these variables, while they were positively correlated to both legitimacy subscales; the other regression weights remained similar. As this suggests a suppression effect, which may be caused by the high correlation with the threat variable, the political orientation control variables were removed from the analyses.

The model with institutional trust as outcome variable (see Supplementary Table 10 in the appendix to Chapter 4) had good predictive value, $F(12, 1124) = 121.10$, $p < .001$, adjusted $R^2 = .56$. It showed that institutional trust was positively predicted by EU identification, $b = 0.28$, 95% CI [0.22, 0.34], $SE = 0.03$, $p < .001$, and dual identification, $b = 0.13$, 95% CI [0.08, 0.19], $SE = 0.03$, $p < .001$, and negatively predicted by threat to the nation, $b = -0.44$, 95% CI [-0.49, -0.39], $SE = 0.03$, $p < .001$. In addition, it revealed an interaction effect between national identification and threat, $b = -0.07$, 95% CI [-0.10, -0.03], $SE = 0.02$, $p = .001$, indicating that the relation between national identification and institutional trust in the EU is different at different levels of threat (see Figure 3). Simple slope analyses showed that national identification was positively related to institutional trust when threat was low, 1 *SD* below the mean; $b = 0.07$, 95% CI [<0.01 , 0.13], $SE = 0.03$, $p = .04$, and negatively when threat was high, 1 *SD* above the mean; $b = -0.06$, 95% CI [-0.12, -0.01], $SE = 0.03$, $p = .03$. A *t* test for the difference between slopes of national identification for low and high threat confirmed that this was a small significant difference, $t(321) = 3.06$, $p = .002$, $d = 0.17$.

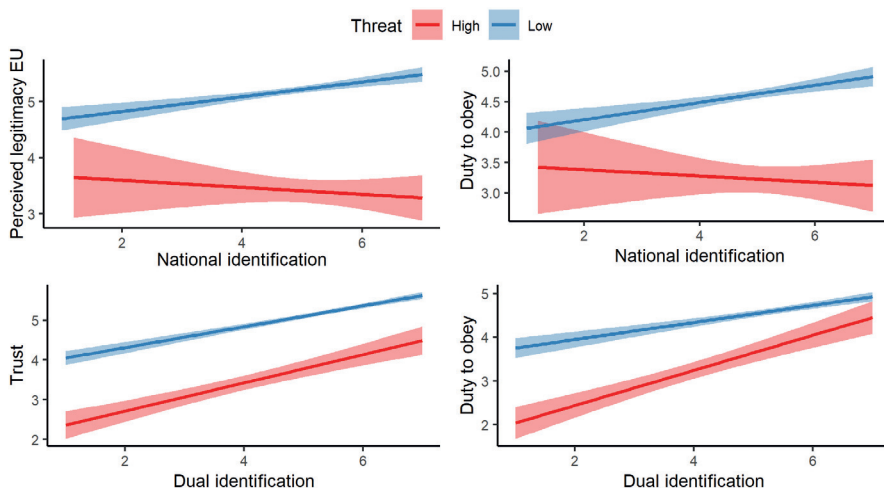
The model with felt duty to obey as outcome variable (see Supplementary Table 11 in the appendix to Chapter 4) also had good predictive value, $F(12, 1124) = 45.50$, $p < .001$, adjusted $R^2 = .32$. Like for institutional trust, felt duty to obey was positively predicted by EU identification, $b = 0.16$, 95% CI [0.09, 0.23], $SE = 0.04$, $p < .001$, and dual identification, $b = 0.11$, 95% CI [0.04, 0.18], $SE = 0.03$, $p = .001$, and negatively predicted by threat to the nation, $b = -0.35$, 95% CI [-0.41, -0.28], $SE = 0.03$, $p < .001$. In addition, it revealed

51 Sander Kunst, Theresa Kuhn and Herman G van de Werfhorst, 'Does Education Decrease Euroscepticism? A Regression Discontinuity Design Using Compulsory Schooling Reforms in Four European Countries' (2020) 21 *European Union Politics* 24.

interaction effects between national identification and threat, $b = -0.06$, 95% CI $[-0.10, -0.01]$, $SE = 0.02$, $p = .024$, and between dual identification and threat, $b = 0.11$, 95% CI $[0.04, 0.17]$, $SE = 0.03$, $p = .001$, indicating that the relations between national and dual identification and duty to obey are different at different levels of threat (see Figure 3). Simple slope analyses showed, similar as for trust, that national identification was positively related to duty to obey when threat was low, 1 SD below the mean; $b = 0.08$, 95% CI $[-0.01, 0.16]$, $SE = 0.04$, $p = .060$, and negatively when threat was high, 1 SD above the mean; $b = -0.03$, 95% CI $[-0.11, 0.04]$, $SE = 0.04$, $p = .370$. These slopes were however not significant, nor was the difference between them, $t(321) = 1.94$, $p = .053$, $d = 0.11$. Simple slope analysis for dual identification showed that it was only significantly positively related to duty to obey when threat was high, $b = 0.22$, 95% CI $[0.13, 0.31]$, $SE = 0.05$, $p < .001$, but not when threat was low, $b = 0.01$, 95% CI $[-0.09, 0.10]$, $SE = 0.05$, $p = .900$. The difference between these slopes was significant but small, $t(321) = 2.97$, $p = .003$, $d = 0.16$.

Additional analyses showed that most of the relations held in a robustness check conducted in the most left-oriented part of the sample.⁵²

Figure 3. Interactions between national/dual identification and threat to the nation on institutional trust and felt duty to obey



52 A robustness check was conducted among a subsample of participants who placed themselves on the far left regarding their political orientation (1 SD below mean on social political orientation) as these participants indicated the lowest levels of threat. As reported in Supplementary Table 16 in the appendix to Chapter 4, regression analyses on the composite scale of legitimacy showed that in this subsample, legitimacy was still negatively predicted by threat and positively predicted by EU identification. Compared to the main analyses reported in the main text, the relation between dual identification and legitimacy disappeared, just as the country differences. This suggests that, although people in the current sample were overall somewhat left-oriented and displayed only low-to-moderate levels of threat, higher threat was generally associated with lower legitimacy perceptions.

4.4 DISCUSSION

4.4.1 Findings and implications

With this study, we aimed to provide insight into the relation between different levels of national and EU identification and perceived legitimacy of the EU, taking into account the role of experienced threat to the nation's power and sociocultural identity. Identifying with the EU was positively related to perceived EU legitimacy, which extends previous studies showing that higher EU identification explains higher support for the EU.⁵³ Interestingly, national identification was also positively related to legitimacy, which may be explained by ingroup projection. High national identifiers are more likely to project ingroup characteristics on the superordinate EU category,⁵⁴ and may consequently perceive the EU as more legitimate because it aligns with national norms and values. This result may at first seem contradictory to prior findings that suggest that national identification leads to less trust in the EU.⁵⁵ Yet, these studies typically measure national identification as more or less exclusive from EU identification with the Moreno question, while we measured it as weak to strong identification with a continuous scale. Therefore, our results are not contradictory but complementary, indicating that only an exclusive form of national identification but not strong national identification as such undermines the perceived legitimacy of the EU.

However, our findings suggest that a strong national identity does not positively predict perceived legitimacy of the EU when the EU is seen as a threat to the nation. This effect was small but consistent with the idea that national identity is linked to legitimacy through ingroup projection processes, as threat jeopardizes the belief that the EU aligns with national norms and values and serves national interests. This finding may explain why earlier research findings on the relation between national identification and trust in the EU were mixed.⁵⁶ Our findings about national and EU identification are also interesting in light of research on the perceived legitimacy of international organizations more generally, which has found that legitimacy of these organizations is predicted by a global identification but not by national identification.⁵⁷ National identities may thus be more relevant to legitimacy perceptions of the EU than to those of other, less state-like forms of international collaboration.

Two implications of the suggested ingroup projection processes should be noted. First, ingroup projection dynamics may harm harmonious relations within the EU in several ways. When other groups (e.g., other Member

53 Chalmers and Dellmuth (n 22).

54 Bianchi and others (n 32); Wenzel, Waldzus and Steffens (n 32); Wenzel, Mummendey and Waldzus (n 32).

55 McLaren (n 28); Clark and Rohrschneider (n 28).

56 Boomgaarden and others (n 31); Carey (n 27).

57 Dellmuth and others (n 5).

States) claim to be part of the superordinate group (e.g., the EU), this can be perceived as an attempt to impose their values on the ingroup, which triggers threat.⁵⁸ In addition, groups which find themselves highly prototypical of the superordinate group (e.g., Germany) may be less open to diversity, which decreases inclusiveness of groups with diverse values.⁵⁹ Second, and related to the latter point, since people from larger and more powerful, or 'higher-status', Member States may engage more in ingroup projection, our findings may have been different if people from smaller and less powerful Member States would also have been included in the sample. In that case, national identification may be less positively related to legitimacy perceptions of the EU.

The results also provide new insights into the meaning of dual identification and how this form of identification relates to legitimacy. We found that national and EU identification are not mutually exclusive, consistent with prior findings.⁶⁰ Although the Moreno question showed that most participants with a dual identity identified first with their country and then with the EU, dual identification on the continuous measure was high and positively related to EU legitimacy perceptions. Exclusive national identifiers had the lowest legitimacy perceptions compared to the other dual identification categories, corroborating earlier findings that exclusive national identification leads to more negative attitudes towards the EU.⁶¹ It thus seems that the previous finding that some level of superordinate identity in combination with a high level of subgroup identity is sufficient to promote a sense of dual identity also applies to a superordinate EU identity.⁶² When participants experienced threat, high dual identifiers showed a stronger felt duty to obey the EU than low dual identifiers. No relation between dual identification and duty to obey was found when experienced threat was low. Although it should be noted that this effect was small and not found for the trust subscale of legitimacy, it may indicate that dual identification can positively predict perceived legitimacy of the EU even when threat to the nation is experienced. This could be because people whose self-concept includes positively integrated national and EU identities have different expectations from the EU than people with low dual identification. For example, they may be less concerned with interference of the EU with national interests, because they consider these as part of the larger EU interests and expect the EU to act in the interest of the EU as a whole.

58 Ángel Gómez and others, 'Responses to Endorsement of Commonality by Ingroup and Outgroup Members: The Roles of Group Representation and Threat' (2013) 39 *Personality and Social Psychology Bulletin* 419.

59 Wenzel, Waldzus and Steffens (n 32).

60 Boomgaarden and others (n 31).

61 Clark and Rohrschneider (n 28); Hooghe and Marks (n 27); McLaren (n 28).

62 Bernd Simon and Daniela Ruhs, 'Identity and Politicization among Turkish Migrants in Germany: The Role of Dual Identification' (2008) 95 *Journal of Personality and Social Psychology* 1354.

Finally, the experience of threat from the EU to national power and sociocultural identity was low, which may be attributed to certain aspects of the used sample, which consisted of relatively highly educated and liberal people, who identified on average stronger with the EU than with their country. Nevertheless, threat to one's nation was a strong, consistent, and universal (i.e., across counties) predictor of the perceived legitimacy of the EU. Few differences were found between the two types of threat examined. This suggests that power and sociocultural identity are both important aspects of the national identity which, when threatened, trigger defensive responses resulting in lower legitimacy perceptions of the EU. Thus, the nature of the threat experience, which may be driven by local political narratives, may not be as important as the general feeling of threat to national identity that seems to undermine perceived legitimacy in all countries examined here.

4.4.2 Limitations and future research

The large sample size with participants from different nationalities allowed us to explore social psychological processes underlying perceived legitimacy of the EU beyond country-level differences. Some limitations should be noted. First, as indicated, our sample was relatively young, well-educated, and oriented towards the political 'left', which may be due to our inclusion criterion of being fluent in English. At the same time, this limitation may strengthen our findings, as this may have provided a relatively conservative test, for the expected relations between threat and EU legitimacy were even found in a fairly EU-supportive sample. Nevertheless, future research should strive for more representative samples, also including citizens from other Member States. Especially considering the potentially complex intergroup relations based on the ingroup projection model, it would be interesting to further investigate the role of social identity for perceived EU legitimacy in countries that may be perceived as less prototypical of the EU.

With regard to measurements and operationalizations, our measurement of threat to the nation relied on participants' self-reports. This approach may have failed to capture more unconscious experiences of threat, and future research is well-advised to extend this study by employing other measures. For example, threat can be elicited with experimental manipulations,⁶³ and measured more directly by assessing cardiovascular reactivity.⁶⁴ In addition, there remains discussion about how to concep-

63 Rios, Sosa and Osborn (n 35).

64 Daan Scheepers and Naomi Ellemers, 'Stress and the Stability of Social Systems: A Review of Neurophysiological Research' (2018) 29 *European Review of Social Psychology* 340; Daan Scheepers and Naomi Ellemers, 'When the Pressure Is up: The Assessment of Social Identity Threat in Low and High Status Groups' (2005) 41 *Journal of Experimental Social Psychology* 192; Jim Blascovich and others, 'Perceiver Threat in Social Interactions with Stigmatized Others' (2014) 80 *Journal of Personality and Social Psychology* 253.

tualize and measure perceived legitimacy.⁶⁵ In the present study, we operationalized perceived legitimacy as institutional trust and felt duty to obey. Our findings suggest that although these subscales represent different dimensions of perceived EU legitimacy, they are generated by similar processes related to social identity. A notable difference, however, was that there seemed larger variation between countries on levels of institutional trust than on levels of felt duty to obey.

Another limitation is that the cross-sectional nature of the study limits us in interpreting the causality of the relationships. Although we conceptualized social identity and threat as predictors of perceived legitimacy of the EU, legitimacy perceptions may also influence identification and threat experiences.⁶⁶ Relatedly, due to the nature of our study, we could not investigate the role of political ideology in this process. Political ideology was so strongly related to threat, in particular to threat to national power, that including it in the regression model led to unstable estimates of the relationship between political ideology and legitimacy. Participants with a more right-oriented political ideology, both regarding economic and social issues, reported high levels of threat to their nation. This relation was so strong that in the overall factor analysis political ideology loaded on the same factor as threat to the nation's power. Prior research has shown that political orientation does not have a linear but rather a U-shaped effect on attitudes towards the EU, as the left and right ends of the political spectrum have shown greatest Euroscepticism, but with different underlying motives.⁶⁷ Importantly, however, adding political ideology did not remove the main and interaction effects in the regression models, suggesting that relationships between social identification and legitimacy are stable and not influenced by political ideology. It is for future studies with longitudinal and experimental designs to elucidate the relationship between political ideology and social identification in predicting legitimacy, and to define causes of experienced threat.

Finally, considering the large sample size, significant results were obtained for relatively small effects. Although small effects can make a large difference when they are integrated in well-informed interventions at the population level,⁶⁸ it is important to keep the relatively modest size of our effects and the exploratory nature of our study in mind when interpreting

65 Dellmuth and Schlipphak (n 5).

66 See for example Soetkin Verhaegen, Marc Hooghe and Ellen Quintelier, 'The Effect of Political Trust and Trust in European Citizens on European Identity' (2017) 9 *European Political Science Review* 161.

67 Hooghe and Marks (n 27); Marcel Lubbers and Peer Scheepers, 'Divergent Trends of Euroscepticism in Countries and Regions of the European Union' (2010) 49 *European Journal of Political Research* 787; Erika Van Elsas and Wouter Van der Brug, 'The Changing Relationship between Left-Right Ideology and Euroscepticism, 1973-2010' (2015) 16 *European Union Politics* 194.

68 Geoffrey L Cohen, Valerie Purdie-Vaughns and Julio Garcia, 'An Identity Threat Perspective on Intervention', *Stereotype threat: Theory, process, and application* (Oxford University Press 2012).

the results. Another issue that cannot be entirely ignored when interpreting some of the other (small) effects reported, is the issue of common method variance, meaning that some of the relationships may be due to their shared psychometric characteristics and response tendencies among participants, as most of the measures involved similar scales.

4.4.3 Conclusion

Safeguarding public perceived legitimacy is key for the effectiveness and sustainability of regional cooperation, such as in the EU. We hope that the current chapter provides a first step for more research on how social identity affects these perceptions. Our findings suggest that people's subjective experiences of a threat from the EU to their nation pose a risk to the perceived legitimacy of the EU. While a strong national identity in itself does not seem to harm perceived EU legitimacy, it may do so when people experience threat to their national identity. Successful integration of national identities within the superordinate EU identity may protect legitimacy when experienced threat is high. Taken together, it could be important to better recognize and respect national subgroups and their values in order to improve EU legitimacy. Yet, considering the exploratory nature of this study and the small effects, more research is needed to understand these processes and the potential pitfalls of promoting the EU as a superordinate group, and to investigate whether these social psychological processes are EU-specific or general and therefore informative for other models of regional integration across the world. It would also be important to imbue these studies with insights from political science and EU law to further optimize external validity and to inform possible interventions.

Affirmation of EU identity reduces perceived national identity threat and increases perceived legitimacy of the European Union

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ABSTRACT

Perceiving the European Union (EU) as a threat to their national identity can cause European citizens to call into question the legitimacy of the EU. Two preliminary studies ($n = 303$, $n = 150$) examined Dutch and French samples in different settings: one online and one in a real life setting. The data revealed that national identity threat is strongly related to lower perceived EU legitimacy, regardless of political ideology or type of threat activation. The main study tested whether national identity or EU identity affirmation can reduce national identity threat and increase perceived EU legitimacy, thereby extending group affirmation research to superordinate group contexts. A preregistered online experiment among individuals from twelve EU Member States ($n = 904$) revealed that affirmation of EU identity significantly reduced national identity threat and increased perceived EU legitimacy. National identity affirmation did not reduce national identity threat. Notably, not *strength*, but *content* of national identification moderated these effects.

1 Eva Grosfeld and others, 'Affirmation of EU Identity Reduces Perceived National Identity Threat and Increases Perceived Legitimacy of the European Union' (OSF, 29 November 2024) <<https://osf.io/ny3sz>>.

5.1 INTRODUCTION

When individuals experience the European Union (EU) as a threat to their national identity, they may delegitimize the EU as a strategy to uphold a positive and distinct social identity.² Since a decline in public legitimacy would have negative consequences for the EU's functioning and viability,³ it is crucial to examine how these feelings of threat can be reduced, especially considering the rise of right-wing populist politicians who portray the EU as a threat to national identity and sovereignty.⁴ In this chapter, we first examine the relation between national identity threat and perceived EU legitimacy among citizens from two EU Member States. We then propose and test affirmation of national identity and affirmation of EU identity as strategies to alleviate national identity threat. While group affirmation has proven an effective strategy to downregulate social identity threat,⁵ there has been little research on its potential in subgroup-superordinate group contexts,⁶ despite the increasing prevalence of these contexts due to migration, regional integration, and globalization. Therefore, the current research also contributes to a deeper understanding of group affirmation in these contexts.

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- 2 Eva Grosfeld and others, 'The Integration of Subgroups at the Supranational Level: The Relation between Social Identity, National Threat, and Perceived Legitimacy of the EU' (2022) 10 *Journal of Social and Political Psychology* 607.
 - 3 Thomas Sommerer and Hans Agné, 'Consequences of Legitimacy in Global Governance' in Jonas Tallberg, Karin Bäckstrand and Jan Aart Scholte (eds), *Legitimacy in global governance: Sources, processes, and consequences* (Oxford Academic 2018); Jonas Tallberg and Michael Zürn, 'The Legitimacy and Legitimation of International Organizations: Introduction and Framework' (2019) 14 *The Review of International Organizations* 581.
 - 4 Silke Adam and Michaela Maier, 'National Parties as Politicizers of EU Integration? Party Campaign Communication in the Run-up to the 2009 European Parliament Election' (2011) 12 *European Union Politics* 431; Magdalena Góra and Katarzyna Zielińska, 'Competing Visions: Discursive Articulations of Polish and European Identity after the Eastern Enlargement of the EU' (2019) 33 *East European Politics and Societies* 331; Aristotle Kallis, 'Populism, Sovereignism, and the Unlikely Re-Emergence of the Territorial Nation-State' (2018) 11 *Fudan Journal of the Humanities and Social Sciences* 285.
 - 5 See for example Belle Derks and others, 'The Threat vs. Challenge of Car Parking for Women: How Self- and Group Affirmation Affect Cardiovascular Responses' (2011) 47 *Journal of Experimental Social Psychology* 178; Demis E Glasford, John F Dovidio and Felicia Pratto, 'I Continue to Feel so Good about Us: In-Group Identification and the Use of Social Identity-Enhancing Strategies to Reduce Intragroup Dissonance' (2009) 35 *Personality and Social Psychology Bulletin* 415; David K Sherman and others, 'The Group as a Resource: Reducing Biased Attributions for Group Success and Failure via Group Affirmation' (2007) 33 *Personality and Social Psychology Bulletin* 1100.
 - 6 Cf. Laura Celeste and others, 'Self-Affirmation and Test Performance in Ethnically Diverse Schools: A New Dual-Identity Affirmation Intervention' (2021) 77 *Journal of Social Issues* 824.

5.1.1 National identity threat and perceived EU legitimacy

When groups are merged into a superordinate group – for example, by an organizational merger or by a new political entity that integrates nation states – people may experience a threat to their ‘old’ group identity. Although a new, shared identity can mitigate negative responses towards people from other groups,⁷ it may also lead to fears of losing the subgroup’s distinctiveness, cultural identity, or continuity if subgroup differences are minimized.⁸ According to social identity theory, people are motivated to achieve and maintain a positive and distinct social identity.⁹ Thus, in response to threat from a superordinate group, people tend to engage in strategies to protect their subgroup identities.¹⁰ For example, subgroup identity threat has shown to reduce identification with the superordinate group,¹¹ and increase defensive responses and resistance to it.¹²

In the context of European integration, the EU is a superordinate group that can elicit threat to national identities. Citizens may perceive the EU as a threat to national sociocultural identity due to its connotation with

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- 7 Samuel L Gaertner, John F Dovidio and Betty A Bachman, ‘Revisiting the Contact Hypothesis: The Induction of a Common Ingroup Identity’ (1996) 20 *International Journal of Intercultural Relations* 271.
 - 8 Mrilynn B Brewer, ‘When Contact Is Not Enough: Social Identity and Intergroup Cooperation’ (1996) 20 *International Journal of Intercultural Relations* 291; Jolanda Jetten, Anne O’Brien and Nicole Trindall, ‘Changing Identity: Predicting Adjustment to Organizational Restructure as a Function of Subgroup and Superordinate Identification’ (2002) 41 *British Journal of Social Psychology* 281.
 - 9 Henri Tajfel and John Turner, ‘An Integrative Theory of Intergroup Conflict’ in William G Austin and Stephen Worchel (eds), *The social psychology of intergroup relations* (Brooks/Cole 1979).
 - 10 Matthew J Hornsey and Michael A Hogg, ‘Subgroup Relations: A Comparison of Mutual Intergroup Differentiation and Common Ingroup Identity Models of Prejudice Reduction’ (2000) 26 *Personality and Social Psychology Bulletin* 242.
 - 11 Catherine E Amiot, Deborah J Terry and Blake M McKimmie, ‘Social Identity Change during an Intergroup Merger: The Role of Status, Similarity, and Identity Threat’ [2012] *Basic and Applied Social Psychology*; Deborah J Terry, Craig J Carey and Victor J Callan, ‘Employee Adjustment to an Organizational Merger: An Intergroup Perspective’ (2001) 27 *Personality and Social Psychology Bulletin* 267.
 - 12 Richard J Crisp, Catriona H Stone and Natalie R Hall, ‘Recategorization and Subgroup Identification: Predicting and Preventing Threats from Common Ingroups’ (2006) 32 *Personality and Social Psychology Bulletin* 230; Jolanda Jetten and Paul Hutchison, ‘When Groups Have a Lot to Lose: Historical Continuity Enhances Resistance to a Merger’ (2011) 41 *European Journal of Social Psychology* 335; Denis Sindic and Stephen D Reicher, ‘“Our Way of Life Is Worth Defending”: Testing a Model of Attitudes towards Superordinate Group Membership through a Study of Scots’ Attitudes towards Britain’ (2009) 39 *European Journal of Social Psychology* 114; Anouk Smeekes and Maykel Verkuyten, ‘Collective Self-Continuity, Group Identification and in-Group Defense’ (2013) 49 *Journal of Experimental Social Psychology* 984; *ibid.*

migration.¹³ In addition, the EU may be perceived as a threat to national autonomy and sovereignty,¹⁴ for example, because it has a supranational legal system that trumps all national laws, including national constitutions. Citizens may also fear losing their national identity altogether to a 'United States of Europe', in which nation states cease to exist.¹⁵

Prior research has linked national identity threat to lower support for EU membership,¹⁶ opposition to European integration,¹⁷ and lower perceived legitimacy of the EU.¹⁸ While these Eurosceptic responses may be an adaptive strategy for individuals to restore their positive social identity when facing perceived threats from the EU, they are ultimately maladaptive for fostering European cooperation. A decline in perceived EU legitimacy would in particular be dangerous to the EU's functioning and viability. Legitimacy – the belief that an authority has the right to exercise power – is a relatively stable form of support, which allows the EU to take decisions and secure compliance from citizens.¹⁹ If people delegitimize the EU as a way to cope with national identity threat, then a key question is how to mitigate national identity threat from the EU.

5.1.2 Group affirmation

A potential strategy to mitigate national identity threat is group affirmation. Research on group affirmation was inspired by self-affirmation theory, which poses that people can restore threats to their identity by affirming positive aspects of the self that are unrelated to the threatening domain.²⁰ When people have the opportunity to positively affirm their personal self, they maintain a positive self-view and become less defensive towards the source of threat. Extending self-affirmation theory, research has explored

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- 13 Claes H de Vreese and Hajo G Boomgaarden, 'Projecting EU Referendums: Fear of Immigration and Support for European Integration' (2005) 6 *European Union Politics* 59; Roy Konings, David De Coninck and Leen d'Haenens, 'The Role of European and National Identity and Threat Perceptions in Attitudes towards Immigrants' (2023) 31 *Journal of Contemporary European Studies* 446; Marcel Lubbers and Peer Scheepers, 'Explanations of Political Euroscepticism at the Individual, Regional and National Levels' (2007) 9 *European Societies* 643; Julie Van de Vyver and others, 'Brexit or Bremain? A Person and Social Analysis of Voting Decisions in the EU Referendum' (2018) 28 *Journal of Community & Applied Social Psychology* 65.
 - 14 Adam and Maier (n 4); Góra and Zielińska (n 4); Kallis (n 4).
 - 15 Richard J Crisp and Miles Hewstone, 'Multiple Social Categorization', *Advances in Experimental Social Psychology*, vol 39 (Academic Press 2007); Smeekes and Verkuyten (n 12).
 - 16 Sean Carey, 'Undivided Loyalties: Is National Identity an Obstacle to European Integration?' (2002) 3 *European Union Politics* 387; Sara B Hobolt and Sylvain Brouard, 'Contesting the European Union? Why the Dutch and the French Rejected the European Constitution' (2011) 64 *Political Research Quarterly* 309; Van de Vyver and others (n 13).
 - 17 Smeekes and Verkuyten (n 12).
 - 18 Grosfeld and others (n 2).
 - 19 Sommerer and Agné (n 3); Tallberg and Zürn (n 3).
 - 20 Claude M Steele, 'The Psychology of Self-Affirmation: Sustaining the Integrity of the Self' in Leonard Berkowitz (ed), *Advances in Experimental Social Psychology*, vol 21 (Elsevier 1988).

whether positively affirming one's *social* identity can also mitigate the negative consequences associated with identity threat. This strategy is called group affirmation.

Group affirmation research has demonstrated that it is possible to help people to cope with a threat to their ingroup by inviting them to focus on positive aspects of their group.²¹ This strategy pre-emptively protective or defensive responses because it fulfils the psychological need to have a positive social identity. Prior studies have shown that, in various contexts, group affirmation reduces social identity threat and mitigates associated responses, such as psychological discomfort, attribution bias, lower performance motivation, and prejudice against outgroups.²²

The effectiveness of group affirmation as a threat-reducing strategy may depend on the subjective meaning of the group for the individual in question. Prior research suggests that group affirmation may be particularly effective at reducing social identity threat among individuals who highly identify with their group, because the group is important to their self-concept. Conversely, group affirmation may be less effective for low identifiers, who may downplay the importance of their group membership as a threat-reduction strategy. Indeed, in single-group contexts, low identifiers were inclined to downregulate social identity threat by affirming their personal self instead of focusing on their group membership.²³

5.1.3 Group affirmation in superordinate group contexts

While group affirmation has been explored in a variety of contexts, there is little research on the potential of group affirmation in a situation where one's membership in a superordinate group threatens a subgroup identity. What makes this situation distinct and important is that the superordinate group is not only a source of threat, but can also serve as a source of positive identity. To illustrate, in the case of an organizational merger, employees might fear losing their pre-merger organizational identity, yet simultaneously feel proud of the enhanced status that the merger organization offers them. Making both identities salient and positive, and preserving their continuity, has shown to mitigate negative effects of an organizational merger and positively influence adjustment to the merger.²⁴ According to the Social

21 Sherman and others (n 5).

22 Derks and others (n 5); Belle Derks, Colette Van Laar and Naomi Ellemers, 'Working for the Self or Working for the Group: How Self- versus Group Affirmation Affects Collective Behavior in Low-Status Groups.' (2009) 96 *Journal of Personality and Social Psychology* 183; Glasford, Dovidio and Pratto (n 5); Sherman and others (n 5); Adrian J Villicana, Luis M Rivera and Donna M Garcia, 'When One's Group Is Beneficial: The Effect of Group-Affirmation and Subjective Group Identification on Prejudice' (2018) 21 *Group Processes & Intergroup Relations* 962.

23 Derks and others (n 5); Glasford, Dovidio and Pratto (n 5); Villicana, Rivera and Garcia (n 22).

24 Esther Van Leeuwen, Daan Van Knippenberg and Naomi Ellemers, 'Continuing and Changing Group Identities: The Effects of Merging on Social Identification and Ingroup Bias' (2003) 29 *Personality and Social Psychology Bulletin* 679; Hornsey and Hogg (n 10).

Identity Model of Organizational Change, adjustment to organizational change is promoted by both maintaining the pre-existing organizational identity and experiencing the gain of a new organizational identity.²⁵ Affirmation of the superordinate identity could, therefore, potentially also reduce identity threat.

Yet the only study that, to our knowledge, investigated group affirmation in a superordinate context was done in the context of stereotype threat among Black pupils in a British school.²⁶ However, unlike the situation of interest here, the superordinate identity in this prior study (British identity) was not the source of threat. This study can therefore not be compared to the intergroup situation investigated in the current research.

5.1.4 National identity versus EU identity affirmation

In this chapter, we compare the effectiveness of national identity affirmation versus EU identity affirmation at reducing national identity threat and increasing perceived EU legitimacy. While national identity tends to be the most salient geographical identity for individuals,²⁷ identification with the EU is in general also relatively high.²⁸ In addition, people could draw on various positive aspects of EU membership to gain a positive social identity. For example, the EU offers citizens protection of fundamental, democratic, and social rights, stands for common values, and enhances the relative power of their nation state at the global level. Therefore, both national and EU identity affirmation could provide people with other options besides the strategy of delegitimizing the EU to protect their national identity.

Additionally, we explore whether and how the effects of affirmation depend on *strength* and/or *content* of national identification. As indicated above, the impact of group affirmation may increase when identification with the threatened group is high, because then, the group is important to people's self-concept. For low national identifiers, other strategies might help them to maintain a positive social identity. For example, low-identifiers may prefer to focus on another, more positively valued group, or embrace their inclusion in another superordinate group.²⁹ Therefore, we examine the moderating impact of national identity strength.

In addition to the moderating effect of strength of national identification, we explore whether *content* of national identification influences the effects of affirmation. Prior research suggests that content of national identification – how people conceive of their country and national identity – is a

25 Neela S Mühlemann and others, 'Understanding Responses to an Organizational Take-over: Introducing the Social Identity Model of Organizational Change' (2022) 123 *Journal of Personality and Social Psychology* 1004.

26 Celeste and others (n 6).

27 Denis Sindic, 'Psychological Citizenship and National Identity' (2011) 21 *Journal of Community & Applied Social Psychology* 202.

28 Grosfeld and others (n 2).

29 Mathias Blanz and others, 'Responding to Negative Social Identity: A Taxonomy of Identity Management Strategies' (1998) 28 *European Journal of Social Psychology* 697.

better predictor of attitudes towards the EU than strength of national identification.³⁰ For example, a combination of high patriotism and low ethnic nationalism has been positively related to EU support, while a combination of high chauvinism and high ethnic nationalism has been negatively related to EU support.³¹ Patriotism refers to feelings of pride about one's country, while chauvinism refers to the feeling of national superiority over other countries or cultures. Ethnic nationalism refers to the belief that national identity is defined by having a common ancestry. This can be contrasted with civic nationalism, which defines national identity as having common political institutions and principles. In this chapter, we explore whether national identity profiles, based on these four dimensions, moderate the effect of affirmation strategy on national identity threat and perceived EU legitimacy. As these analyses were explorative, we have no hypotheses about the moderating effect of national identification content.

5.1.5 The present research

We first conducted two preliminary studies to extend prior correlational findings on the relation between national identity threat and perceived EU legitimacy. We furthermore examine the causal pathway by experimentally inducing national identity threat to see whether this negatively affects perceived EU legitimacy. The key results of these preliminary studies are reported in the next section. The main study was an online, preregistered experiment testing the impact of national and EU identity affirmation manipulations against a control condition (no affirmation). Deviations from the preregistration will be reported. The study materials, data files, codebook, and analysis code for all studies can be found on OSF at <https://osf.io/u4jyh/>. The research was approved by the Ethics and Data Committee of Leiden Law School.

5.2 PRELIMINARY STUDIES

In two preliminary studies, we first established the effect of national identity threat on perceived EU legitimacy. Preliminary Study 1 was an online study conducted in a convenience sample of 305 French and Dutch individuals. Preliminary Study 2 was conducted in a more ecologically valid sample of 150 Dutch individuals, during the national elections for the Dutch national

30 Hajo G Boomgaarden and others, 'Mapping EU Attitudes: Conceptual and Empirical Dimensions of Euroscepticism and EU Support' (2011) 12 *European Union Politics* 241; Liesbet Hooghe and Gary Marks, 'Does Identity or Economic Rationality Drive Public Opinion on European Integration?' (2004) 37 *PS: Political Science & Politics* 415; Liesbet Hooghe and Gary Marks, 'Calculation, Community and Cues: Public Opinion on European Integration' (2005) 6 *European Union Politics* 419.

31 Julian Aichholzer, Sylvia Kritzinger and Carolina Plescia, 'National Identity Profiles and Support for the European Union' (2021) 22 *European Union Politics* 293; Leonie Huddy, Alessandro Del Ponte and Caitlin Davies, 'Nationalism, Patriotism, and Support for the European Union' (2021) 42 *Political Psychology* 995.

parliament, in November 2023. Both studies used two types of prompts to induce national identity threat by presenting information about the primacy of EU law (written in Study 1 and video/ audio recorded in Study 2),³² and compared responses to these manipulations to a control condition. Both studies assessed self-reported national identity threat (six items) and perceived EU legitimacy (single item in Study 1, eight items in Study 2). Study 2 also assessed strength of national identification, to explore the relations between national identification, national identity threat, and perceived EU legitimacy. Detailed information on the samples, methods, and results are reported in the appendix to Chapter 5. The means and standard deviations of national identity threat and perceived EU legitimacy across demographic groups are presented in Supplementary Tables 1 and 3 in the appendix to Chapter 5.

The results of Preliminary Study 1 showed that perceived EU legitimacy was lower after both threat manipulations ($M = 6.20$, $SD = 2.09$; $M = 6.36$, $SD = 2.24$) compared to the control condition ($M = 6.54$, $SD = 1.95$). A One-way Analysis of Variance (ANOVA) revealed that these means were not significantly different, $F(2, 300) = 0.64$, $p = .528$, $\eta^2 < .01$. A multiple linear regression analysis showed that self-reported national identity threat was a significant predictor of perceived EU legitimacy, controlling for nationality and political ideology, $b = -1.09$, $SE = .06$, 95% CI = $[-1.21, -0.96]$, $p < .001$, $\eta^2 = .45$ (see Supplementary Table 2 in the appendix to Chapter 5 for details).³³

As in Preliminary Study 1, we conducted a linear regression analysis with the data of Preliminary Study 2.³⁴ While controlling for political ideology – participants indicated for which party they had voted, which constituted the measure of political ideology – perceived EU legitimacy was significantly predicted by self-reported national identity threat, $b = -0.64$, $SE = .07$, 95% CI = $[-0.78, -0.50]$, $p < .001$, $\eta^2 = .18$ (see Supplementary Table 4 in the appendix to Chapter 5 for details). National identity threat was a

32 This legal principle entails that any norm of EU law trumps any norm of national law, including the national constitution. Consequently, when there is a conflict between EU law and national law, national judges are obliged to disapply the national rule and let the EU rule prevail, even if this means disapplying the national constitution or core national values.

33 The plotted data showed that perceived EU legitimacy declined with more right-wing political ideology, $\rho = -.18$, $p = .001$, but that there was a declining trend on the left-wing side as well, suggesting a negative quadratic relation. This is consistent with prior work showing that the relationship between political orientation and euroscepticism is U-shaped with an increasing trend of euroscepticism on the right-wing scale-end over time, Erika J Van Elsas and Wouter Van der Brug, 'The Changing Relationship between Left-Right Ideology and Euroscepticism, 1973–2010' (2015) 16 *European Union Politics* 194. As the R^2 increase of the model including political orientation as a polynomial predictor explained only an additional 1% of the variance, we added political ideology as a linear predictor.

34 The effect of experimental manipulation on perceived EU legitimacy is not reported, due to a failed manipulation check: the threat manipulation did not significantly increase self-reported national identity threat, $F(2, 147) = 0.77$, $p = .463$, $\eta^2 = .01$. This might be explained by that the sample may have been too small to detect small effects of the manipulation, or a video may have been less ideal to induce threat compared to a written text manipulation, possibly because when watching a video, participants cannot process the information at their desired speed.

significant negative predictor of all dimensions of perceived EU legitimacy (see Supplementary Table 5 in the appendix to Chapter 5). Furthermore, the plotted data and Spearman correlations showed that national identification was not linearly and not significantly related to national identity threat, $\rho = .06$, $p = .452$, nor to perceived EU legitimacy, $\rho = .09$, $p = .284$. This finding suggests that strength of national identification does not reliably predict the degree to which people experience a threat to their national identity from the EU or how legitimate they find the EU. Therefore, in the main study we explore the possibility that not strength of national identification predicts these outcomes, but that the different meanings people give to their national identity are a more powerful predictor and therefore explain why strength of national identification was found to be unrelated.

5.3 MAIN STUDY

5.3.1 Method

In both preliminary studies, perceived EU legitimacy was significantly predicted by self-reported national identity threat, regardless of sample nationality (Dutch or French), political context (close/distant to national elections), or political ideology. The aim of our main study is to test whether national identity threat can be reduced and perceived EU legitimacy can be increased by affirmation of national identity (subgroup) or EU identity (superordinate group). To achieve this goal, we conducted an online experiment among individuals from twelve EU Member States. The study had a 3-condition between-participants design, where participants were randomly assigned to a control condition (no affirmation), a national identity affirmation condition, or an EU identity affirmation condition. There were two dependent variables: national identity threat and perceived EU legitimacy. We also tested the moderating effect of strength and content of national identification on the effect of affirmation strategy on the dependent variables. The study was preregistered on <https://osf.io/2k6cw>. As can be read in the preregistration, it was expected that both affirmation strategies would reduce national identity threat and increase perceived EU legitimacy compared to the control condition. It was also anticipated that these effects would be stronger for high national identifiers after affirming the national identity and for low national identifiers after affirming the EU identity. There were no hypotheses for the moderating effect of content of national identification. We explored this possibility by creating distinct content categories (i.e., 'national identity profiles') based on a latent profile analysis with four national identity dimensions (i.e., civic nationalism, ethnic nationalism, patriotism, and chauvinism), revealing three national identity profiles: non-nationalists, inclusive nationalists, and exclusive nationalists (see Measures for this analysis).

5.3.1.1 Participants

Given the absence of similar tests of affirmation in the context of national identity threat, we calculated the desired sample size based on a small effect size of Cohen's $D = .2$. An a priori power analyses in G*Power showed that a sample size of 863 participants would be required to detect small effects, assuming high statistical power (.95) and an alpha of .05. Participants were recruited on Prolific. Individuals who had participated in Preliminary Study 1 were excluded from participation. The sample comprised 904 participants (age: $M = 31.44$, $SD = 10.49$, 18-76; 56.9% male, 41.2% female, 1.9% non-binary or gender not indicated) from twelve EU Member States (Austria, Belgium, France, Germany, Greece, Ireland, Italy, Netherlands, Poland, Romania, Slovenia, Sweden). These Member States were selected to ensure a diverse representation of Member States with regards to geographical location, population size and time of accession to the EU. The sample was on average highly educated (27.2% had received low education, 10.8% medium education, and 61.7% high education), and 35.0% of the participants was a student. 18.6% of the participants lived in a rural area or small village, 42.4% in a small or medium-sized city, and 39.0% in a large city. Participants were slightly more left-oriented on the political spectrum ($M = 37.90$, $SD = 23.62$). Average subjective socioeconomic status was slightly higher than the mean of the scale ($M = 5.85$, $SD = 1.51$).

5.3.1.2 Procedure

After indicating their nationality, participants were directed to a page where they could complete the study in their native language. We first measured subjective socioeconomic status, political ideology, strength of national identification, and the four dimensions of national identity. National identity threat was then induced in all experimental groups, to better test the effects of affirmation strategy. Participants read a fictional newspaper article, which was based on a real article, that explained how the European Parliament voted for the codification of the principle of primacy in the Treaties. As the video manipulation in Preliminary Study 2 was less successful at inducing national identity threat than the text manipulation in Preliminary Study 1, we used the text manipulation but aimed to further strengthen it by connecting primacy of EU law to rules about migration, which was a highly salient social issue across Europe at the time of data collection. We expected that emphasizing primacy in the field of migration would lead to stronger feelings of national identity threat because intra- and extra-EU migration has been shown to trigger national identity threat.³⁵

35 de Vreese and Boomgaarden (n 13); Konings, De Coninck and d'Haenens (n 13); Lubbers and Scheepers (n 13); Johannes Ullrich, Oliver Christ and Elmar Schlüter, 'Merging on Mayday: Subgroup and Superordinate Identification as Joint Moderators of Threat Effects in the Context of European Union's Expansion' (2006) 36 *European Journal of Social Psychology* 857; Van de Vyver and others (n 13).

Next, participants were randomly assigned to one of the two affirmation strategies or to the control condition. The national identity affirmation focused on positive elements of the national identity, and emphasized that these are valued within the EU. In contrast, the EU identity affirmation condition emphasized the shared values of the common EU identity. Thus, while the goal of national identity affirmation was to restore the positive value and distinctiveness of the national identity, EU identity affirmation aimed to recognize the positive value of the EU identity (see Table 1 for the instructions participants received, translated to English).

Table 1. Instructions of national identity and EU identity affirmation strategies

National identity affirmation	EU identity affirmation
As you read in the newspaper article, EU laws will always win from national laws if there is a conflict between them. The EU, however, is also obligated to respect the national identities of the Member States. In this way, EU law offers protection to core parts of your national identity. Elements of the [nationality] identity are listed below. We would like to know which of these elements are most important to you. Please take a look at the elements in the list and rank them according to their importance to you. You can do this by dragging the elements in your preferred order, such that your most important element is on top of the list, and your least important element is on the bottom of the list.	As you read in the newspaper article, EU laws will always win from national laws if there is a conflict between them. The EU, however, is also obligated to respect the European values, which are common to the Member States. In this way, EU law offers protection to your shared European values. These values are listed below. We would like to know which of these values are most important to you. Please take a look at the values in the list and rank them according to their importance to you. You can do this by dragging the values in your preferred order, such that your most important value is on top of the list, and your least important value is on the bottom of the list.
1. [Nationality] traditions such as (...) 2. [Nationality] holidays such as (...) 3. [Nationality] values such as (...) 4. The [nationality] language(s) 5. The [nationality] flag 6. Conditions for [nationality] citizenship 7. The [nationality] form of government 8. Other (specific to each nationality)	1. Europe's shared history and cultural heritage 2. The continent's unique nature and environment 3. The melting pot of European cultures 4. The EU's multilayered representative democracy 5. The principle of equality between member states and nationalities 6. Protection of fundamental human rights and human dignity 7. Solidarity between EU countries in times of crisis (helping those countries in need) 8. The freedom to live and work everywhere in the EU
Now look at the element that is ranked on top of your list. Please elaborate in a few sentences, or give an example of, why this element makes you proud to be [nationality].	Now look at the element that is ranked on top of your list. Please elaborate in a few sentences, or give an example of, why this element makes you proud to be an EU-citizen.

Participants in both conditions were provided with a list of eight elements. The list of national identity elements was adapted to participants' nationality. Each participant thus ranked a list of eight elements that are typical to their national identity, in their national language (e.g., '[national] holidays such as [...]; [national] traditions such as [...]; 'the [national] flag') (see the appendix to Chapter 5 for these lists). In contrast, participants in the EU identity affirmation condition read that, by EU law, the EU is obligated to respect European values. They were provided with a list of eight of these values (e.g., 'protection of fundamental human rights and human dignity'; 'Europe's shared history and cultural heritage'; 'the freedom to live and work everywhere in the EU'), asked to rank their importance, and to explain why the element on top of their list makes them proud to be an EU citizen. Participants in the control condition did not participate in an affirmation task.

After this, national identity threat and perceived EU legitimacy were measured. At the end of the study, participants were debriefed and redirected to Prolific where they were appropriately reimbursed for their participation.

5.3.1.3 Measures

Subjective socioeconomic status was measured through the MacArthur Scale of Subjective Social Status on a scale from 1 to 10 where a higher score represents higher subjective socioeconomic status.³⁶ Other demographic information (age, gender, education, student status, ethnicity) was retrieved from Prolific. To measure political ideology, participants indicated their political orientation on a scale running from 1 (left/progressive) to 100 (right/conservative).

Strength of national identification was assessed with the 10 group-level self-investment items of the in-group identification scale.³⁷ These items measured the sub-scales solidarity (three items; e.g., 'I feel a bond with Dutch people'), satisfaction (four items; e.g., 'It is pleasant to be Dutch'), and centrality (three items; e.g., 'Being Dutch is an important part of how I see myself'). Internal consistency of the total scale was high ($\alpha = .93$). For descriptive purposes, these sub-scales were also measured for EU identity.

Content of national identification was measured with four dimensions of national identity, each with a single item: ethnic nationalism ('For being a true [national], it is important to be of [national] descent'), civic nationalism ('For being a true [national], it is important to speak the [national] language(s) and respect [national] political institutions and laws'), patrio-

36 Elizabeth Goodman and others, 'Adolescents' Perceptions of Social Status: Development and Evaluation of a New Indicator' (2001) 108 *Pediatrics* e31.

37 Colin Wayne Leach and others, 'Group-Level Self-Definition and Self-Investment: A Hierarchical (Multicomponent) Model of in-Group Identification.' (2008) 95 *Journal of Personality and Social Psychology* 144.

tism ('I am proud of [country]'), and chauvinism ('Generally speaking, [country] is a better country than most other countries'). All items were answered on a 7-point Likert scale ranging from *strongly disagree* to *strongly agree*. Based on these dimensions, we estimated the national identity profiles through latent profile analysis (LPA) using the tidyLPA package in R.³⁸ This analysis revealed three meaningful profiles (see the appendix to Chapter 5 for details). Profile 1 ($n = 463$) was characterized by low levels of all national identity dimensions, meaning that participants in this class scored below the mean of all variables. This class was therefore labelled 'non-nationalists'. Profile 2 ($n = 207$) was characterized by positive levels of chauvinism and civic nationalism, but a highly negative level of ethnic nationalism. Participants in this class thus believe their country is in general better than other countries, but do not believe that a true nationalist is being defined by having national descent. We labelled them 'inclusive nationalists'. In contrast, participants in profile 3 ($n = 234$) had high positive levels of ethnic nationalism and scored high on the other dimensions as well, making them 'exclusive nationalists'.

National identity threat was measured with six items (e.g., 'In the European Union, the [nationality] way of life is preserved', '[country] might lose part of its identity due to the European Union') on 7-point Likert scales ranging from *totally disagree* to *totally agree*. Some items were reverse-coded. Internal consistency of the scale was high ($\alpha = .89$).

Perceived EU legitimacy was measured with eight items, capturing trust in the EU, perceived morality of the EU, perceived lawfulness of the EU, and felt duty to obey the EU. All items were answered on 7-point Likert scales ranging from *strongly disagree* to *strongly agree*. Internal consistency of the scale was high ($\alpha = .95$).

5.3.2 Results

5.3.2.1 Preliminary analyses

Table 2 shows the descriptive statistics of and correlations between national identification, the national identity dimensions, national identity threat, and perceived EU legitimacy. There were small positive relationships between national identification on the one hand and national identity threat and perceived EU legitimacy on the other hand. Of the national identity dimensions, ethnic nationalism was most positively related to national identity threat and it was the only dimension that was negatively related to perceived EU legitimacy. National identity threat was highest among exclusive nationalists ($M = 4.02$, $SD = 1.22$), followed by anti-nationalists ($M = 3.40$, $SD = 1.20$), and lowest among inclusive nationalists ($M = 3.12$,

38 Joshua Rosenberg and others, 'tidyLPA: An R Package to Easily Carry out Latent Profile Analysis (LPA) Using Open-Source or Commercial Software' (2018) 3 Journal of Open Source Software 978.

$SD = 1.25$). Perceived EU legitimacy was highest among inclusive nationalists ($M = 4.95, SD = 1.15$), followed by anti-nationalists ($M = 4.60, SD = 1.18$), and lowest among exclusive nationalists ($M = 4.56, SD = 1.33$). See Supplementary Table 6 in the appendix to Chapter 5 for the descriptive statistics of the main variables across nationality. Supplementary Table 7 reports the descriptive statistics of the identification sub scales for both national and EU identity. More right-wing political orientation was associated with higher national identity threat ($r = .43, p < .001$) and lower perceived EU legitimacy ($r = -.31, p < .001$). Higher subjective socioeconomic status was associated with lower national identity threat ($r = -.08, p = .016$) and higher perceived EU legitimacy ($r = -.20, p < .001$).

Table 2. Means, standard deviations, and correlations for study variables

	1	2	3	4	5	6	7
1. National identification							
2. Ethnic nationalism	.33***						
3. Civic nationalism	.28***	.32***					
4. Patriotism	.74***	.29***	.26***				
5. Chauvinism	.36***	.15***	.30***	.43***			
6. National identity threat	.12***	.38***	.18***	.12***	.13***		
7. Perceived EU legitimacy	.10**	-.19***	-.02	.11***	.03	-.69***	
M	4.52	3.09	4.91	4.32	4.29	3.50	4.67
SD	1.24	1.78	1.63	1.63	1.63	1.26	1.22

Note. ** $p < .01$, *** $p < .001$.

5.3.2.2 Main effects of affirmation strategy

An ANOVA with affirmation strategy as independent variable and national identity threat as dependent variable showed a main effect of affirmation strategy, $F(2, 901) = 5.58, p = .004, \eta^2 = .01$. A Tukey’s test of honestly significant difference (HSD) showed that national identity threat was significantly lower in the EU identity affirmation condition ($M = 3.33, SD = 1.24$) than in the control condition ($M = 3.67, SD = 1.26$), 95% CI [-0.57, -0.10], $p = .003$. Although national identity threat was also lower in the national identity affirmation condition ($M = 3.46, SD = 1.25$) than in the control condition, this difference was not significant, 95% CI [-0.44, 0.03], $p = .107$.

The ANOVA with perceived EU legitimacy as dependent variable showed a main effect of affirmation strategy, $F(2, 901) = 3.84, p = .022, \eta^2 = .01$. EU identity affirmation led to significantly higher perceived EU legitimacy

($M = 4.84$, $SD = 1.20$) compared to the control condition ($M = 4.59$, $SD = 1.23$), 95% CI [0.02, 0.48], $p = .029$. Perceived EU legitimacy in the national identity affirmation condition ($M = 4.61$, $SD = 1.21$) was also higher than in the control condition, but not significantly, 95% CI [-0.21, 0.25], $p = .974$.

Exploratively, we ran separate ANOVA's with each subdimension of perceived EU legitimacy as dependent variable. Interestingly, there were no main effects of affirmation strategy on perceived lawfulness of the EU, $F(2, 901) = 2.62$, $p = .073$, $\eta^2 = .01$, nor on a felt duty to obey, $F(2, 901) = 1.47$, $p = .232$, $\eta^2 < .01$. There were main effects on trust in the EU, $F(2, 901) = 4.83$, $p = .008$, $\eta^2 = .01$, and perceived morality of the EU, $F(2, 901) = 4.81$, $p = .008$, $\eta^2 = .01$. Affirmation of EU identity significantly increased trust in the EU and perceived morality of the EU as compared to both the control condition and affirmation of the national identity (see Supplementary Table 8 in the appendix to Chapter 5 for details of Tukey HSD comparisons).

5.3.2.3 Moderation of national identification strength

To analyse whether the effects of affirmation strategy on national identity threat and perceived EU legitimacy were moderated by strength of national identification, we ran two multiple linear regression models with the interaction between affirmation strategy (dummy-coded, reference category = control condition) and national identification.³⁹ In all regression models, nationality (dummy-coded, reference category = Austria) and political orientation were added as control variables. Subjective socioeconomic status was not controlled for to avoid overfitting and because adding it as a predictor to the models did not significantly increase the variance explained. Numeric independent variables were mean-centred.

The model with national identity threat as dependent variable (see Supplementary Table 9 in the appendix to Chapter 5 for details) showed that, relative to the control condition, national identity threat was significantly lower in the national identity affirmation condition ($\beta = -0.24$, $SE = .09$, $p = .010$) and in the EU identity affirmation condition ($\beta = -0.39$, $SE = .09$, $p < .001$). There was no main effect of national identification ($\beta = 0.04$, $SE = .05$, $p = .414$). The contrasts between the slopes of national identification across different levels of affirmation strategy revealed no significant differences (correcting for multiple comparisons using Tukey, see Supplementary Table 10 in the appendix to Chapter 5), indicating that there was no moderating effect of strength of national identification.⁴⁰

39 Here, we deviated from the preregistered analysis, which originally regressed the dependent variables on the contrast between national affirmation and EU affirmation. Instead, we opted to regress them on affirmation strategy, including all three categories. This deviation was motivated by our interest in understanding the effects of the affirmation strategies relative to the control condition.

40 The contrasts were not significant either when we exploratively included each of the national identification subscales (i.e., solidarity, satisfaction, solidarity) instead of the composite scale in the regression model.

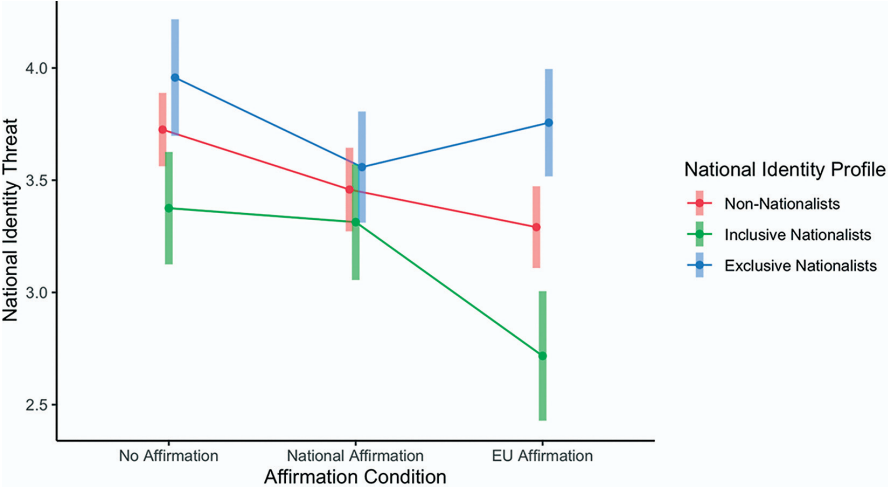
The model with perceived EU legitimacy as dependent variable (see Supplementary Table 11 in the appendix to Chapter 5 for details) showed that, relative to the control condition, perceived EU legitimacy was significantly higher in the EU identity affirmation condition ($\beta = 0.26$, $SE = .09$, $p = .005$) but not in the national identity affirmation condition ($\beta = 0.01$, $SE = .09$, $p = .935$). National identification positively predicted perceived EU legitimacy ($\beta = 0.151$, $SE = .05$, $p = .003$). Again, the slopes of national identification across different levels of affirmation strategy were not significantly different (correcting for multiple comparisons using Tukey, see Supplementary Table 12 in the appendix to Chapter 5), indicating that there was no moderating effect of strength of national identification.

5.3.2.4 Moderation of national identification content

To analyse whether content of national identification moderates the effects of affirmation strategy on national identity threat and perceived EU legitimacy, we ran two regression models including the interaction between affirmation strategy and national identity profile. The regression models were similar as to those described above.

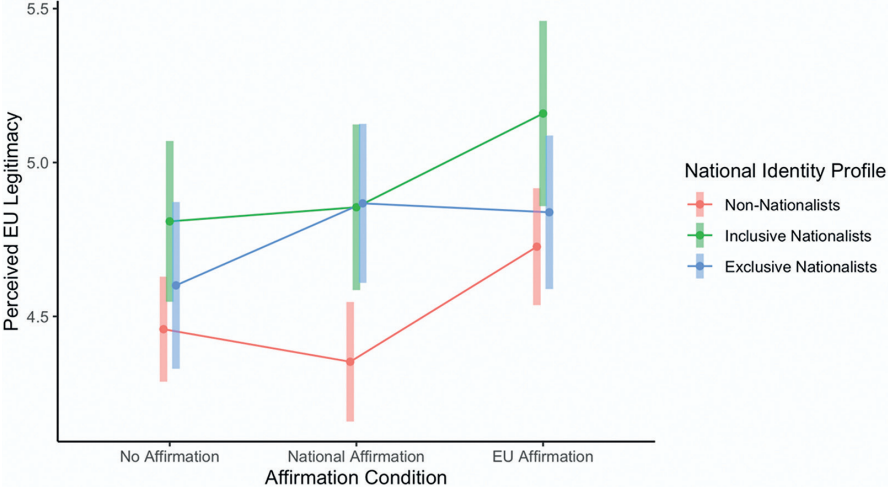
Regarding the model with national identity threat as dependent variable (see Supplementary Table 13 in the appendix to Chapter 5 for details), national identity threat was significantly lower in both the national identity affirmation condition ($\beta = -0.27$, $SE = .12$, $p = .032$) and in the EU identity affirmation condition ($\beta = -0.43$, $SE = .12$, $p < .001$) than in the control condition. As depicted in Figure 1, these effects were moderated by national identity profile. Simple effects correcting for multiple comparisons using Tukey showed that, relative to the control condition, EU identity affirmation most strongly reduced national identity threat among inclusive nationalists, $b = -0.66$, $SE = 0.19$, $t(883) = -3.45$, $p = .002$, followed by non-nationalists, $b = -0.43$, $SE = 0.12$, $t(883) = -3.52$, $p = .001$, but that it did not reduce national identity threat among exclusive nationalists, $b = -0.20$, $SE = 0.17$, $t(883) = -1.14$, $p = .488$. In addition, among inclusive nationalists, national identity threat was significantly lower in the EU identity affirmation condition than in the national identity affirmation condition, $b = -0.60$, $SE = 0.19$, $t(883) = -3.09$, $p = .006$. Only among exclusive nationalists, national identity affirmation reduced national identity threat compared to the control condition, despite that this difference did just not reach the conventional level of significance, $b = -0.40$, $SE = 0.18$, $t(883) = -2.22$, $p = .069$.

Figure 1. Simple effects of affirmation condition on national identity threat within national identity profiles



In the model with perceived EU legitimacy (see Supplementary Table 14 in the appendix to Chapter 5 for details), EU identity affirmation ($\beta = 0.27$, $SE = .13$, $p = .034$) but not national identity affirmation condition ($\beta = -0.11$, $SE = .13$, $p = .416$) increased perceived EU legitimacy relative to the control condition. Simple effects revealed that, among non-nationalists, EU identity affirmation led to higher perceived EU legitimacy than national identity affirmation, $b = 0.37$, $SE = 0.14$, $t(883) = 2.72$, $p = .018$. See Figure 2 for an illustration of these simple effects.

Figure 2. Simple effects of affirmation condition on perceived EU legitimacy within national identity profiles



5.3.2.5 *Exploratory analyses*

As national identity affirmation and EU identity affirmation were not equally effective for people with different national identity profiles, we sought to explore whether national identity profile also influenced how people ranked elements of the national identity and EU identity. In other words: are people with different national identity profiles proud of different aspects of their national/EU identity? Interestingly, this turned out not to be the case. There were no remarkable differences across national identity profiles (see Supplementary Table 15 in the appendix to Chapter 5 for the order of ranking). More or less universally, participants were proudest of their national values and language(s). For non-nationalists and inclusive nationalists, the list was followed by the national form of government, while for exclusive nationalists, the list was followed by national holidays and traditions. With regards to the EU identity, participants were proudest of the protection of fundamental human rights and human dignity, the freedom to live and work everywhere in the EU, and the principle of equality between Member States and nationalities.

5.4 DISCUSSION

As established in the two preliminary studies conducted in the current research, a sense of threat from the EU to national identity may undermine the legitimacy of the EU in the eyes of citizens. Perceived threats to the national identity thus not only result in lower support for European integration,⁴¹ but may also harm the more fundamental belief that the EU's exercise of authority is appropriate, which may have negative consequences for the EU's viability and problem-solving abilities.⁴² Therefore, the main aim of this chapter was to test whether affirmation of national identity and of EU identity could alleviate national identity threat and increase perceived EU legitimacy.

5.4.1 Main findings

We found that affirmation of the EU identity effectively reduced national identity threat and increased perceived EU legitimacy. Participants who were offered the opportunity to positively affirm their EU identity had lower feelings of national identity threat and higher perceptions of EU legitimacy. This demonstrates that EU identity is an accessible group membership for most EU citizens, which can provide them with a positive social

41 Carey (n 16); Smeekes and Verkuyten (n 12).

42 Allen Buchanan and Robert O Keohane, 'The Legitimacy of Global Governance Institutions' (2006) 20 *Ethics & International Affairs* 405; Sommerer and Agné (n 3); Tallberg and Zürn (n 3).

identity, and that emphasizing positive aspects of the EU identity allows people to overcome feelings of national identity threat. One prior study found a similar effect, showing that the EU flag presented a threat to the national identity, which decreased when instrumental benefits of EU membership were emphasized.⁴³ Our study shows that more symbolic aspects of EU membership may also function as a source of positive identity which can reduce national identity threat. While EU identity may not be perceived as a source of positive identity when experiencing national identity threat, because threat makes the national identity highly salient and temporarily dominating,⁴⁴ our study shows that people can be stimulated to switch towards EU identification or simultaneously identify with the EU and in that way overcome national identity threat. Furthermore, our study promisingly shows that this may even increase perceived EU legitimacy, despite the relatively stable nature of legitimacy beliefs.⁴⁵

In contrast, unexpectedly, when participants were offered the opportunity to positively affirm their national identity, their feelings of national identity threat were not significantly lower as compared to participants who did not participate in an affirmation task. Accordingly, national identity affirmation did not result in higher perceived legitimacy either. There are two methodological explanations that may clarify why national identity affirmation was not as effective as EU identity affirmation. First, the threatened domain of the national group was the same as the affirmed domain, while, originally, non-congruence between these domains has been considered important for group affirmation to be effective.⁴⁶ To clarify, the induced threat and the affirmation task targeted not a specific domain of national identity but national identity more generally; this overlap may thus have limited the effectiveness of affirmation. However, a recent meta-analysis suggests that this is not problematic for the effectiveness of group affirmation manipulations.⁴⁷ Second, it could be that due to the setup of the study (asking questions about EU identification before inducing national identity threat), the EU identity was already made salient, making it easier for participants to switch towards EU identification when experiencing national identity threat and making the affirmation of national identity less relevant.

43 Stratos Patrikios and Laura Cram, 'Better the Devil You Know: Threat Effects and Attachment to the European Union' (2016) 14 *Comparative European Politics* 717.

44 Sonia Roccas and Marilyn B Brewer, 'Social Identity Complexity' (2002) 6 *Personality and Social Psychology Review* 88.

45 Tallberg and Zürn (n 3).

46 Constantina Badea, Michael Bender and Helene Korda, 'Threat to National Identity Continuity: When Affirmation Procedures Increase the Acceptance of Muslim Immigrants' (2020) 78 *International Journal of Intercultural Relations* 65.

47 Heather J Smith and Diana R Grant, 'How to Improve Group Affirmation Manipulations: A Systematic Review and Meta-Analysis' [2024] *Group Processes & Intergroup Relations* 13684302241276070.

Alternatively, there may be a theoretical explanation for the unexpected findings. This relates to the findings of the moderation analyses, which suggest that national identity affirmation might reduce national identity threat, but mainly for one particular group of people, namely those who are strongly attached to their nation and have an ethnic conception of national identity (i.e., people who exclude non-ethnic nationals from their national identity). EU identity affirmation, on the other hand, reduced national identity threat among people who were not strongly attached to their nation and among people who were strongly attached and inclusive towards non-ethnic nationals, but not among exclusive nationalists. This shows that when people conceive of their national identity as exclusive of other territorial identities, they are not likely to perceive the positive value of EU identity or to even have integrated the EU identity into their social identity.

5.4.2 Theoretical implications

Our research has two main theoretical implications. First, we extend group affirmation research to superordinate group contexts that elicit subgroup identity threat, such as the threat posed by organizational mergers or regional integration projects, by testing whether subgroup or superordinate group affirmation is more effective at reducing subgroup identity threat posed by superordinate groups. Research on the application of group affirmation in these situations has thus far been rather limited, while these situations have become increasingly common in our modern world where globalization and organizational upscaling are everyday business. To our knowledge, only one previous study investigated group affirmation in such a context, although the specific group context in that study (i.e. stereotype threat among ethnic minorities in a school) is quite different.⁴⁸ In that study, stereotype threat among Black pupils was reduced after a dual identity affirmation (i.e., emphasizing that the school values both minority cultural backgrounds and the common British identity, and asking to explain why this is good policy), but not after a one-group affirmation (i.e., emphasizing that the school values the common British identity, and asking to explain why this is good policy).

Interestingly, in our study the results were the opposite to those reported by Celeste et al., which asks for an explanation. A first factor that may play a role here is that strictly speaking our national identity affirmation manipulation was not a dual identity affirmation, because it did not clearly emphasize the value of the EU identity as well. Still, this does not explain why a one-group affirmation (EU identity affirmation) was highly effective in our study. A second factor that may play a role here is that the effects of subgroup, superordinate group, and dual identity depend on the context and type of superordinate situation.⁴⁹ More specifically, it

48 Celeste and others (n 6).

49 Gaertner, Dovidio and Bachman (n 7).

may depend on how salient, important, and positive the superordinate identity is. The EU may be a source of positive identity for many people, while British identity may not for Black pupils. In line with this, Gaertner et al. showed that there are important differences between group contexts regarding whether a one-group or dual identity approach is more effective in improving intergroup relations.⁵⁰ Like in Celeste et al.'s study, Gaertner et al. showed that in a multi-ethnic school setting, a dual identity approach was more effective than a one-group approach. This fits with the observation that ethnic identity is typically very central to people's identity and stressing a one-group approach may make especially minority-group members feel that they have to give up this important part of their identity. In contrast, in a bank-merger study, Gaertner et al. found that a one-group representation was more effective than a dual identity approach, presumably because in that context people need to work on common goals, and because too much stress on subgroups may threaten common goal accomplishment. In a sense, the bank merger study better fits the current context than the multi-ethnic school setting, as the EU was set out precisely for establishing common goals (e.g., peace, economic prosperity), despite that the idea of a union of values is so often stressed. Therefore, similar effects as found in the current study may be found among other projects of regional integration, provided that those authorities can be perceived as a positive ingroup.

A second theoretical contribution of the current research is that it illustrates how national identities can differ in content, and that this differently predicts how people perceive the EU and its legitimacy. Preliminary Study 2 showed that mere strength of national identification was not related to national identity threat or perceived EU legitimacy, and the main study showed that it did not moderate the effects of affirmation strategy. While previous research showed that higher subgroup identification relates to lower legitimacy of the superordinate group,⁵¹ and higher resistance against it,⁵² our research suggests that this may not apply to national subgroup membership within the EU. Rather, in this context, what that national identity entails matters. Thus, instead of only measuring strength of national identification or attachment to one's nation, research should combine this construct with content of national identification in order to understand feelings and attitudes towards the EU.

5.4.3 Strengths, limitations, and future directions

Several strengths of the current research are that it was conducted among individuals from twelve different EU Member States, that it was administered in the native language of the participants, and that the national identity affirmation was adapted to specific elements of their national identity.

50 *ibid.*

51 Jetten and Hutchison (n 12).

52 Sindic and Reicher (n 12).

This offered a rich dataset, providing information on identity and perceptions of the EU in a diverse sample. Another strength is that we pre-tested the expected relationship between national identity threat and perceived EU legitimacy, both in an online Dutch and French sample and in a more or less representative Dutch sample. The analyses indicated that this relationship exists beyond political orientation.

The current research also has limitations which should be noted. First, an important limitation is that, although it is also a strength, the diversity of the sample with regards to nationality may have led to high heterogeneity. To account for this, we controlled for nationality in the analyses, but since the sample was relatively small (75 participants per nationality), the analyses would ideally be replicated in larger samples to test for country differences through multilevel modelling. Another limitation related to the sample is that it was relatively young and highly educated (e.g., roughly 30% was student). Although we found no relation between age and the outcome variables, and the effect of education on Euroscepticism has been questioned,⁵³ it remains important for future research to test national and EU identity affirmation in a more representative sample. Furthermore, although the internal consistency of our measure of perceived EU legitimacy was high, and national identity threat was a consistent predictor of all legitimacy dimensions in Preliminary Study 2, the affirmation strategies had a different impact on the different dimensions of legitimacy. More specifically, EU identity affirmation only increased the trust and morality dimensions of legitimacy, but not the other dimensions. We agree with other authors that legitimacy is a multidimensional construct,⁵⁴ and should therefore be measured with multiple dimensions. However, it is important to disentangle whether and how these different dimensions are shaped. Possibly, the more affective dimensions (i.e., trust, morality) may be influenced to a stronger extent by affective factors such as identity than the other two dimensions (i.e., perceived lawfulness, felt duty to obey). Finally, the items used to assess the four variables based on which the national identity profiles were determined, were single items. As the use of single items may carry some disadvantages with regards to validity and reliability, it would be advised for future research to establish national identity profiles with multiple items.

We believe that our research could inspire future research in both the public EU attitudes domain and the group affirmation domain. In what follows, we highlight two directions which we think are particularly promising. First, future research could take into account and further investigate the influence of political context, considering that we found that political

53 Sander Kunst, Theresa Kuhn and Herman G van de Werfhorst, 'Does Education Decrease Euroscepticism? A Regression Discontinuity Design Using Compulsory Schooling Reforms in Four European Countries' (2020) 21 *European Union Politics* 24.

54 Lisa Dellmuth and Bernd Schlipphak, 'Legitimacy Beliefs towards Global Governance Institutions: A Research Agenda' (2020) 27 *Journal of European Public Policy* 931.

ideology is a strong predictor of national identity threat and perceived EU legitimacy. In our analyses, we controlled for political ideology because prior research has shown that EU attitudes are to a large extent determined by left-right orientation, and that in particular right-wing citizens are concerned with fears of losing national identity.⁵⁵ Political ideology may also interact with national identity. For example, political messages that frame the EU as a threat to national identity and sovereignty have shown to heighten salience of the national identity.⁵⁶ Furthermore, prior research found that when a national elite is highly divided on European integration, people are more sensitive to national identity cues, more likely to see their national identity as exclusive to EU identity, and more likely to oppose European integration.⁵⁷ This shows that the political context may affect the content of national identity and, accordingly, the effectiveness of affirmation interventions.

A second direction for future research is to investigate which factors, in addition to a divided national elite, influence exclusive national identification. Research on social identity complexity may provide an explanatory framework. Social identity complexity refers to the extent to which people define their ingroups as similar. A higher complexity means that ingroups are perceived as less similar (i.e., a more complex cognitive representation of the multiple ingroups), and has shown to lead to more positive intergroup attitudes.⁵⁸ Antecedents of social identity complexity (e.g., tolerance for ambiguity, need for closure, uncertainty orientation, conservatism, cognitive load) may also be antecedents of an inclusive or exclusive national identity.

5.4.4 Conclusion

In conclusion, our research extends group affirmation research to superordinate group contexts like regional integration projects, which are becoming increasingly common in a globalizing world, and proposes EU identity affirmation as a promising legitimization strategy that may reduce national identity threat for the majority of EU citizens. However, our work also shows that affirmation of EU identity is unlikely to reduce national identity threat for citizens who have an ethnic conception of national identity.

55 Marcel Lubbers and Peer Scheepers, 'Divergent Trends of Euroscepticism in Countries and Regions of the European Union' (2010) 49 *European Journal of Political Research* 787; Van Elsas and Van der Brug (n 33).

56 Michaela Maier, Silke Adam and Jürgen Maier, 'The Impact of Identity and Economic Cues on Citizens' EU Support: An Experimental Study on the Effects of Party Communication in the Run-up to the 2009 European Parliament Elections' (2012) 13 *European Union Politics* 580.

57 Hooghe and Marks, 'Calculation, Community and Cues' (n 30).

58 Roccas and Brewer (n 44); Katharina Schmid and others, 'Antecedents and Consequences of Social Identity Complexity: Intergroup Contact, Distinctiveness Threat, and Outgroup Attitudes' (2009) 35 *Personality and Social Psychology Bulletin* 1085.

The psychological potential of Article 4(2) TEU: Bridging the gap between citizens' identities and the identity clause

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ABSTRACT

The rise of Eurosceptic and nationalist movements raises the question how public legitimacy of the EU can be safeguarded and enhanced. This chapter presents the conclusions from social psychological research and shows how those insights can inform EU law. Focusing on identity and values, it explores how a more evidence-based interpretation of Article 4(2) TEU – the EU's duty to respect the national identities of the Member States – can be formulated. We argue that there is a sufficiently strong EU identity, defined by shared values, to legitimately justify restricting national diversity when EU values are at stake. At the same time, perceived EU legitimacy is likely to improve if a stronger legal protection can be awarded to national identity than provided under the current interpretation of Article 4(2) TEU. We propose four practical suggestions for how this can be realized without undermining the core values of the EU legal order.

6.1 INTRODUCTION

In a European Union comprising 27 Member States, one of the ongoing challenges is to balance the functional need for deeper integration with the desire to preserve national diversity and identity. Although the EU has sought to strike a more effective balance, the recent rise of anti-EU populism indicates that demands for stronger safeguards of national identity are becoming increasingly pronounced. Given that a lack of public legitimacy could undermine the EU's effectiveness and long-term viability, a pressing question is what citizens need in order to perceive the EU as legitimate, and how the law can adapt to support their beliefs in EU legitimacy. The current chapter addresses this question from an integrated social psychological and EU legal perspective. It presents the conclusions from an interdisciplinary research project that sought to investigate how empirical, social psychological insights can be used to formulate a more evidence-based interpretation of Article 4(2) TEU – the EU's duty to respect the national identities of the Member States – that increases perceived legitimacy of the EU but also remains within the boundaries of the EU legal order.

The EU's explicit legal obligation to respect national identities was introduced in the Maastricht Treaty, as a response to the increasing push-back against European integration. In the early days of European integration, due to the devastating consequences of nationalism, national identity and sovereignty were frequently considered as rather dangerous concepts that should be overcome through a common, supranational economic system.¹ With the passage of time, however, the memories of world wars and atrocities lost salience and hence legitimizing power. In addition, the scope and depth of integration expanded significantly, especially after the fall of the wall, leading the EU into ever more contested and politically sensitive terrain. Ever more traditionally sovereign powers of the nation state were transferred to the EU, where the expansion of qualified majority voting meant states lost their veto power over how these competences were exercised at the European level.

In light of these developments and increasing Euroscepticism, the drafters of the Maastricht Treaty recognized the need to include mechanisms that ensure respect for national identity as a counterweight to the widening and deepening of EU integration.² Nevertheless, as demonstrated by the rejection of the Treaty establishing a Constitution for Europe, the perceived loss of national identity and sovereignty to the EU remained a growing public concern.³ To address the emerging Eurosceptic sentiment caused in part by

1 Leonard FM Besselink, 'National and Constitutional Identity before and after Lisbon' (2010) 6 *Utrecht Law Review* 36.

2 Monica Claes, 'National Identity: Trump Card or up for Negotiation?' in Alejandro Saiz Arnaiz and Carina Alcobarro Llivina (eds), *National constitutional identity and European integration* (Intersentia 2013). Other identity-protective tools include for example Articles 9, 10(2), 14(3), 27, 30, and 46-36 of the Charter of Fundamental Rights of the European Union.

3 Sara B Hobolt and Sylvain Brouard, 'Contesting the European Union? Why the Dutch and the French Rejected the European Constitution' (2011) 64 *Political Research Quarterly* 309.

this fear, the EU's duty to respect national identity was further emphasized and codified with the Lisbon Treaty in Article 4(2) TEU,⁴ requiring the Union to 'respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government'.

However, far from soothing the tension between an ever more political union and national identity and sovereignty, this provision seems to have exacerbated the underlying conflict about judicial and political competences in the EU, or at least to have provided a platform for its legal contestation.⁵ Several national constitutional courts relied on Article 4(2) TEU to argue that they can review whether EU law conflicts with their national constitutional identity, and hence has no binding effect on them,⁶ some even going as far as openly challenging the primacy of EU law in the name of national identity.⁷ Yet, the Court of Justice of the European Union (CJEU) has so far interpreted the EU's duty to respect national identity under Article 4(2) TEU rather minimally.⁸ This, in turn, set the stage for further conflict, leading autocrats and populist sovereigntists to abuse the concept of national identity in political discourse,⁹ making it an 'inherently dividing and separating' concept.¹⁰ As this abuse was partly due to the CJEU's refusal to clarify the meaning of national identity in EU law – sometimes the CJEU even dismissed references from national courts and advocate generals¹¹ – scholars have consequently called on the CJEU to 'contain and control the effect of national identity by centralizing its meaning'.¹²

The CJEU has recently started to develop a clearer approach to the identity clause, possibly to combat its abuse and to find the right balance

4 Claes (n 2).

5 Leonard Besselink, 'The Persistence of a Contested Concept: Reflections on Ten Years Constitutional Identity in EU Law' (2021) 27 *European Public Law* 597; Bruno De Witte and Diane Fromage, 'National Constitutional Identity Ten Years on: State of Play and Future Perspectives' (2021) 27 *European Public Law* 411.

6 De Witte and Fromage (n 5); Luke Dimitrios Spieker, 'Framing and Managing Constitutional Identity Conflicts: How to Stabilize the *Modus Vivendi* between the Court of Justice and National Constitutional Courts' (2020) 57 *Common Market Law Review* 361; Besselink (n 5).

7 Case K3/21

8 Theodore Konstadinides, 'Constitutional Identity as a Shield and as a Sword: The European Legal Order within the Framework of National Constitutional Settlement' (2011) 13 *Cambridge Yearbook of European Legal Studies* 195.

9 R Daniel Kelemen and Laurent Pech, 'The Uses and Abuses of Constitutional Pluralism: Undermining the Rule of Law in the Name of Constitutional Identity in Hungary and Poland' (2019) 21 *Cambridge Yearbook of European Legal Studies* 59; Giuseppe Martinico, 'Taming National Identity: A Systematic Understanding of Article 4.2 TEU' (2021) 27 *European Public Law* 447.

10 Spieker (n 6).

11 For example in *Criminal proceedings against MAS and MB (Taricco II)* [2017] CJEU C-42/17. See on this Robbert Bruggeman and Joris Larik, 'The Elusive Contours of Constitutional Identity: Taricco as a Missed Opportunity' (2020) 35 *Utrecht Journal of International and European Law* 20; De Witte and Fromage (n 5).

12 Vlad Perju, 'On the (De-)Fragmentation of Statehood in Europe: Reflections on Ernst-Wolfgang Böckenförde's Work on European Integration' (2018) 19 *German Law Journal* 403.

between commonality and diversity.¹³ As we will discuss below, this approach seems to prioritize preventing the violation of core principles and values of EU law. The flip side of this focus on commonality and EU autonomy is that there is rather limited space left for national legal orders when it comes to ‘their’ constitutional identity. While this approach is understandable from an EU legal point of view, especially in light of the recent rule of law challenges, it raises the question whether it may turn Article 4(2) TEU from a protection of national identity into a threat to national identity, at least in the perception of EU citizens. If so, this rather strict and EU-centric interpretation of Article 4(2) TEU might inadvertently help those seeking to undermine EU legitimacy among the broader public,¹⁴ especially against the background of further intensifying integration – inter alia in defence, climate action, and geo-strategic fields – and the rise of right-wing populism.¹⁵

Therefore, in this chapter, we investigate how the current interpretation of Article 4(2) TEU affects the public’s perceived legitimacy of the EU, and if alternative interpretations might be available that lead to higher perceived legitimacy whilst also sufficiently safeguarding the core values and principles underpinning the EU legal order.¹⁶ We deem it important to understand the societal effects of the identity clause, since preventing Euroscepticism was one of its original intentions. In addition, the EU requires a high level of public perceived legitimacy to improve its problem-solving capacity.¹⁷ When people believe in the legitimacy of an authority, this belief remains relatively stable and is not easily swayed by temporary declines in performance, unlike support for specific policies or politicians.¹⁸ Given the growing number of supranational challenges that make European collaboration essential, including climate change, the digital transformation,

13 See on this also Serenella Quari, ‘Has the Court of Justice embraced the language of constitutional identity?’ (*Diritti Comparati*, 25 April 2022) <<https://www.diritticomparati.it/has-the-court-of-justice-embraced-the-language-of-constitutional-identity/>> accessed 22 May 2024.

14 Given the findings of our previous research, which indicate that perceived national identity threat from the EU undermine perceived EU legitimacy, Eva Grosfeld and others, ‘The Integration of Subgroups at the Supranational Level: The Relation between Social Identity, National Threat, and Perceived Legitimacy of the EU’ (2022) 10 *Journal of Social and Political Psychology* 607.

15 Thorbjørn Jagland, ‘An Analysis of Democracy, Human Rights and the Rule of Law in Europe, Based on the Findings of the Council of Europe Monitoring Mechanisms and Bodies’ (Council of Europe 2017).

16 Perceived EU legitimacy is defined as ‘the perception that the exercise of the EU is appropriate’, Eva Grosfeld, Armin Cuyvers and Daan Scheepers, ‘Towards Evidence-Based Legitimacy Interventions in EU Law: Challenges and Directions for Empirical Research’ (2023) 19 *Utrecht Law Review* 87.

17 Thomas Sommerer and Hans Agné, ‘Consequences of Legitimacy in Global Governance’ in Jonas Tallberg, Karin Bäckstrand and Jan Aart Scholte (eds), *Legitimacy in global governance: Sources, processes, and consequences* (Oxford Academic 2018).

18 Jonas Tallberg and Michael Zürn, ‘The Legitimacy and Legitimation of International Organizations: Introduction and Framework’ (2019) 14 *The Review of International Organizations* 581.

and the unstable geopolitical situation, the need for an EU that is perceived as legitimate by the wider public is self-evident. Briefly put, therefore, the aim is to empirically assess the impact of the CJEU's interpretation of Article 4(2) TEU on the perceived legitimacy of the EU, and to explore how these empirical insights can be used to formulate a more evidence-informed and legitimate interpretation of Article 4(2) TEU, one that can better perform its role as a legal and psychological hinge between the EU and national legal orders.

Based on our findings, we argue that there is a sufficient common EU identity, defined by shared values, to legitimately justify restricting respect for national identity when EU values are at stake. To reduce threat or increase perceived EU legitimacy, therefore, it is not necessary to always let national identity claims prevail. At the same time, public perceived legitimacy of the EU is likely to improve if a stronger legal protection can be awarded to national identity than provided under the current interpretation of Article 4(2) TEU. Such a stronger protection can take different forms to be psychologically effective without undermining the core values of the EU legal order, for example by allowing a larger margin of appreciation for national courts or an expanded procedural role in determining their national constitutional identity.

To support these claims, this chapter contains three parts. First, we present the empirical findings of several social psychological studies that investigated how citizens' national and EU identities, as well as their personal values, influence their beliefs in EU legitimacy. We then analyse and evaluate the CJEU's interpretation of Article 4(2) TEU in light of these empirical findings. The next section concludes with proposals on how to operationalise Article 4(2) TEU in a way that safeguards the public's perception of EU legitimacy, yet remains within the boundaries established by EU law, including its foundational values and principles. These proposals are based on the assumption that Article 4(2) TEU allows for extra-legal considerations due to its open and somewhat political nature as a general principle of EU law. While empirical psychological insights cannot settle the normative, legal debate on how to ensure respect for national identity in EU law, they can contribute to the legal discourse by providing an evidence-based, extra-legal argument on how to best interpret Article 4(2) TEU within the legal space available, rather than basing this interpretation on normative considerations alone, or on hunches about citizens' values and identities. As such, this chapter shows how empirical insights, grounded in social psychological theories, can be used to inform EU law.¹⁹ Since this raises fundamental questions on how to incorporate empirical insights into law, including on the fact-norm divide, we also reflect more generally on the question of how and to what extent psychological insights could and should be used in informing EU law.

19 Tom R Tyler, 'Methodology in Legal Research' (2017) 13 *Utrecht Law Review* 130.

6.2 PSYCHOLOGICAL INSIGHTS ON EU CITIZENS' IDENTITIES AND VALUES

6.2.1 Theoretical framework of the empirical studies

To determine how the current protection of national identity under Article 4(2) TEU affects the public's perceived legitimacy of the EU, it is essential to understand how identity influences human behaviour in general. In social psychology, a core theory to explain and address a wide range of social issues through identity is social identity theory.²⁰ The fundamental claim of social identity theory is that much of an individual's behaviour is determined by their subjective sense of group membership, or 'social identity'.²¹ Since both national identity and EU identity are forms of social identity, we used social identity theory to structure our analysis of how perceived legitimacy of the EU can be understood.

According to social identity theory, when people in a social situation see themselves as members of a certain group, they are motivated to achieve positive distinctiveness of that group in comparison to other groups.²² This motivation for a positive social identity arises from the basic need to have a positive self-concept and it strongly influences people's behaviours, in particular when they feel strongly committed to their group. Any threat to a group that people see as important to their self-concept will, accordingly, trigger defensive behaviours to restore and uphold a positive social identity.²³ Such a threat could concern, for example, the potential loss of distinct group boundaries due to the merging with other groups, or the risk of being perceived as less powerful or competent compared to other groups. Those highly-identified with the group tend to respond to these threats by increasing their commitment to the group or displaying other behaviours that reinforce commitment, while those more weakly-identified with the group tend to respond by disengaging themselves further from the ingroup (e.g., by focusing on other positive group memberships or emphasizing the high heterogeneity of ingroup members).²⁴

These premises of social identity theory guided the hypotheses of our empirical studies on how national identity and EU identity influence

20 Naomi Ellemers and S Alexander Haslam, 'Social Identity Theory' in Paul AM Van Lange, Arie W Kruglanski and E Tory Higgins (eds), *Handbook of theories of social psychology* (SAGE 2012); S Alexander Haslam, 'Making Good Theory Practical: Five Lessons for an Applied Social Identity Approach to Challenges of Organizational, Health, and Clinical Psychology' (2014) 53 *British Journal of Social Psychology* 1.

21 Henri Tajfel and John Turner, 'An Integrative Theory of Intergroup Conflict' in William G Austin and Stephen Worchel (eds), *The social psychology of intergroup relations* (Brooks/Cole 1979); Henri Tajfel, 'Social Identity and Intergroup Behaviour' (1974) 13 *Social Science Information* 65.

22 Ellemers and Alexander Haslam (n 20).

23 Nyla Branscombe and others, 'The Context and Content of Social Identity Threat' [1999] *Sepsis* 35.

24 *ibid.*

perceived EU legitimacy. Since social identity theory emphasizes that individual behaviours are influenced by social and contextual factors, these studies were designed with a focus on the EU legal context. For example, we assessed how people respond to the primacy of EU law. Since this is such a fundamental principle of the EU legal order that defines the relationship between the EU and Member States, and the CJEU extensively refers to it in case law where constitutional conflicts appear,²⁵ it forms a relevant contextual element that may influence how people view the EU.

In the following, we will outline the most important conclusions of our research, organized into three key insights, and explain the conclusions within the framework of social identity theory. It is important to note that the conclusions we draw are based on samples that are not representative of the entire population of EU citizens, in the sense that the samples are limited to at most twelve Member States and sometimes represent a relatively young and highly educated population. For detailed information on the samples, methods, and statistics, we cite the original articles where the empirical research is reported.

6.2.2 Key insight 1: a strong EU identity, rooted in shared values, exists and fosters perceived EU legitimacy

Our first main finding is that the higher someone's identification with the EU is, the more legitimate they perceive the EU to be.²⁶ Additionally, we found that EU citizens in general have a high identification with the EU. To understand what this means, it is necessary to dive deeper into the concept of social identification. Research describes that social identification consists of multiple dimensions.²⁷ For example, a widely used categorization distinguishes three dimensions.²⁸ First, there is a cognitive dimension, which concerns the categorization of oneself in a group and the centrality of that group to one's self-concept. Second, there is an affective dimension, which concerns a feeling of commitment or solidarity towards ingroup members. And third, there is an evaluative dimension, which concerns a feeling of pride or satisfaction with the ingroup. Our research showed that EU identification is relatively high on all of these dimensions, but in particular on the evaluative dimension: people are in general proud to be EU citizen.²⁹ The EU thus has the potential to provide people with a positive social identity.

25 For example *European Commission v Poland* [2023] CJEU C-204/21.

26 Grosfeld and others (n 14).

27 See for example Colin Wayne Leach and others, 'Group-Level Self-Definition and Self-Investment: A Hierarchical (Multicomponent) Model of in-Group Identification.' (2008) 95 *Journal of Personality and Social Psychology* 144; Naomi Ellemers, Paulien Kortekaas and Jaap Ouwerkerk, 'Self-Categorisation, Commitment to the Group and Group Self-Esteem as Related but Distinct Aspects of Social Identity' (1999) 29 *European Journal of Social Psychology*.

28 Ellemers, Kortekaas and Ouwerkerk (n 27).

29 Grosfeld and others (n 14).

Not only did we find that a stronger EU identity was related to higher perceived legitimacy of the EU, our studies also revealed that reflecting on positive aspects of the EU identity could increase perceived EU legitimacy. Participants who reflected on what makes them proud to be an EU citizen reported a lower experience of national identity threat from the EU and higher beliefs in EU legitimacy than participants who did not engage in this exercise. The aspects participants felt most proud of were the EU's commitment to fundamental rights, the freedom to live and work everywhere in the EU, and the principle of solidarity between Member States.³⁰ This suggests that values – in particular, the values of fundamental rights, freedom, and solidarity – constitute an important part of people's EU identity.

Supporting this finding, two other studies revealed that when people feel that the EU represents values similar to their own, they are more likely to perceive it as legitimate.³¹ Moreover, the EU values enshrined in Article 2 TEU were endorsed by the vast majority of participants in our sample (97.5%). EU values thus form a significant source of perceived EU legitimacy, likely because they enhance people's sense of belonging to the EU. In other words, people want to be part of the EU because they view it as moral, which in turn provides them with a positive social identity. This finding is consistent with research showing that group morality is the most important factor in positive group evaluation and that it fosters pride more than factors such as the competence or sociability of a group do.³²

6.2.3 Key insight 2: national identity undermines perceived EU legitimacy when it is seen as exclusive to EU identity or as threatened by the EU

Our second key insight is that, although EU identification appears to be generally high and a significant predictor of perceived EU legitimacy, national identification is also in general high and a significant predictor of perceived EU legitimacy. This means that when people highly identify with the EU, and when people highly identify with their Member State, they tend to have higher perceptions of EU legitimacy. However, the way in which national identification influences perceived EU legitimacy is different from the influence of EU identification.

Regarding levels of national identification, our research shows that, despite the presence of a strong EU identity, national identification was on average higher than EU identification on the affective and cognitive dimen-

30 Eva Grosfeld and others, 'Affirmation of EU Identity Reduces Perceived National Identity Threat and Increases Perceived Legitimacy of the European Union' (OSF, 29 November 2024) <<https://osf.io/ny3sz>>.

31 Eva Grosfeld, Daan Scheepers and Armin Cuyvers, 'Mapping the Moral Foundations of the European Union: Why a Lack of Moral Diversity May Undermine Perceived EU Legitimacy' [2024] PNAS Nexus pgae282.

32 Colin Wayne Leach, Naomi Ellemers and Manuela Barreto, 'Group Virtue: The Importance of Morality (vs. Competence and Sociability) in the Positive Evaluation of in-Groups' (2007) 93 *Journal of Personality and Social Psychology* 234.

sions, and participants scored relatively high on the evaluative dimension of national identity as well.³³ So, while scores of national and EU identification on the evaluation dimension (pride/satisfaction) were equally high, this implies that people feel more solidarity towards fellow national citizens than towards fellow EU citizens, and that national identity is more central to people's self-concept than EU identity. Furthermore, respect for national identity is an important value to most citizens. In one study, support for the value of respect for national authority ranged from medium to high.³⁴ In another study, participants read a brief description of Article 4(2) TEU, and 93.1% of them indicated that they believed this legal norm was right rather than wrong.³⁵ These findings are not entirely surprising, as nationality represents a well-defined and deeply ingrained form of group membership. National identity is rooted in a 'national story' that encompasses a shared history, language, and culture, and for many people, it remains the most significant and salient territorial identity.³⁶

Regarding the relationship between national identity and perceived EU legitimacy, the findings are somewhat more nuanced, however. EU identification and perceived EU legitimacy were consistently, positively related to each other. In contrast, national identification was either not related or positively related to perceived EU legitimacy, but not negatively related. This suggests that a higher national identification in itself does not undermine perceived EU legitimacy. Individuals can thus maintain a strong sense of national identity while still perceiving the EU to be legitimate.

However, once participants' national identity did not exist alongside a sense of identification with the EU – that is, when participants, in psychological terms, did not have a 'dual' identity in which there was room for both national and EU identification – national identification *negatively* affected perceived EU legitimacy. So, a higher national identity did not undermine perceived EU legitimacy, unless it was exclusive of EU identity. This finding aligns with earlier research demonstrating that exclusive national identification is negatively related to EU attitudes, such as support for EU membership or satisfaction with EU democracy.³⁷ In contrast, dual

33 Grosfeld and others (n 14).

34 Eva Grosfeld, Daan Scheepers and Armin Cuyvers, 'Value Alignment and Public Perceived Legitimacy of the European Union and the Court of Justice' (2022) 12 *Frontiers in Psychology*.

35 Grosfeld, Scheepers and Cuyvers (n 31).

36 Neil Fligstein, Alina Polyakova and Wayne Sandholtz, 'European Integration, Nationalism and European Identity' (2012) 50 *JCMS: Journal of Common Market Studies* 106; Denis Sindic, 'Psychological Citizenship and National Identity' (2011) 21 *Journal of Community & Applied Social Psychology* 202.

37 Hajo G Boomgaarden and others, 'Mapping EU Attitudes: Conceptual and Empirical Dimensions of Euroscepticism and EU Support' (2011) 12 *European Union Politics* 241; Liesbet Hooghe and Gary Marks, 'Calculation, Community and Cues: Public Opinion on European Integration' (2005) 6 *European Union Politics* 419; Martin Moland, 'Opting for Opt-Outs? National Identities and Support for a Differentiated EU' (2024) 62 *JCMS: Journal of Common Market Studies* 55; Chase Foster and Jeffrey Frieden, 'Crisis of Trust: Socio-Economic Determinants of Europeans' Confidence in Government' (2017) 18 *European Union Politics* 511.

national-EU identity was positively related to perceived EU legitimacy.³⁸ While average identification with the EU is relatively high, as previously noted, 17.3% of our sample identified exclusively with their nationality and not with the EU.³⁹ In a recent Eurobarometer study, which offers an adequate representation of all EU citizens, this number was even somewhat higher, reaching 25%.⁴⁰ Some research even shows that the number of people identifying exclusively with their nationality is growing.⁴¹ Considering the negative effect of exclusive national identification on perceived EU legitimacy, this trend is worrying for EU legitimacy.

In addition, across all studies, we found a strong negative relation between subjective *threat* to national identity and perceived EU legitimacy.⁴² This means that the more participants experienced that the EU threatens their national identity, the stronger their belief in EU legitimacy declined. This effect was observed regardless of whether people were inclusive or exclusive national identifiers. It was more pronounced among some groups than others, for example among right-wing ideologists and exclusive national identifiers, but it was consistent across various groups of society (i.e., regardless of age, gender, education, place of residence, ethnicity) and across Member States. Perceived legitimacy of the EU is, thus, affected not so much by how strong people's national identity is, but by the extent to which they perceive their national identity is threatened by the EU. In other words, to increase legitimacy it is not necessary to reduce how highly people identify with their Member State, but to reduce the threat people perceive from the EU to this national identity, as well as the exclusive way in which some citizens perceive their national identity.

In our research, we operationalized national identity threat as threat to national power or sovereignty and threat to national sociocultural identity, and we found no notable differences between how people respond to these two forms of threat.⁴³ It is important to emphasize that, on average, participants in our samples did not perceive a high threat to their national identity from the EU. Only when such a threat was felt – for example, due to the salience of the primacy of EU law over national law⁴⁴ – did participants

38 Grosfeld and others (n 14).

39 *ibid.*

40 European Commission, Directorate-General for Communication, 'Standard Eurobarometer STD101: Standard Eurobarometer 101 - Spring 2024', version v1.00, 2024, accessed 2024-05-31, http://data.europa.eu/88u/dataset/s3216_101_3_std101_eng.

41 Alina Polyakova and Neil Fligstein, 'Is European Integration Causing Europe to Become More Nationalist? Evidence from the 2007–9 Financial Crisis' (2016) 23 *Journal of European Public Policy* 60.

42 Grosfeld and others (n 14); Grosfeld and others (n 30).

43 Grosfeld and others (n 14); Grosfeld and others (n 30).

44 In a few studies, we let people read a description about the primacy of EU law over national law. After reading this description, participants reported higher experienced national identity threat from the EU than participants who did not read the description. We also compared the effects of two types of descriptions: one was a neutral description and the other one was a description using identity-related language, with the idea to more strongly trigger identity threat. Interestingly, the difference between these two descriptions was not significant.

report much lower perceptions of EU legitimacy. How can this be explained, especially given the high levels of EU identification that we found?

In research on social identity, the affective dimension of identity is found to be the strongest driver of behaviour.⁴⁵ So, the finding that people generally feel strongly committed to their national community could explain why people, regardless of their high satisfaction with EU group membership, respond defensively upon a potential threat to their national identity. In addition, threats to an important ingroup make that group more salient and other groups less salient.⁴⁶ Thus, while people may have a strong supranational EU identity, salience of this identity may become lower when people perceive a threat to their national identity, which then becomes more salient. As a result, they are likely to respond by protecting it or intensifying their commitment to it. Finally, feelings of threat and uncertainty, whether a dispositional personality characteristic or situationally evoked, have shown to make people resist change and value the preservation of the old political order.⁴⁷ All these processes may lead people to reject the legitimacy of the EU's authority when they perceive it as threatening, even if they support EU integration in itself when not threatened.

6.2.4 Key insight 3: respect for national identities is a source of perceived EU legitimacy among people with an exclusive or threatened national identity

Since people with an exclusive national identity, comprising about a fourth of all EU citizens, do not see the EU as part of who they are, the EU cannot serve as a source of positive identity to them. To illustrate, in one study, we found that reflecting on the positive aspects of EU identity increased perceived EU legitimacy among all participants, except those individuals who are highly proud of their national identity and view this identity as exclusive to other territorial identities (i.e., those having an ethnic conception of national identity).⁴⁸ If the EU seeks to acquire and maintain legitimacy among these individuals, it must therefore be for other reasons than a shared common identity.

One of those reasons could be instrumental; the EU may still be seen as legitimate because it provides them with security and economic benefits. In one study, we investigated whether emphasizing the economic benefits of a contested EU legal norm could enhance perceptions of EU legitimacy (Chapter 3 Study 3).⁴⁹ Specifically, we focused on the principle of primacy. We found that when participants who hold conservative moral values (e.g.,

45 Ellemers, Kortekaas and Ouwerkerk (n 27).

46 Sonia Roccas and Marilynn B Brewer, 'Social Identity Complexity' (2002) 6 *Personality and Social Psychology Review* 88.

47 John T Jost and others, 'Political Conservatism as Motivated Social Cognition.' (2003) 129 *Psychological Bulletin* 339.

48 Grosfeld and others (n 30).

49 Grosfeld, Scheepers and Cuyvers (n 31).

respect for authority, ingroup loyalty, religiosity) were informed that the primacy principle promotes economic growth and prosperity, their perceptions of EU legitimacy improved. This emphasis on economic benefits did not significantly affect perceived EU legitimacy among individuals with more progressive or liberal moral values; it neither increased nor decreased their perceptions of EU legitimacy.

However, the instrumental argument for the EU's legitimacy may (on its own) not be sufficiently compelling in an era dominated by identity politics, where it must compete with arguments centred on national identity and sovereignty.⁵⁰ As we have observed, national identities are high, salient, and can be easily mobilized in intergroup situations. The growing number of people with exclusive national identities and the rise in Euroscepticism may therefore be attributed to anti-EU populists who seek to delegitimize the EU by positioning it against the protection of national identity and sovereignty.⁵¹ The EU is portrayed as a threat to the national identity, which, according to our findings, risks undermining the perceived legitimacy of the EU. These identity arguments are particularly more compelling than instrumental arguments among people who experience poverty or uncertainty, as these individuals tend to seek security in the familiar.⁵²

To further build on these findings, we explored whether individuals perceive the EU as more legitimate if it is seen as protecting their national identity, and how different forms of protection affect different individuals.

In the study in which we tested the legitimating potential of economic benefits, for example, we also tested whether emphasizing the EU's respect for national identities could increase perceived EU legitimacy (Chapter 3 Study 3).⁵³ This was tested in two experimental conditions. In one, it was emphasized that the primacy of EU law ensures the protection of national constitutional identity and traditions, but without altering the primacy principle as it is currently applied in EU law. In the other, it was emphasized that EU law has no primacy over national constitutional identity and traditions of the Member States, altering the primacy principle to offer stronger protection for national identities. The difference between the two conditions was, thus, that the second was a reformulation of the primacy principle that violated caselaw of the CJEU as it currently stands, but would be theoretically possible.

50 Research has, for example, shown that conflicts about identity or values create more emotional involvement than instrumental conflicts, leading people to take an issue more personally and reducing the likelihood of perceived common ground between conflicting parties, Marina Kouzakova and others, 'The Implications of Value Conflict: How Disagreement on Values Affects Self-Involvement and Perceived Common Ground' (2012) 38 *Personality and Social Psychology Bulletin* 798.

51 As well as the media portraying it as such, see Andrew Anzur Clement, 'Reporting on the "Ever Closer Union": Narrative Framing in National News Medias and Resistance to EU Integration' (2015) 6 *Eastern Journal of European Studies* 123.

52 Jost and others (n 47).

53 Grosfeld, Scheepers and Cuyvers (n 31).

The findings revealed that perceived EU legitimacy was higher in the first condition among people with conservative moral values but remained unaffected among those with liberal moral values. Interestingly, perceived EU legitimacy was unaffected in the second condition among people with conservative moral values and was *lower* among those with liberal moral values. In other words, using language that appeals to the value of respect for national identity may increase perceived EU legitimacy among conservatives without harming legitimacy for other people, while actually limiting the primacy of EU law to respect national identity may not increase and even harm perceived EU legitimacy.

We also conducted another study to examine whether individuals perceive the EU as more legitimate if it is seen as protecting their national identity. In this study, we informed participants that EU law obligates the EU to respect and protect core elements of national identity (Chapter 5 Main Study).⁵⁴ They were then presented with a list of eight elements of their national identity and asked to rank them by importance, and reflect on why the top-ranked element makes them proud to be a national citizen. This intervention increased perceived EU legitimacy *only* among those participants who are highly proud of their national identity and view this identity as exclusive to other territorial identities. Notably, the intervention did not affect perceived EU legitimacy among other participants. Furthermore, the findings revealed that the elements making people proud to be a national citizen were primarily national values, the national language(s), and the national government. These elements were considered more important to national identity than, for example, national traditions or the national flag, and they topped the list for most participants, regardless of whether their conception of national identity was more ethnic or not.⁵⁵

In sum, a common EU identity rooted in shared values is unlikely to be a source of EU legitimacy among people with exclusive or ethnic national identities. Our research suggests that the legally more intrusive method of protecting national identity – limiting the absolute nature of primacy – does not enhance and may actually reduce perceived EU legitimacy. On the other hand, emphasizing respect for national identity in communications can increase legitimacy without harming the perceptions of those already inclined to view the EU as legitimate, because respect for national identity is a widely shared value. This may also be true for legally less intrusive methods, that is, legal safeguards that ensure respect for national identity but do not extend to the point that fundamental legal norms of the EU are violated.

54 Grosfeld and others (n 30).

55 *ibid.*

6.3 EVALUATING ARTICLE 4(2) TEU IN LIGHT OF PSYCHOLOGICAL INSIGHTS

As elaborated above, our social psychological studies provide three key insights: 1) a strong EU identity, rooted in shared values, exists and fosters perceived EU legitimacy; 2) national identity undermines perceived EU legitimacy when it is seen as exclusive to EU identity or as threatened by the EU; and 3) respect for national identities enhances perceived EU legitimacy among those with an exclusive or threatened national identity, while not reducing it for others. These psychological insights confirm what the drafters of the Lisbon Treaty intuitively sensed: respect for national identity is essential to keep citizens attached to the European project and safeguard the EU's legitimacy. At the same time, our findings indicate that national identity is not necessarily an obstacle to EU identity, and that EU identity and shared values can also be a powerful source of perceived EU legitimacy.

To remain legitimate in the eyes of the public, the EU must thus protect national identities and promote EU identity and values (i.e., foster a dual identity), two aims that are not inherently incompatible, though they may sometimes be framed as such. The question is whether the legal obligation to respect national identity has succeeded in achieving those aims. To address this question, we focus on Article 4(2) TEU. Acknowledging that respect for national identity is also manifested elsewhere in the EU legal order, Article 4(2) TEU is the legal provision that most clearly and explicitly embodies this aim, and transforms it into a legal obligation. To evaluate whether the current interpretation of this provision allows it to fulfil the psychological needs identified above, we will now first examine in closer detail how Article 4(2) TEU is interpreted by the CJEU.

6.3.1 The use of Article 4(2) TEU in the CJEU's case law

On the face of it, Article 4(2) TEU could serve as a clause to review the legality of all binding acts adopted by the EU.⁵⁶ Since the wording of this provision ('the EU shall respect (...)') obliges all EU acts to respect Member States' national identities, the CJEU could declare any act that does not comply with this obligation invalid on grounds of lack of competence or infringement of the Treaties. In such a way, Article 4(2) TEU would function as a competence clause. Some scholars argue that the *travaux préparatoires* of the provision, along with its textual and systematic reading, indicate that it was intended to serve this purpose: to define the boundaries of the EU's competences and to restrict their exercise in order to prevent competence

56 *Proceedings brought by Boriss Cilevičs and Others* [2020] CJEU C-391/20, Opinion of Advocate General Emiliou.

creep.⁵⁷ Although the CJEU has reflected on this operationalization of Article 4(2) TEU, and has emphasized that it is not for the national court but for the CJEU itself to disapply an EU norm or declare it invalid,⁵⁸ there has not yet been any case where it was applied as such.

Instead, the CJEU's dominant operationalization is that Article 4(2) TEU can serve as a justification of non-compliance with EU law by national measures. According to this approach, Member States can invoke Article 4(2) TEU to justify some limited derogations from EU law. Article 4(2) TEU is, accordingly, not a trump card which can be invoked to escape the primacy of EU law,⁵⁹ but may 'only' be used to justify a derogation from a certain norm of EU law by a Member State, and then only in limited cases, and in a way that may not add much to the already existing justificatory grounds for restrictions on EU norms.⁶⁰ Ultimately, moreover, it remains the CJEU that decides whether an appeal to Article 4(2) TEU is accepted, and hence what the correct balance between an element of national constitutional identity and EU law should be. This decision involves – in a somewhat simplified view – two considerations.

First, the CJEU evaluates whether the national measure in question pursues a legitimate objective under Article 4(2) TEU. Thus, the EU court – not the national court – decides what is part of a Member State's national identity. Case law shows that the CJEU only considers core elements of the national constitution as part of the national identity which may constitute a legitimate interest to allow a derogation or exception from EU law under Article 4(2) TEU. An example of such a legitimate interest is the objective of promoting and protecting a Member State's official language(s).⁶¹ Another is the constitutional status of a Member State. For example, in *Sayn-Wittgenstein*, the CJEU noted that the status of the Austrian State as a Republic is part of its national identity, which the EU ought to respect in accordance with Article 4(2) TEU.⁶² While national identity can be invoked as a legitimate ground of derogation autonomously, moreover, it is more common

57 For example, the first draft of the clause started with: 'When exercising its competencies, the Union shall respect the national identities of the Member states (...)', see Barbara Guastafarro, 'Beyond the Exceptionalism of Constitutional Conflicts: The Ordinary Functions of the Identity Clause' (2012) 31 Yearbook of European Law 263.

58 *Proceedings brought by RS* [2022] CJEU C-430/21.

59 Claes (n 2); Guastafarro (n 57); Besselink (n 1); François-Xavier Millet, 'Successfully Articulating National Constitutional Identity Claims: Strait Is the Gate and Narrow Is the Way' (2021) 27 European Public Law; Sacha Garben, 'Collective Identity as a Legal Limit to European Integration in Areas of Core State Powers' (2020) 58 JCMS: Journal of Common Market Studies 41; *European Commission v Poland* (n 25).

60 For example, as will be explained in detail below, national identity played only a supporting role in *Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien* [2010] CJEU C-208/09; *Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn* [2004] ECJ C-36/02.

61 *Anton Las v PSA Antwerp NV* [2013] CJEU C-202/11; *Malgożata Runevič-Vardyn v Vilniaus miesto savivaldybės administracija and Others* [2011] CJEU C-391/09.

62 *Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien* (n 60).

that national identity is invoked as a legitimate aim to justify another ground of derogation, such as public policy.⁶³ In *Cilevics*, for example, the Latvian Constitutional Court invoked national identity directly, but the CJEU used it to interpret the public interest derogation.⁶⁴ In *Sayn-Wittgenstein* too, national identity was used to interpret the justification based on public policy under Article 45(3) of the Treaty on the Functioning of the European Union (TFEU), not as a self-standing justification.

Second, the CJEU balances the need to respect the relevant element of national identity with the need to ensure the effectiveness and uniformity of EU law, as well as the other purposes pursued by the EU norms at stake.⁶⁵ To do so, it applies a proportionality test. This means that the objective of protecting national identity can justify derogations from EU law, but that the national measures taken to achieve that objective must be suitable and may not go beyond what is necessary to attain it. For example, in *Anton Las*, the Belgian law that required cross-border employment contracts to be drawn up in Dutch exclusively was considered a disproportionate violation of the freedom of persons, which could not be justified by the need to protect the national language.⁶⁶

The CJEU's assessment of whether national measures are proportionate does not always follow a clear and systematic approach. Yet, what is clear is that, if a national measure undermines one of the fundamental freedoms, the CJEU usually applies a very strict proportionality test,⁶⁷ in line with its 'ordinary' free movement case law.⁶⁸ Only in *Runevic-Vardyn*,⁶⁹ the CJEU provided guidelines and left the proportionality assessment to the national court – possibly, because there was no fundamental right at stake, which is normally a reason for the CJEU to conduct an intensified review.⁷⁰ In addition, it seems that the CJEU applies a less strict proportionality test if a national measure aimed at protecting national identity promotes EU interests or values rather than harms them. For example, in *Sayn Wittgenstein*, the national measure with the objective of protecting the equality before the law of all Austrian citizens undermined the free movement of persons. Yet, the CJEU argued that this objective was also compatible with EU law, as the principle of equal treatment forms a general principle of law that is also

63 Guastaferro (n 57).

64 *Proceedings brought by Boriss Cilevičs and Others* (n 56).

65 Darinka Piquani, 'In Search of Limits for the Protection of National Identities as a Member State Interest' in Marton Varju (ed), *Between Compliance and Particularism: Member State Interests and European Union Law* (Springer International Publishing 2019).

66 *Anton Las v PSA Antwerp NV* (n 61).

67 Takis Tridimas, 'The Principle of Proportionality: Review of National Measures' in Takis Tridimas (ed), *The General Principles of EU Law* (Oxford University Press 2006).

68 Janneke Gerards, 'Pluralism, Deference and the Margin of Appreciation Doctrine' (2011) 17 *European Law Journal* 80.

69 *Malgožata Runevič-Vardyn v Vilniaus miesto savivaldybės administracija and Others* (n 61).

70 Gerards (n 68).

enshrined in Article 20 of the Charter of Fundamental Rights.⁷¹ A similar reasoning also seems to play in *Omega*. This pre-Lisbon case concerned a prohibition of a violent game so as to protect human dignity, a fundamental value of particular importance to the German constitution. The prohibition was found to be proportionate, with the CJEU holding that ‘protecting human dignity is compatible with Community law, it being immaterial in that respect that, in Germany, the principle of respect for human dignity has a particular status as an independent fundamental right.’⁷²

Along the same lines, the EU has been clear with regards to the justification of the violation of EU values on grounds of national identity: Member States must always comply with the EU values defined in Article 2 TEU.⁷³ This reasoning is in part based on an identity argument. In *Hungary v Parliament and Council* and *Poland v Parliament and Council*, the CJEU emphasized that the EU must be able to defend EU values because they form the very identity of the EU as a common legal order.⁷⁴ It held that even though ‘the European Union respects the national identities of the Member States, inherent in their fundamental structures, political and constitutional, such that those States enjoy a certain degree of discretion in implementing the principles of the rule of law, it in no way follows that that obligation as to the result to be achieved may vary from one Member State to another’. Furthermore, the values defined in Article 2 TEU are not merely a statement of policy guidelines or intentions, but are given concrete expression in principles which contain legally binding obligations for the Member States.

In a more recent case on the rule of law in an action brought by the European Commission against Poland, the CJEU repeated that Member States must comply with Article 2 TEU.⁷⁵ What is interesting here is that while the Commission focused on a breach of Article 19 TEU, the CJEU introduced Article 2 TEU and extensively recalled its case law on the primacy of EU law. In addition, it held that because the EU’s foundational values are common, ‘there is no ground for maintaining that the requirements arising (...) from respect for [these] values (...) are capable of affecting the national identity of a Member State’. Therefore, Article 4(2) TEU cannot exempt Member States from the obligation to comply with EU values. It can thus be concluded that national identity cannot be invoked to escape from

71 *Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien* (n 60).

72 *Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn* (n 60).

73 ‘The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.’

74 *Republic of Poland v European Parliament and Council of the European Union* [2022] CJEU C-157/21; *Hungary v European Parliament and Council of the European Union* [2022] CJEU Case C-156/21.

75 *European Commission v Poland* (n 25).

compliance with the common values in Article 2 TEU nor with the primacy of EU law.⁷⁶

In sum, developments in the CJEU's case law suggest that national identity has become fully conditional to EU values. While the CJEU claims to place EU identity and national identity on equal footing – for example, it has stated that Article 4(2) TEU holds the same rank as Article 2 TEU⁷⁷ – the balance seems to be tilting towards protection of supranational principles, identity, and values, in no small part because of the presumption that EU values can never conflict with national values. What is more, the CJEU is not willing to let national courts or Member States define 'their' national identities, as Article 4(2) TEU remains an autonomous concept of EU law over which the CJEU hence must retain the final say. The EU's overarching integration goals thus appear to be prioritized over the protection of national authority and diversity. National identity is sometimes *considered*, but not seriously *respected*.

6.3.2 The effect of Article 4(2) TEU on public perceived EU legitimacy

Given the conclusions of the previous section on the CJEU's interpretation of Article 4(2) TEU, the question is whether this interpretation is problematic, psychologically, in the sense that it will lead to a loss of legitimacy.

In one way, it is not. Our empirical evidence shows that citizens have a strong EU identity, that they strongly endorse EU values, and that emphasizing the positive aspects of EU membership, in particular EU values, increases perceived EU legitimacy among most citizens. Furthermore, restricting the primacy of EU law when EU law threatens national identity and traditions did not increase perceived EU legitimacy in our studies. Applying these psychological insights to the realm of law, it could be argued that limiting national diversity when fundamental EU values are at risk is not necessarily illegitimate from the perspective of most citizens, since it is supported by their shared EU identity. Most citizens will understand that a national measure which jeopardizes a fundamental EU value, even if it claims to protect national identity, cannot be accepted.

In another way, however, the CJEU's approach to Article 4(2) TEU may be problematic for a seemingly growing group of citizens. A common EU identity and values are not a source of legitimacy for citizens with an exclusive national identity, a group which, according to the latest Eurobarometer, comprises a quarter of all EU citizens. In addition, overall public perceived EU legitimacy may also benefit – and at least not suffer – from a stronger protection of national identity than is currently ensured by EU law. Citizens who identify with the EU – thus, the majority of citizens – find

76 Vestert Borger, 'Constitutional Identity, the Rule of Law, and the Power of the Purse: The ECJ Approves the Conditionality Mechanism to Protect the Union Budget: Hungary and Poland v. Parliament and Council' (2022) 59 Common Market Law Review.

77 *European Commission v Poland* (n 25).

respect for national identity an important value as well, and report higher perceived EU legitimacy when they believe that the EU does not threaten national identities. This suggests that the strong national allegiances citizens still have, demand respect for national identity. Moreover, since the EU is increasingly pitted against national identities in political rhetoric, national identities may only become a stronger point of reference for all citizens while judging the EU's legitimacy.

What each national identity entails is, however, not entirely clear from our research. Participants reported equal levels of threat on both instrumental (i.e., power or sovereignty) and symbolic (i.e. sociocultural identity) dimensions of national identity. Yet most participants were proudest of their national values, language(s), and form of government – more than of national traditions or holidays. This suggests that national identity, for citizens, primarily entails the core structures that define a nation, resembling the legal concept of national constitutional identity as defined by the CJEU.⁷⁸ In social psychology, this idea reflects the more existential need of national identity *continuity*.⁷⁹ It is therefore crucial to ensure and communicate that something of a national core, whether referred to as identity or sovereignty or some other suitable concept, is protected under EU law.

Various aspects of the CJEU's approach to Article 4(2) TEU, however, may cause subjective national identity threat. First, national identity seems relatively trivialized as it is used in rather limited cases and subjected to a generally strict proportionality test in those cases where it does appear.⁸⁰ This may threaten the value of people's national identities. Second, with very few exceptions,⁸¹ the CJEU confers on itself the competence to subject national identity to a proportionality test, instead of leaving it to the national court. This could create feelings of threat to national power, status, or autonomy. Third, if derogations from EU law are only accepted when they can be seen as promoting EU values, interests, or constitutional traditions common to the Member States, and not when they reflect a distinct,

78 According to the CJEU, national identities referred to in Article 4(2) TEU include, among others, 'the status of the State as a Republic' and 'a State's official national language', *Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien* (n 60); *Malgožata Runevič-Vardyn v Vilniaus miesto savivaldybės administracija and Others* (n 61); *Anton Las v PSA Antwerp NV* (n 61).

79 See on this, for example, Constantina Badea, Michael Bender and Helene Korda, 'Threat to National Identity Continuity: When Affirmation Procedures Increase the Acceptance of Muslim Immigrants' (2020) 78 *International Journal of Intercultural Relations* 65; Anouk Smeekes and Maykel Verkuyten, 'Collective Self-Continuity, Group Identification and in-Group Defense' (2013) 49 *Journal of Experimental Social Psychology* 984; Vivian L Vignoles, Seth J Schwartz and Koen Luyckx, 'Introduction: Toward an Integrative View of Identity' in Seth J Schwartz, Koen Luyckx and Vivian L Vignoles (eds), *Handbook of Identity Theory and Research* (Springer 2011).

80 See on this argument also Loic Azoulai, 'The European Court of Justice and the Duty to Respect Sensitive National Interests' in Mark Dawson, Bruno De Witte and Elise Muir (eds), *Judicial activism at the European Court of Justice: Causes, responses and solutions* (Edward Elgar Publishing 2013).

81 *Malgožata Runevič-Vardyn v Vilniaus miesto savivaldybės administracija and Others* (n 61).

unique element of national identity, the aspects of national identity that make a Member State distinctive and unique can ultimately be jeopardized. This may threaten the distinctiveness and continuity – two highly important aspects of a positive social identity – of people’s national identities.

In sum, from a legal perspective, it is understandable why some have argued for abandoning Article 4(2) TEU and reformulating national identity claims as claims based on common EU values, given the limited legal weight of Article 4(2) TEU.⁸² However, we propose that the psychological potential of Article 4(2) TEU should not be underestimated. This does not imply that national identity should act as a limit to primacy – which, for both legal and empirical reasons, would be ill-advised – but rather that it can serve as a more developed and psychologically effective legal safeguard to protect citizens’ national identities and enhance the EU’s public perceived legitimacy. The follow-up question, which will be discussed in the next section, is *how* to walk this tightrope.

6.4 ADAPTING ARTICLE 4(2) TEU TO PSYCHOLOGICAL INSIGHTS: LEGAL IMPLICATIONS AND THE FACT-VALUE GAP

We have presented the findings of our social psychological research on how citizens’ perceptions of EU legitimacy are influenced by identity and values. We have also analysed how the current interpretation and application of Article 4(2) TEU by the CJEU might affect perceived EU legitimacy among citizens. In this section, we address the question of how these findings may be used to tweak the interpretation of Article 4(2) TEU in a way that would increase perceived EU legitimacy without exceeding the limits of EU law or undermining the stability, autonomy, and coherence of the EU legal order. This involves not only an examination of how the law can be adjusted to enhance perceived legitimacy of the EU, but also a careful consideration of the extent to which such adjustments *should* be made.

6.4.1 From citizens’ identities to the identity clause: how to bridge the gap

To start with the latter, our social psychological research has led to insights that would not have been achieved by traditional legal research methods. Yet, due to the fact-value gap, these insights on what *is* cannot be directly translated into recommendations on how the law *ought* to be. The fact-value gap refers to the distinction between descriptive findings (facts) and normative judgments (values). Just as values cannot lead to facts, facts alone do not and should not dictate values. The literature discusses several approaches to bridge the gap between descriptive findings and normative

82 Spieker (n 6); Matteo Bonelli, ‘National Identity and European Integration Beyond “Limited Fields”’ (2021) 27 European Public Law.

judgements.⁸³ In our opinion, there are three important take-aways of these approaches.

First, there should be a normative argument that justifies why an empirical argument ought to be used in the law. Our empirical conclusions imply that, to safeguard perceived EU legitimacy, it is important not only to promote the feeling of common identity and shared values among citizens, but also to better respect national identities. It is important to avoid practices and norms that may be perceived as threatening national identities, or to at least accompany those practices and norms with sufficient safeguards that maximize the positive potential of the EU identity. While these conclusions can be used to inform the interpretation of Article 4(2) TEU, there may be other normative arguments, which may contradict empirical conclusions, that are relevant to the interpretation of this provision as well. Therefore, a normative justification that argues why empirical findings should be considered in the law is required to bridge these two ends of the gap.

In our case, a normative justification is that a high level of public legitimacy of the EU is in itself normatively desirable and should also be pursued because it facilitates the EU's stability and problem-solving capacity.⁸⁴ Moreover, as captured by Article 4(2) TEU, as well as by the EU's credo to strive for unity in diversity, the EU has a normative obligation to respect national identities to the maximum level possible under EU law. Incorporating empirical insights into the interpretation of Article 4(2) TEU can therefore help the EU to meet its own objectives and protect its values of pluralism and diversity. If these arguments are accepted, it is justified that psychological insights on the sources of perceived EU legitimacy inform the law on respect for national identity, because it is desirable that citizens perceive the EU as legitimate and that the EU respects their diverse national identities as effectively as possible in real life, not just in theory.

Second, it is necessary to evaluate the robustness of the empirical findings.⁸⁵ This means that the empirical work should be sufficiently valid, reliable, objective, and reproducible. With regards to our own empirical work, we discuss the empirical robustness and limitations extensively in the articles cited.

Third, all relevant (legal and extra-legal) arguments should be defined and weighed against each other to evaluate a potential legal solution.⁸⁶ After all, even if there is a normative justification for using an empirically well-grounded argument, there may be other legal and extra-legal arguments that outweigh the empirical argument.

83 Frans L Leeuw, 'Empirical Legal Research: The Gap between Facts and Values and Legal Academic Training' [2015] *Utrecht Law Review* 19.

84 Tallberg and Zürn (n 18); Allen Buchanan and Robert O Keohane, 'The Legitimacy of Global Governance Institutions' (2006) 20 *Ethics & International Affairs* 405.

85 Ivo Giesen, 'The Use and Incorporation of Extralegal Insights in Legal Reasoning' (2015) 11 *Utrecht Law Review* 1.

86 For a discussion of how such a balancing exercise could be conducted, see Leeuw (n 83).

An important consideration in this regard is that perceived EU legitimacy is caused by psychological processes which may be influenced by volatile external factors. National identity threat was found to significantly undermine perceived EU legitimacy, but it could also be argued that experiences of such threat may be whims fuelled by populists. To the extent that experiences of national identity threat are driven by fleeting public opinion rather than genuine concerns, it would be unwise to base law and policy on such opinions. Public opinion may form an unstable foundation of law and policy if it reflects short-term thinking or the interests of the most vocal groups in society. Heeding public opinion may even carry the risk of conceding to populist demands, which may ultimately undermine democracy and the rule of law.

At the same time, it would be equally unwise to disregard psychological processes entirely, or to dismiss experiences of national identity threat as irrational or, worse, immoral. This would only add fuel to the fire, in particular because there is compelling evidence to believe that respect for national identity is a genuine concern of many people, not just those with an exclusive national identity. It has therefore been argued that the EU should be prepared for the growth of populist movements, and that EU law should learn to adapt to these political ideas.⁸⁷ In other words, EU law should do something about rising populism anyway to ensure the stability of the EU legal order. Without any empirically informed legal strategies to do so effectively, the EU could make itself vulnerable to the dangers of populism. Our empirical insights on identity and values could help to inform these strategies.

6.4.2 From citizens' identities to the identity clause: practical suggestions

Having discussed the core considerations and caveats with translating empirical insights into law, the following sub sections propose four practical suggestions for how our psychological insights can be translated to EU law to help realize the psychological potential of Article 4(2) to safeguard public perceived legitimacy. These suggestions build on previous proposals to improve the legitimacy of EU law, which were grounded in normative arguments, and provide those proposals empirical evidence and further directions for improvement. While presented as separate suggestions, they could be implemented together, reinforcing one another. Clearly our suggestions come with all the considerations and caveats outlined above, yet they are meant to spark debate and inspire further research in the future, as well as to provide some concrete legal bridgeheads to help translate our empirical findings into evidence-informed law.

87 Mark Dawson, 'How Can EU Law Respond to Populism?' (2020) 40 *Oxford Journal of Legal Studies* 183.

6.4.2.1 Improving judicial dialogue

Enhanced protection of national identity could be achieved by improving judicial dialogue. Currently, the concept of national identity has been ‘Europeanized’.⁸⁸ Since the CJEU cannot interpret national law, national identity is transformed into a concept of EU law, allowing the CJEU to referee the dispute concerning national identity and retain the final word.⁸⁹ However, the inherent risk in this kind of ‘judicial dialogue’ is that national courts feel marginalized, given that the CJEU retains ultimate jurisdiction over claims invoking national identity.⁹⁰ If the concerns of national courts are not adequately addressed, this could provoke reactions similar to those seen in, for example, *Gauweiler* and *Weiss*.⁹¹ Moreover, such judicial dynamics could spill over to public perceptions, potentially heightening the belief that national identity and sovereignty are under threat, with the national apex court pitted against the CJEU as the ultimate bulwark of national identity.

Alternatively, an improved judicial dialogue could involve a larger role for national courts in discussions concerning the meaning of national identity. Scholars have previously underscored the need for a deeper and more comprehensive dialogue between national and EU judges.⁹² We highlight two ways to promote judicial dialogue on national identity. Both suggestions are alterations of the core mechanism for judicial dialogue in the EU legal order: the preliminary reference procedure provided for in Article 267 TFEU. This procedure enables national courts to refer questions to the CJEU about the interpretation or validity of EU law.

First, as proposed in other areas of EU law, such as the single supervisory mechanism, the preliminary ruling procedure could be transformed from a unilateral exchange into a bilateral one: ‘a reverse preliminary ruling procedure’.⁹³ Under this procedure, the CJEU would be empowered to also refer questions to national courts about the content and interpretation of specific issues of national law, in this case: national identity. National courts, in turn, could articulate the core elements of national identity that merit protection. A crucial safeguard in this procedure would be mechanisms to prevent abuse or manipulation by national courts. For example, national courts should not have unlimited discretion in defining their national identity, but they must present a compelling argument, potentially supported by empirical evidence, regarding the core domains of national identity that ought to be protected.

88 Garben (n 59).

89 De Witte and Fromage (n 5).

90 Martinico (n 9).

91 *Proceedings brought by Heinrich Weiss and Others* [2018] CJEU C-493/17; *Peter Gauweiler and Others v Deutscher Bundestag* [2015] CJEU C-62/14, Opinion of AG Cruz Villalón.

92 Martinico (n 9); Guastaferrero (n 57); Bruggeman and Larik (n 11).

93 Ilaria Ottaviano, ‘Judicial Dialogue Between National Constitutional Judges and EU Judges in the Context of the Single Supervisory Mechanism: Opportunity for a Reverse Preliminary Ruling?’ (2022) 1 *Freedom, security & justice : european legal studies* 258.

Second, another, more far-reaching, way to improve the judicial dialogue on national identity could involve the creation of a separate chamber within the CJEU, where national and EU judges convene when issues of national identity arise. Such a ‘mixed constitutional chamber’, composed of national constitutional judges and judges of the CJEU, has been proposed as a means to resolve constitutional conflicts before.⁹⁴ In particular, it would provide a platform for Member States to voice their constitutional concerns. In this case, the suggestion would be to mobilize the mixed chamber if questions on national identity arise, improving the dialogue between judges on its meaning. It could even be argued that this procedure fosters more than just dialogue; it would transform national identity into a hybrid concept, co-created and jointly adjudicated by national and EU judges. While this gives a significant voice to national courts, procedural safeguards should ensure that the primacy of EU law or the CJEU’s final say on the validity of EU law will not be compromised. For example, it should only operate in exceptional situations as a special form of preliminary reference, following a standard preliminary ruling.⁹⁵ Given that national identity increasingly gives rise to constitutional conflicts,⁹⁶ a mixed chamber, while far-reaching, might offer a mechanism for resolving competence disputes and affirming the involvement of national actors in matters pertaining to national identity.

Although increasing the voice of national courts on the formulation of their constitutional identity might appear to have an insignificant effect on public perceptions, psychological research suggests that certain procedural aspects contained in this improved judicial dialogue are essential for a positive citizens’ experience. Research has shown that ‘perceived procedural justice’ increases people’s perceived legitimacy of legal authorities.⁹⁷ Key elements of perceived procedural justice include the opportunity to voice an opinion, being heard with due regard, and the presence of transparent, fair procedures. These elements may be missed out in the current dialogue, yet could be introduced through the two suggestions described above. An improved dialogue would, thus, offer a stronger voice to national courts, without undermining important principles as the primacy and autonomy of EU law, because the CJEU will have the final say. As such, while it may not fully resolve the conflict on judicial competences, it could be a way to circumvent it.

94 JHH Weiler and Daniel Sarmiento, ‘The EU Judiciary After Weiss – Proposing A New Mixed Chamber of the Court of Justice. A Reply to Our Critics’ (*EU Law Live*, 6 July 2020) <<https://eulawlive.com/the-eu-judiciary-after-weiss-proposing-a-new-mixed-chamber-of-the-court-of-justice-a-reply-to-our-critics-by-j-h-h-weiler-and-daniel-sarmiento/>> accessed 1 October 2024.

95 *ibid.*

96 For example *Criminal proceedings against M.A.S. and M.B. (Taricco II)* (n 11); *Lisbon-Urteil* [2009] Bundesverfassungsgericht 2/08; *European Commission v Poland* (n 25).

97 Tom R Tyler, ‘Procedural Justice, Legitimacy, and the Effective Rule of Law’ (2003) 3 *Crime and Justice* 283.

6.4.2.2 *Respecting substantive areas of national identity*

National identity might also be better protected substantively. For instance as a result of an enhanced dialogue between national constitutional courts and the CJEU, certain areas of national identity could be accorded special protective status by the CJEU. Determining *which* areas of national identity should receive such enhanced substantive protection is a matter to be decided by the CJEU in dialogue with the relevant national actors, but Article 4(2) TEU could be interpreted as reflecting the objective *that* certain domains, depending on the Member State, warrant a higher level of protection. This could imply that, for some Member States but not for others, the CJEU might adopt a more lenient approach regarding certain areas, a practice already evident in the current application of Article 4(2) TEU.

Moreover, the selection of these areas could also be informed by empirical findings. As suggested by our data, the most important areas of national identity for citizens are the national languages, values, and form of government. Accordingly, in practical terms, a stronger substantive protection of national identity may not result in substantial changes nor pose a significant threat to the uniformity of EU law, if citizens indeed predominantly wish to protect these three areas of national identity. To illustrate, as discussed above, the areas of language and form of government already receive differentiated treatment. And national values can be expected to, perhaps with some exceptions, largely overlap with the EU's common values, as EU values are based on the constitutional traditions of the Member States. Yet a stronger substantive protection of national identity would have a powerful symbolic impact, serving as a practical compromise between the two more extreme positions of national constitutional courts and the CJEU. This compromise could reduce resistance from both sides, easing tensions over the preservation of national identity as well as uniformity within the broader framework of EU law.

Compared to the previous suggestion of improving judicial dialogue, offering stronger protection for certain domains of national identity has a more direct impact on substantive law. This approach carries a higher risk, because if national courts claim that a particular national measure falls within the special protection category, they could assert the right to uphold this national measure, potentially challenging EU authority.

6.4.2.3 *Enlarging the margin of discretion for national courts*

A less pervasive suggestion, one that could also integrate nicely within the currently dominating function of Article 4(2) TEU in the CJEU's case law – as a justification of a derogation of a secondary EU legal norm – is that the CJEU shows more deference to national courts in certain areas. 'Deference' is a procedural mechanism to settle conflicts in a multilevel jurisdiction. It entails that the supranational court applies a more marginal review of national measures and leaves the decision to the national court.

The CJEU already shows varying levels of intensity of its review, often in cases where the principle of proportionality is applied, although the determination of the intensity of review is not following a clear doctrine.⁹⁸ This stands in contrast to the ‘margin of appreciation doctrine’ used by the European Court of Human Rights (ECHR). According to this doctrine, national courts will be allowed a narrower or wider margin of appreciation to assess interference with fundamental rights, depending on a set of factors that have been explicitly listed in its case law.⁹⁹ These include, for example, the nature of the affected Convention right, the nature of the interference, and the level of consensus within the Member States of the Council of Europe.¹⁰⁰

Similarly, if there is a conflict related to national identity, by means of a more deferential review, national courts could be given more leeway to 1) define the national identity and explain why it justifies a derogation of EU law, and 2) determine whether the derogation is proportionate.¹⁰¹ A more deferential review by the CJEU of such national assessments may better protect national identity, because it would lead to more respect for elements of the national identity that national courts consider relevant, and because it would communicate that the CJEU values respect for national identity. Accordingly, it would show more respect for national constitutional traditions, accommodating conflicts between national and EU courts and potentially preventing situations in which national courts will not accept the primacy of EU law,¹⁰² which would ultimately jeopardize the entire functioning of the EU legal order.¹⁰³ Moreover, being more aware of the national situation, national courts may be better placed to make the assessment of proportionality, an argument also endorsed by Advocate General Emiliou.¹⁰⁴

What could such a larger ‘margin of discretion’ for national courts look like? Drawing on the ECHR’s doctrine, an essential feature of the suggested approach is that the margin can be narrower or larger, depending on a set of factors that should be developed in the CJEU’s case law. For example, to protect EU values, the CJEU could apply a stricter review when such foundational EU values are at stake. If the CJEU acts as a ‘gatekeeper’ of EU values, it would ensure that national measures remain consistent with the EU’s foundational values. In a similar manner to how the ECHR approaches the margin of appreciation with regards to convention rights,¹⁰⁵ it could be

98 Gerards (n 68).

99 *ibid.*

100 *S and Marper v the United Kingdom* [2008] ECtHR [GC] 30562/04, 30566/04, para 102.

101 Guastaferro (n 57).

102 As in *Lisbon-Urteil* (n 96); *Slovak pensions* [2012] Czech Constitutional Court Pl. ÚS 5/12; *Assessment of the conformity to the Polish Constitution of selected provisions of the Treaty on European Union* [2021] Polish Constitutional Tribunal K 3/21.

103 Gerards (n 68).

104 *Proceedings brought by Boriss Cilevičs and Others* (n 56).

105 Gerards (n 68).

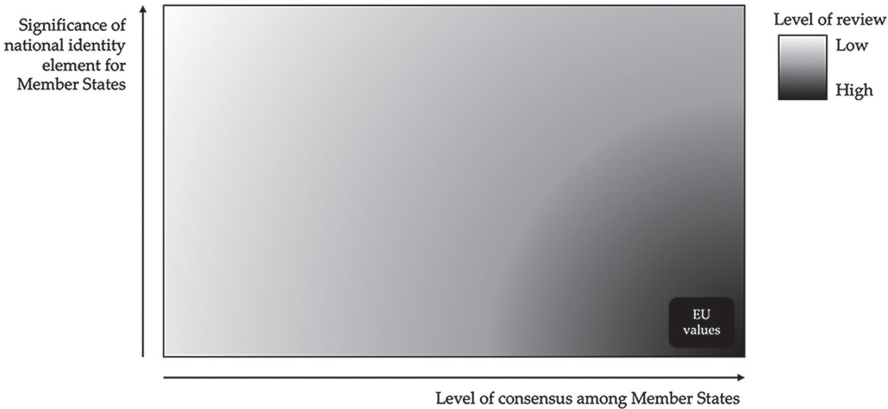
proposed that the closer a national measure comes to affecting the core of a shared EU value enshrined in Article 2 TEU, the narrower the margin of discretion will be for national courts.

In addition, also akin to the ECHR’s practices, the lower the consensus among Member States on a particular issue, the broader the margin of discretion afforded to national courts could be. Accordingly, for example, the protection of fundamental rights would not be threatened by this approach, because it enjoys a high degree of consensus among Member States. In contrast, the CJEU could be more deferent when a conflict concerns elements that are very specific to a distinct national identity, and on which there is less common ground between the Member States.

A final factor could be how significant the element of national identity in question is for Member States. Evidently, the more significant a measure is for a Member State’s national identity, the more deferential the CJEU could be to national courts. It is for the national courts to provide a well-supported and compelling argument on this factor of ‘significance’, which the CJEU could then assess. While the constitutional traditions of the Member States overlap to a large extent, this approach would also require recognition that, in certain areas, Member States have distinct identities and traditions, which ought to be respected as well.

Taking these factors into account in the assessment of the level of review could reduce the perceived threat to national identity, because it acknowledges that there are distinct national identities that are important to the Member States, offering the protection that Article 4(2) TEU promises. Yet it does not undermine core principles of EU law – such as EU values, the rule of law, non-discrimination, sincere cooperation, and mutual trust – to the extent that there is high consensus on the specific meaning of those principles or values (see Figure 1 for a graphical display).

Figure 1. Graphical illustration of how level of deferential review could be determined



6.4.2.4 Referring more explicitly to national identity in case law

Finally, the CJEU could also more explicitly acknowledge and engage with the significance of national identity in its reasoning. At present, the CJEU typically addresses national identity only briefly, an approach that, as previously noted, risks trivializing national identity in EU law. This is particularly striking considering the position of Article 4(2) TEU alongside other key provisions that govern the relationship between national and EU legal systems, as well as key provisions on the EU's fundamental values and goals. The placement of Article 4(2) TEU thus signals its centrality to EU law. To reflect this centrality and strengthen public perceived EU legitimacy, and to demonstrate that Article 4(2) TEU not merely serves a decorative or formal purpose, the CJEU should show its willingness to closely scrutinize claims based on national identity in a detailed and substantive manner.

6.5 CONCLUSION

To address the growing Eurosceptic sentiment triggered by deeper and wider European integration, the EU codified its duty to respect national identities in the Treaties. However, despite this effort, Eurosceptic voices have not diminished; in fact, concerns about the loss of national identity have only intensified. As a result, the political, psychological, and legal promise of Article 4(2) TEU remains unfulfilled. Therefore, in this chapter, we questioned how the current protection of national identity in EU law through Article 4(2) TEU affects perceived EU legitimacy among citizens, and whether alternative interpretations of this provision are possible and desired.

Our conclusion is that the public's perceived legitimacy of the EU could improve if EU law ensures and communicates that national identity is better protected, while also safeguarding and promoting EU identity and EU values. In other words, if EU law fosters a dual national-EU identity. Empirical evidence showed that citizens have a sufficiently strong common EU identity, defined by shared values, to restrict respect for national identity when EU values are at stake, but that they also deeply care about protecting a national core identity. Based on these empirical findings, we proposed approaches that the CJEU could take to more seriously respect national identity, whilst upholding core principles of EU law such as primacy and protection of common EU values. Thus, the law allows for an approach in which perceived legitimacy may be increased, without the CJEU having to compromise on core principles.

We do not argue that the legal debate on the interpretation of Article 4(2) TEU can or should be resolved solely by psychological insights, but that these insights form a relevant extra-legal argument in the debate on how to give expression to respect for national identity in EU law. This is more informative than guessing what citizens want and need. That being said,

we end with noting several remarks that point to limitations of the current research, as well as set the agenda for future research, psychological and legal.

First, any attempt to formulate a general theory of how citizens' beliefs in EU legitimacy arise inevitably runs into the complexity of these processes in real life. To name just a few shortcomings, we did not study the influence of regional identity. Secessionist movements, such as those in Scotland and Catalonia, also rely on a national identity narrative, and reflect the desire for stronger national sovereignty.¹⁰⁶ However, unlike for national nationalist movements, this narrative is combined with support for the EU.¹⁰⁷ For citizens who identify with secessionist movements, national identity has a different content and may trigger different social psychological processes. Furthermore, we did not investigate how these processes play out for people from ethnic minorities, nor did we dive into the potential differences between citizens from different Member States. Although focusing on general mechanisms enables identification of the main psychological drivers of perceived EU legitimacy, future research could expand our 'general theory' to encompass more individual and societal factors.

Second, we have only briefly reflected on the concepts of identity and values, which carry different connotations in psychology and law. Due to conceptual differences, it may be harder to bridge the fact-value gap. Although we have described how social identity is conceptualized in social psychology and have studied it indirectly, we have not directly asked citizens what they understand under national identity or EU identity. This leaves room for future, possibly qualitative, psychological research to study how individuals interpret these identities, and which substantive areas should be specifically protected to generate the biggest positive effect on perceived EU legitimacy. In legal scholarship, too, it remains ambiguous what national identity precisely entails. While some scholars interpret Article 4(2) TEU as referring to a Member State's political and constitutional structures,¹⁰⁸ others have a more cultural understanding of national identity.¹⁰⁹ More insight on the meaning of national identity in both disciplines is necessary to better inform the law with psychological insights.

106 Marc Sanjaume-Calvet, Daniel Cetrà and Núria Franco-Guillén, 'Leaving Europe, Leaving Spain: Comparing Secessionism from and within the European Union' 47 *West European Politics* 1121.

107 Niklas Bremberg and Richard Gillespie, *Catalonia, Scotland and the EU: Visions of Independence and Integration* (Routledge, Taylor & Francis Group 2022).

108 For example, De Witte and Fromage (n 5); Armin Von Bogdandy and Stephan W Schill, 'Overcoming Absolute Primacy: Respect for National Identity under the Lisbon Treaty' (2011) 48 *Common Market Law Review* 1417.

109 For example, Mary Dobbs, 'The Shifting Battleground of Article 4(2) TEU: Evolving National Identities and the Corresponding Need for EU Management?' (2015) 21 *European Journal of Current Legal Issues*; Besselink (n 1); Elke Cloots, 'National Identity, Constitutional Identity, and Sovereignty in the EU' (2016) 45 *Netherlands Journal of Legal Philosophy* 82.

The open wording of the concept values entails a similar interpretation and translation problem. In psychology, values are guiding principles of what people consider important, while moral values are guiding principles of what people consider right (as opposed to wrong). The Treaty refers to 'values', which, although they are not 'moral', contain legally binding obligations.¹¹⁰ Yet, since endorsing these values is a condition for acceding to the EU,¹¹¹ they define group membership, just as moral values in social psychology. In this way, psychological findings on morality could be linked to the legal discussion on values.

Third, although we explored how perceived EU legitimacy could be enhanced through legal practices, there is an important role to play for communicative practices as well. Possibly, legitimization through communication is even more important and effective, since people are primarily informed about EU affairs through the media, and their trust in the EU is significantly influenced by these communications.¹¹² Our own research also suggested that people are more strongly affected by discursive legitimization strategies than institutional legitimization strategies.¹¹³ An important area for future research is therefore to investigate how communication can effectively foster perceptions of EU legitimacy. At the same time, EU communication should always truthfully reflect what the law says. Improving EU communication about respect for national identity therefore also requires the actual protection for national identity under EU law.

110 *Republic of Poland v European Parliament and Council of the European Union* (n 74); *Hungary v European Parliament and Council of the European Union* (n 74).

111 Article 49 TEU.

112 Erika J Van Elsas and others, 'How Political Malpractice Affects Trust in EU Institutions' (2020) 43 *West European Politics* 944.

113 Grosfeld, Scheepers and Cuyvers (n 31).

Public perceived legitimacy of the EU can no longer be taken for granted. While it may not be accurate to speak of a 'legitimacy crisis', as many citizens still perceive the European Union (EU) to be legitimate, the public has become more divided on the issue.¹ Moreover, the rise of Eurosceptic parties that seek to 'take back control' for the nation state further threatens public perceptions of the EU.² At the same time, an increasing number of societal challenges require European cooperation due to their continental scope.³ Since prior research indicates that public perceived legitimacy is crucial for an effective EU,⁴ it is important to understand how the legitimacy of the EU as perceived by citizens can be strengthened. However, prior research on EU legitimacy mainly focused on *normative* legitimacy, which does not offer much insight into how citizens *perceive* the EU's legitimacy. Furthermore, empirical research on citizens' perceptions typically examines general support for the EU, which differs from the concept of legitimacy, while studies on the causes of perceived legitimacy often focus on regular intergovernmental organizations rather than specifically addressing the EU. To address this gap in the literature, this dissertation aimed to investigate how a high level of perceived EU legitimacy can be maintained and enhanced.

In the general introduction, I set out that achieving this aim requires an interdisciplinary, three-step approach. The first step is to understand what makes the EU legitimate in the eyes of citizens, recognizing that citizens' perceptions are influenced by the interaction between their individual characteristics and by contextual characteristics, such as features of the EU and the political environment. Social psychology, which studies how individuals' thoughts, feelings, and behaviours are influenced by their social context,

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- 1 Liesbet Hooghe and Gary Marks, 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus' (2008) 39 *British Journal of Political Science* 1.
 - 2 Aristotle Kallis, 'Populism, Sovereigntism, and the Unlikely Re-Emergence of the Territorial Nation-State' (2018) 11 *Fudan Journal of the Humanities and Social Sciences* 285.
 - 3 Robert O Keohane, 'The Demand for International Regimes' (1982) 36 *International Organization* 325; Dorothee Allain-Dupré, 'The Multi-Level Governance Imperative' (2020) 22 *The British Journal of Politics and International Relations* 800.
 - 4 Thomas Sommerer and Hans Agné, 'Consequences of Legitimacy in Global Governance' in Jonas Tallberg, Karin Bäckstrand and Jan Aart Scholte (eds), *Legitimacy in global governance: Sources, processes, and consequences* (Oxford Academic 2018); Allen Buchanan and Robert O Keohane, 'The Legitimacy of Global Governance Institutions' (2006) 20 *Ethics & International Affairs* 405; Tom R Tyler, 'Psychological Perspectives on Legitimacy and Legitimation' (2006) 57 *Annual Review of Psychology* 375.

is apt to examine these mechanisms. The current dissertation therefore uses social psychological theories and methods to better understand the underlying processes of perceived EU legitimacy. The second step is to develop and test the psychological effectiveness of potential EU legitimization strategies based on these insights. The third step is to explore how these psychological insights can be implemented in EU law, for the EU's functioning relies heavily on its legal system. Hence it is essential to adapt EU law to ensure that the EU remains responsive to citizens' needs and concerns, while staying within the current legal framework.

In addressing the research questions, I focused specifically on the role of moral values and social identity. So, while other factors – such as perceived possibility for democratic participation, transparency of procedures, or outcomes – may also play a role in shaping and increasing citizens' perceptions of EU legitimacy, the focus was on moral values and social identity. These social psychological processes were examined in four empirical chapters, covering seven data collections among nearly four thousand individuals from in total twelve EU Member States. In addition, I explored how these empirical, psychological insights can be integrated into EU law. In the next section, I describe the overarching conclusion of this research, followed by a summary of the key findings organized by research question. After that, I reflect on the broader implications of the findings and propose suggestions for future research.

7.1 SUMMARY OF THE FINDINGS

7.1.1 Overarching conclusion

The overarching conclusion of the current dissertation is that the EU's public legitimacy is currently safeguarded by a high level of EU identity defined by shared values, but that the EU must simultaneously better respect national identities to maintain and increase its legitimacy in the eyes of its citizens. As demonstrated in Chapters 2 and 3, many citizens support the values that are officially enshrined as EU values in the Treaties, and the perception of shared values with the EU increases its legitimacy. The values upheld by the EU contribute to a shared identity, which forms an important source of legitimacy (Chapter 4). At the same time, Chapter 2 and 3 also reveal that many citizens – not just 'exclusive national identifiers' – view respect for national identity as an important value, but do not perceive the EU as strongly endorsing this value. Chapters 4 and 5 further illustrate that when the EU is perceived as a threat to national identities, beliefs in its legitimacy sharply decline. These empirical findings indicate a clear direction for EU law: if the EU finds a way to sufficiently protect national identities while also promoting an EU identity and EU values (Chapters 3 and 5), it can better safeguard and increase public legitimacy. Merely informing people about how the EU functions and about its objectives may not be enough to

achieve this. Instead, EU law and public communications about the EU's norms and values should carefully consider the language used in messaging, adapting it to align with citizens' values (Chapter 3), or by offering citizens the opportunity to positively affirm their EU identity (Chapter 5). Within the realm of EU law, the aim of better protecting national identities while promoting EU identity and values could be achieved by expanding the procedural and substantive scope of the EU's legal obligation to respect national identities, as outlined in Article 4(2) TEU, provided this does not undermine the values enshrined in Article 2 TEU and other core principles reflecting EU identity and the very foundation of the EU legal order, such as primacy and sincere cooperation (Chapter 6).

7.1.2 Conclusion to research question 1

Research question 1 asked: 'How do moral values and social identity explain EU citizens' perceptions of the EU's legitimacy?'. This question was addressed in Chapters 2 to 5. The findings show that moral values and social identity explain a significant part of individuals' perceptions of EU legitimacy.

Focusing on moral foundations as a component of morality, the results showed that individuals' endorsement of binding moral foundations (loyalty, authority, purity) is associated with lower perceived EU legitimacy, whereas strong endorsement of individualizing moral foundations (care, fairness) is linked to higher perceived EU legitimacy. Although it remains hard to establish the causal direction of these effects, the findings suggest that the relation between moral foundations and perceived EU legitimacy is mediated by a sense of shared values. Individuals who strongly endorse binding moral foundations are less likely to perceive shared values with the EU, leading them to view the EU as less legitimate. A sense of shared values signals to people that the EU embodies a moral authority, which is an important component of legitimacy. Additionally, it reinforces a person's sense of belonging and recognition as a valued member of society, contributing to a positive EU identity.

The findings also show that a strong EU identity further increases perceptions of EU legitimacy. However, it must be noted that this relationship may be bidirectional: not only does higher EU identification enhance legitimacy perceptions, but higher perceptions of EU legitimacy are also likely to foster higher identification with the EU.

Additional findings regarding social identity concern the relations between national and dual national-EU identities and perceived EU legitimacy. No consistent relationship between strength of national identification and perceived EU legitimacy was found. Higher national identification did not necessarily reduce perceived EU legitimacy; in some studies, it was even positively related to perceived EU legitimacy. The results indicate that national identification undermines perceived EU legitimacy only when it excludes identification with the EU (i.e., when individuals lack a dual national-EU identity). Conversely, the higher their dual identity, the more

likely individuals are to perceive the EU as legitimate. This means that national and EU identification are not mutually exclusive; instead, when both are high, they enhance the EU's legitimacy in the eyes of citizens.

An additional factor influencing the relation between national identification and perceived EU legitimacy was the perceived threat to national identity. The results show that a stronger national identity predicts lower perceptions of EU legitimacy only when individuals experience a threat to their national identity. In the absence of such a threat, higher national identification does not negatively affect perceived EU legitimacy. These results demonstrate the importance to reduce citizens' perceptions of national identity threat from the EU.

7.1.3 Conclusion to research question 2

Research question 2 asked: 'What strategies grounded in moral values and social identity could increase perceived EU legitimacy among EU citizens?'. This question was addressed in Chapters 3 and 5. The conclusions drawn from research question 1 suggest two mechanisms that could increase perceived EU legitimacy: fostering a sense of shared values with the EU and reducing national identity threat. Drawing on moral foundations theory and social identity theory, these chapters developed a number of legitimization strategies targeting these mechanisms: two focusing on shared values and two on national identity threat.

Given that individuals who endorse binding moral foundations are less likely to experience a sense of shared values with the EU and, as a result, are less likely to view the EU as legitimate, two strategies to increase this sense of shared values for such individuals were designed and tested. These strategies were based on moral reframing research. The literature on moral reframing suggests that framing messages in ways that resonate with individuals' moral foundations fosters a perception of overlap between the values and identity of the message source and the recipient's own values and identity, reducing defensive information processing.⁵

The results revealed that reframing communication about EU norms in such a way that it aligns with the moral foundation of loyalty increases perceived EU legitimacy among those with strong binding moral foundations. This respective reframing emphasized the protection of national

5 Christopher Wolsko, 'Expanding the Range of Environmental Values: Political Orientation, Moral Foundations, and the Common Ingroup' (2017) 51 *Journal of Environmental Psychology* 284; Christopher Wolsko, Hector Ariceaga and Jesse Seiden, 'Red, White, and Blue Enough to Be Green: Effects of Moral Framing on Climate Change Attitudes and Conservation Behaviors' (2016) 65 *Journal of Experimental Social Psychology* 7; Blair Kidwell, Adam Farmer and David M Hardesty, 'Getting Liberals and Conservatives to Go Green: Political Ideology and Congruent Appeals' (2013) 40 *Journal of Consumer Research* 350; Matthew Feinberg and Robb Willer, 'From Gulf to Bridge: When Do Moral Arguments Facilitate Political Influence?' (2015) 41 *Personality and Social Psychology Bulletin* 1665.

constitutional identity and traditions in EU law. So, the results indicate that a loyalty-framed message can indeed enhance a sense of shared values and perceived EU legitimacy among individuals who endorse binding moral foundations, without diminishing perceived EU legitimacy among those who do not. Another effective, though non-moral, frame was one that emphasized the economic benefits of EU membership, which similarly increased perceived EU legitimacy among individuals with binding moral foundations, without negatively affecting others.

In addition to moral reframing, it was tested whether rebalancing EU legal norms in consistency with binding moral foundations could increase perceived EU legitimacy. Rebalancing involves altering the actual legal content of a legal norm to enhance moral alignment with certain moral foundations. However, none of the rebalanced norms increased perceived EU legitimacy among individuals who endorse binding moral foundations, and most of the rebalanced norms actually reduced perceived EU legitimacy among those with individualizing moral foundations. This suggests that, when information about EU legal norms and values is provided, even when that information is far-reaching in terms of legal implications, it must be presented in a morally appealing way in order to reach citizens.

Notably, while intended to enhance a sense of shared values, the loyalty reframing strategy might have also worked by addressing the second mechanism – reducing national identity threat – since it emphasized the EU's role in protecting national constitutional identity and traditions. To further investigate this mechanism, two additional strategies were tested: national identity affirmation and EU identity affirmation. Based on group affirmation research, which shows that positively affirming a social identity can help people cope with identity threat and respond less defensively,⁶ these two strategies involved letting people reflect on why they are proud of being a national citizen or an EU citizen.

The results revealed that the effectiveness of these affirmation strategies depended on another factor: people's national identity *content*. So, they were not affected by *strength* of national identification, but their effects varied depending on how individuals conceive of their national identity (i.e., what national identity entails or means).⁷ EU identity affirmation reduces national identity threat and increases perceived EU legitimacy among two groups of people. First, among those who are not highly proud of their national group membership. And second, among those who are proud of their national group membership and conceive of it as inclusive, encom-

6 Heather J Smith and Diana R Grant, 'How to Improve Group Affirmation Manipulations: A Systematic Review and Meta-Analysis' [2024] *Group Processes & Intergroup Relations* 13684302241276070.

7 This finding highlights the importance for social psychological research not only to focus on identity strength, but also on identity content. See on this point also Felicity Turner-Zwinkels, Martijn Van Zomeren and Tom Postmes, 'Politicization During the 2012 U.S. Presidential Elections: Bridging the Personal and the Political Through an Identity Content Approach' (2015) 41 *Personality and Social Psychology Bulletin* 433.

passing everyone who speaks the national language and respects national institutions and laws. These individuals are likely to cope with national identity threat by shifting towards EU identification and recognizing the positive value of this superordinate group membership.

In contrast, EU identity affirmation is less effective at reducing national identity threat and increasing perceived EU legitimacy among individuals who are proud of their national group membership and conceive of it as ethnic and exclusive, based on shared ancestry. These individuals tend to respond defensively to national identity threats and are less inclined to see the positive value that EU group membership might bring to their social identity. For this group, affirming national identity may be a more effective strategy for mitigating national identity threat.

Interestingly, the findings from the affirmation studies can be linked to those of moral reframing, as the emphasis on shared values in the EU identity affirmation may prime a sense of shared morality. A meta-analysis on group affirmation shows that affirming group values, rather than emphasizing the group's high status, prestige, or other positive qualities, helps reducing defensive information processing.⁸ Thus, although the two examined legitimization strategies were grounded in different theories and different social psychological mechanisms, they should be seen as reconcilable and complementary approaches to increasing public perceived legitimacy of the EU.

7.1.4 Conclusion to research question 3

Research question 3 asked: 'What are the possibilities and limits within the EU legal framework to implement evidence-based EU legitimization strategies grounded in moral values and social identity?'. This question was addressed in Chapter 6. The conclusions drawn from research question 2 highlight that fostering shared values and a shared EU identity, while respecting diverse values and national identities, is crucial for increasing public perceived legitimacy of the EU. Translating empirical insights into law presents a challenge, in particular due to the different nature of 'facts' and 'values'. This challenge may be even more pronounced when dealing with abstract concepts like values and identities, which offer abstract directions rather than concrete policy guidelines. Nevertheless, the empirical insights on values and identities from the current research can still be integrated into various aspects of the EU's legislative, administrative, and judicial process, as well as the communication about these processes.

First, politicians, civil servants, judges, and other communicators could be more considerate of how their language affects citizens in order to avoid triggering identity-protective responses. By appealing to values that resonate with individuals who feel that the EU threatens their national identity,

8 Smith and Grant (n 6).

they can better connect with this audience. This requires balancing the emphasis on EU values with values such as respect for national identity and ingroup loyalty. Rather than merely stating that EU citizens share common values, it is crucial to explicitly define these values, as people may not be aware of their alignment with EU values or may dismiss such messages about shared values due to a lack of identification with the EU. Since communication strategies do not require legal adjustments, there is considerable space to implement this advice. However, it remains crucial to ensure that communication techniques are used responsibly and that communications convey the genuine substance of the law and legal norms.

In addition to employing communication techniques, the EU can more successfully safeguard and increase public legitimacy when adapting EU laws to better reflect citizens' values and identities. Chapter 6 examined how the empirical findings on moral values and social identities can be integrated into the interpretation and application of Article 4(2) TEU, for the EU's legal obligation to respect national identities is particularly manifested in this provision. Analysis of the approach by the Court of Justice of the European Union (CJEU) shows that the balance between protecting supranational principles, identity, and values on the one hand, and protecting national identity on the other, currently leans toward the former. While increasing the protection of national identity under Article 4(2) TEU is important, there is limited legal space to adjust it in ways that would not undermine core principles of EU law, such as primacy or EU values. Moreover, our psychological findings suggest that generally restricting the primacy of EU law in favour of national identity would not even be desirable for citizens either, as this is unlikely to be supported by the large number of citizens who strongly endorse individualizing moral foundations. Therefore, it would be both legally and psychologically unfeasible for EU laws to generally abandon their claim to primacy in case of a conflict with the national identity of a Member State. In other words, no hard choice between national identity and primacy is necessary, which is fortunate as both are vital to uphold both public legitimacy and the stability and autonomy of the EU legal order.

Instead, a balance between EU and national identities and values can be achieved through four potential legal avenues, discussed in detail in Chapter 6. The first option is to improve the judicial dialogue between the CJEU and national courts, possibly through the introduction of a reverse preliminary ruling mechanism or the creation of a mixed constitutional chamber to address issues of national identity. Second, national identity could be better protected substantively, for example by granting special protective status to certain areas of national identity. The third option is to enlarge the margin of discretion for national courts to assess the nature of national identity and the proportionality of derogations of EU law based on national identity. Finally, the CJEU could more explicitly and with more detail engage with national identity in its reasoning to demonstrate that respect for national identity is a significant norm in EU law. While these suggestions may not

be a silver bullet, they hold considerable potential to mitigate perceptions of national identity threat and increase perceived EU legitimacy, particularly when implemented in combination.

7.2 BROADER IMPLICATIONS AND DIRECTIONS FOR FUTURE RESEARCH

The research findings speak to four broader issues: 1) empirical research on perceived legitimacy of the EU; 2) reconciling moral foundations theory and social identity theory; 3) interdisciplinary research; and 4) the future of European integration.

7.2.1 Empirical research on perceived legitimacy of the EU

As previously indicated, this dissertation sought to bridge the gap between research on perceived legitimacy of international organisations and public support for the EU by focusing on the perceived legitimacy of the EU specifically. As a result, it makes two key contributions to our understanding of the sources of perceived EU legitimacy.

First, moral values and social identity emerge as significant drivers of citizens' beliefs in EU legitimacy, possibly more so than for other international organisations. Prior research identified four individual-level factors explaining variation in people's legitimacy beliefs toward international organisations – socioeconomic status, political values, geographical identification, domestic institutional trust – with geographical identification and political values being the weakest predictors.⁹ Although the current research did not directly compare the relative importance of these factors for EU legitimacy, the results underscore the strong influence of geographical identity, political values, and moral values, suggesting they are more important factors than socioeconomic status. This points to notable variation in the factors shaping public legitimacy across international organisations,¹⁰ with the EU – and potentially other regional integration projects with a layer of supranational governance – being more strongly affected by identity dynamics.

Nevertheless, the findings of the current dissertation also indicate that socioeconomic status is related to perceived EU legitimacy, albeit to a lesser extent than identity. This suggests that economic benefits could be an important source of legitimacy for citizens who feel less attached to the EU emotionally. One of the most important directions for future research, in my view, is therefore to understand when, and for which citizens, the EU's legitimacy is based on economic benefits, and when and for whom it is based on shared identity and values.

9 Lisa Dellmuth and others, *Citizens, Elites, and the Legitimacy of Global Governance* (1st edn, Oxford University Press 2022).

10 Cq. *ibid.*

Second, individuals' perceptions of the EU's legitimacy are shaped not merely by individual-level characteristics, features of the EU, or societal circumstances, but by the interaction of these factors. For example, the current research shows that an individual's perception of the EU as a threat (individual level) diminishes their view of its legitimacy. However, this perceived threat can be influenced by certain features of the EU (organisational level) – as well as by how these norms are communicated to the public (societal level). Additionally, the content of an individual's national identity (individual level) affects all of these processes. Therefore, understanding and improving public perceptions of EU legitimacy requires examining the interplay between these different levels. Given these interactions, an interesting direction for future research would be to explore the effects of national context. In the current research, I tried to identify general social psychological processes that determine perceived EU legitimacy, but future research should look into how these general processes are affected by national context.

When empirically studying the sources of perceived EU legitimacy, I also encountered two significant methodological challenges. Since the studies' limitations are thoroughly addressed in the discussion sections of the separate empirical chapters, I refer to those chapters for a detailed discussion of the methodological limitations. Yet, there are two methodological challenges that stand out and warrant particular attention in future research.

First, legitimacy of the EU, as perceived by citizens, is a psychological construct that is hard to measure empirically for several reasons. Considering its definition – the belief that the EU's exercise of authority is right or appropriate – the most straightforward way to assess perceived EU legitimacy would be to ask individuals directly whether they believe that the EU's exercise of authority is right or appropriate. However, such a question is inherently ambiguous and can be interpreted differently by individuals. For example, does 'right' refer to lawful, democratic, or moral? In addition, a close behavioural indicator of perceived EU legitimacy might be voting behaviour in an EU referendum, as it reflects whether people want to remain in or leave the EU. The limitation of this approach, however, is that it often boils down to a yes-or-no question, offering little insight into the nuanced ways in which citizens perceive the legitimacy of the EU. Moreover, such voting behaviour may be affected by other motivations than legitimacy.¹¹

To overcome these issues, the approach in this dissertation was to measure perceived EU legitimacy through survey items that capture different

11 See for example Wouter van der Brug, Tom van der Meer and Daphne van der Pas, 'Voting in the Dutch "Ukraine-Referendum": A Panel Study on the Dynamics of Party Preference, EU-Attitudes, and Referendum-Specific Considerations' (2018) 53 *Acta Politica* 496.

indicators of legitimacy, based on previous research.¹² These indicators were trust or confidence in the EU, the sense of duty to obey, perceived lawfulness, and perceived morality of the EU. This approach allowed for a broad measurement of legitimacy and enabled comparison across various dimensions. The findings suggest, however, that these dimensions may be shaped by different underlying processes. One notable observation here is that identity and morality appear particularly relevant in shaping trust and perceived morality. Future research should further explore the different processes influencing these distinct dimensions and investigate whether certain dimensions are more relevant than others to different audiences. This might also contribute to the conceptual discussion about legitimacy.

The second methodological challenge pertains to the recruitment of large, diverse, and representative samples. Ideally, studies on perceived EU legitimacy would include participants from a broad cross-section of society, considering factors such as age, gender, socioeconomic status, place of residence, ethnicity, nationality, and political ideology. Although recruiting a diverse sample regarding age and gender was not an issue in the current research, it proved more difficult to recruit participants from lower socioeconomic backgrounds, diverse ethnicities, and those with right-wing political ideologies. Most psychological research relies on young, highly educated student samples, because these are easier to recruit on campus and are overrepresented on online platforms like Prolific. However, my experience suggests that recruiting participants in real-life settings, while slightly improving representativeness, introduces selection bias as well. To illustrate, during the recruitment of participants for the election day study, most individuals who declined to participate felt they lacked sufficient knowledge of the EU, did not consider themselves technically proficient enough to complete a study on a laptop, or were so strongly opposed to the EU or to universities that they were unwilling to participate.

To overcome this issue in future research, it would be recommended to collaborate with large survey panels that reach all segments of society. Additionally, combining surveys with in-depth interviews or focus groups could provide a more nuanced understanding of legitimacy across different societal groups.

7.2.2 Reconciling moral foundations theory and social identity theory

As noted in the summary of the findings, the psychological mechanisms aimed at increasing the perceived legitimacy of the EU – enhancing a sense of shared values with the EU and reducing national identity threat – are complementary. However, while these legitimization strategies may be recon-

12 Lisa Dellmuth and Bernd Schlipphak, 'Legitimacy Beliefs towards Global Governance Institutions: A Research Agenda' (2020) 27 *Journal of European Public Policy* 931; Jonathan Jackson and others, 'Why Do People Comply with the Law?: Legitimacy and the Influence of Legal Institutions' (2012) 52 *British Journal of Criminology* 1051.

cilable, the two theoretical frameworks underpinning these mechanisms as presented in the current dissertation may appear incompatible at first sight. This prompts a need to consider how the findings of this dissertation based on moral foundations theory and social identity theory can be reconciled. In addition, moral foundations theory has faced some criticism. This section therefore also discusses what implications the critique on moral foundations theory has for the interpretation and validity of the findings.

Recapitulating, moral foundations theory posits that all humans possess a set of innate, psychological ‘modules’ or ‘building blocks’, evolved in response to adaptive challenges, which determine people’s moral judgments.¹³ Originally developed to explain cultural differences in morality, it identified five universal psychological foundations that underpin moral systems across cultures: care, fairness, ingroup loyalty, authority, and purity.¹⁴ Cultures thus build their values, norms, and institutions on these foundations. A central aim of moral foundations theory was to demonstrate that morality extends beyond the virtues of care and fairness (i.e., the individualizing foundations), which are predominantly emphasized in western cultures, to include loyalty, authority, and purity (i.e., the binding foundations). Even within western cultures, people draw on these binding foundations, which helps explain moral divides between different groups.¹⁵ For instance, liberals or progressives primarily rely on care and fairness, while conservatives tend to rely on all foundations more equally. This has proven effective in explaining many differences between liberals and conservatives, particularly in the United States.¹⁶

However, several claims of moral foundations theory have been questioned. The first issue pertains to the nature of moral foundations, more specifically, the claim that they are stable and influence ideology. Research has shown that endorsement of moral foundations varies considerably over time,¹⁷ and that ideology may predict moral foundations rather than the other way around.¹⁸ The rationale behind these contradicting findings is that moral foundations are malleable and context-dependent. For example,

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- 13 Jonathan Haidt, ‘The New Synthesis in Moral Psychology’ (2007) 316 *Science* 998; Jonathan Haidt and Jesse Graham, ‘When Morality Opposes Justice: Conservatives Have Moral Intuitions That Liberals May Not Recognize’ (2007) 20 *Social Justice Research* 98.
 - 14 Haidt (n 13); Jonathan Haidt, Jesse Graham and Craig Joseph, ‘Above and Below Left-Right: Ideological Narratives and Moral Foundations’ (2009) 20 *Psychological Inquiry* 110.
 - 15 Haidt (n 13).
 - 16 Haidt and Graham (n 13); Jesse Graham, Jonathan Haidt and Brian A Nosek, ‘Liberals and Conservatives Rely on Different Sets of Moral Foundations’ (2009) 96 *Journal of Personality and Social Psychology* 1029.
 - 17 Kevin B Smith and others, ‘Intuitive Ethics and Political Orientations: Testing Moral Foundations as a Theory of Political Ideology’ (2017) 61 *American Journal of Political Science* 424.
 - 18 Peter K Hatemi, Charles Crabtree and Kevin B Smith, ‘Ideology Justifies Morality: Political Beliefs Predict Moral Foundations’ (2019) 63 *American Journal of Political Science* 788; David J Ciuk, ‘Assessing the Contextual Stability of Moral Foundations: Evidence from a Survey Experiment’ (2018) 5 *Research & Politics* 2053168018781748; Smith and others (n 17).

group identity or ideological values may influence the varying endorsement of moral foundations, implying that moral foundations function more as a state than a trait.¹⁹ This interpretation aligns with the social identity perspective on morality, which posits that people's norms and values are shaped by their relevant group memberships.²⁰

Related to this explanation is another criticism on moral foundations theory, which questions its claim that moral foundations evolved as evolutionary adaptations. In line with the idea of ideology as motivated social cognition,²¹ research found that endorsement of binding moral foundations is related to psychological needs to reduce uncertainty and threat, while endorsement of individualizing moral foundations correlates with emphatic sensitivity.²² It was suggested that moral foundations may not be evolved traits, but rather by-products of ideological preferences, which are caused by the motivation to satisfy psychological needs. If this view holds, it carries significant implications, because it implies that conservatives' ideological preferences are not rooted in authentic moral foundations but are instead driven by other psychological factors.

Finally, the applicability of the two-factor structure of individualizing and binding foundations to European samples has been questioned. More specifically, since much of the original moral foundations research was conducted with American samples, there are concerns that this structure may be culturally specific. Studies have found that the two-factor structure does not fit as well in other cultural contexts, suggesting that this part of the theoretical framework may not fully capture the moral landscape in non-American populations.²³

It is important to take these criticisms seriously and assess to what extent they hold. However, while theoretical claims should not be defended rigidly in the face of criticism, these critiques do not render findings based on moral foundations theory invalid or meaningless. Rather, they indicate that the theory may need further development. In the spirit of 'adversarial collaboration', connecting theories with competing viewpoints can advance theoretical thinking.²⁴ Therefore, I will now discuss how the current dis-

19 Ciuk (n 18).

20 Naomi Ellemers, Stefano Pagliaro and Manuela Barreto, 'Morality and Behavioural Regulation in Groups: A Social Identity Approach' (2013) 24 *European Review of Social Psychology* 160.

21 John T Jost and others, 'Political Conservatism as Motivated Social Cognition.' (2003) 129 *Psychological Bulletin* 339.

22 Michael Strupp-Levitsky and others, 'Moral "Foundations" as the Product of Motivated Social Cognition: Empathy and Other Psychological Underpinnings of Ideological Divergence in "Individualizing" and "Binding" Concerns' (2020) 15 *PLOS ONE* e0241144.

23 Mohammad Atari and others, 'Morality beyond the WEIRD: How the Nomological Network of Morality Varies across Cultures.' (2023) 125 *Journal of Personality and Social Psychology* 1157.

24 Naomi Ellemers and others, 'Adversarial Alignment Enables Competing Models to Engage in Cooperative Theory Building toward Cumulative Science' (2020) 117 *Proceedings of the National Academy of Sciences* 7561.

sertation's findings can be seen in light of critical debates and what contributions they offer to advancing this discourse, whilst also considering the relation between moral foundations theory and social identity theory.

In the current dissertation, it was hypothesized that the EU is primarily built on individualizing foundations, considering its history as a peace project shaped by the desire to move beyond the devastating consequences of excessive nationalism. Consequently, it was expected that individuals who rely more on binding moral foundations would experience a lower sense of shared values with the EU, leading to lower perceptions of its legitimacy. In addition, it was proposed that for individuals who base their morality more strongly on binding moral foundations, perceived EU legitimacy could be increased by reframing EU-related messages to align more closely with these moral foundations. Support for these hypotheses was found, as described above. The results indicated that individuals who score relatively high on binding foundations, as measured by the moral foundations questionnaire, have lower perceptions of EU legitimacy compared to those who score lower, and that this is mediated by the degree of moral alignment with EU law. Furthermore, the reframing study demonstrated that reframing could increase perceived EU legitimacy among individuals high on binding moral foundations, but this was only found for the message that was reframed to align with 'ingroup loyalty', and not for the other reframed messages.

Given the criticisms on moral foundations theory, a key question regarding these findings is whether citizens' endorsement of moral foundations is stable and dispositional, context-dependent, or both. It is important to note that, in the current studies, moral foundations as measured by the moral foundations questionnaire demonstrated unique predictive value for moral alignment with EU law and perceived EU legitimacy, beyond the influence of political ideology. However, although the effects observed in these studies accounted for the influence of political ideology, it remains uncertain whether moral foundations independently drove these effects, or whether other factors played a role. In other words, moral foundations could be reflections or by-products of ideological values, group membership, or chronic or temporarily activated needs to reduce uncertainty and threat.

For example, a higher score on a measure of the loyalty foundation may be significantly influenced by exclusive national identification or adherence to a political ideology that prioritizes the protection of the nation or the family, without loyalty being a part of a person's moral 'foundation'. A higher score on the loyalty measure could also be shaped by feelings of uncertainty or threat, which often trigger conservative preferences due to a stronger commitment to protect ingroups and their values.²⁵

25 Eva Jonas and others, 'Threat and Defense: From Anxiety to Approach' in James M Olson and Mark P Zanna (eds), *Advances in Experimental Social Psychology*, vol 49 (Academic Press 2014).

Considering these alternative interpretations, how should moral foundations be understood, in particular with regards to the current dissertation? I propose that moral foundations could be reconceptualized as abstract moral guidelines that have the potential to evolve in all humans but remain, due to their responsiveness to group norms and underlying psychological needs or characteristics, flexible building blocks of more concrete moral values. A closer examination of moral foundations theory reveals that this interpretation even approximates the original conceptualisation of moral foundations, one that seems somehow overlooked, since moral foundations were never hypothesized to be purely dispositional. Instead, the theory posits that moral foundations are contextualized and conditional, in contrast to 'Level 1 traits'.²⁶ Whereas Level 1 traits refer to dispositional traits which are nonconditional and decontextualized, moral foundations resemble 'Level 2 characteristic adaptations', which are more variable across time and situations. Thus, the idea that ideology or identity can influence moral foundations does not entirely contradict moral foundations theory. It may simply suggest that moral foundations are more responsive to contextual factors than often thought.

This perspective also aligns with the social identity approach to morality, which provides a more general framework of understanding the influence of the social context on individuals' morality. The social identity approach emphasizes that moral judgments and behaviours are affected not only by 'internal moral convictions' – such as those outlined by moral foundations – but also by the specific norms and values that an ingroup defines as morally right.²⁷ So, social identity theory explains the general social psychological processes by which group membership shapes moral behaviours, while moral foundations theory specifies the content of universal moral guidelines. The unique contribution of moral foundations theory, then, lies in the recognition that there are basic moral building blocks in people's psychological make-up and that these generic guidelines encompass not only principles traditionally associated with morality, such as care and fairness, but also values often overlooked in moral psychology, such as loyalty, authority, and purity.²⁸ Moral foundations provide, accordingly, an additional explanation for moral differences between individuals or groups; people may prioritize certain moral values not only to positively distinguish their group from other groups, but also due to a natural proclivity for some values over others. In this way, the two theories, moral foundations theory and social identity theory, can be reconciled. Considering the influence of both specific group norms and generic moral foundations may, moreover, contribute to a better understanding of moral conflicts.

26 Haidt, Graham and Joseph (n 14).

27 Naomi Ellemers and Jojanneke Van der Toorn, 'Groups as Moral Anchors' (2015) 6 *Current Opinion in Psychology* 189; Ellemers, Pagliaro and Barreto (n 20).

28 Haidt (n 13).

With regards to the content of those moral foundations specifically, another observation of the current dissertation, echoing criticism of the higher-order structure of moral foundations, is that the two-factor structure (individualizing vs. binding) may not fully apply to European samples. When the research measured moral foundations through the original moral foundations questionnaire, moderate evidence for the existence of individualizing and binding moral foundations was found. However, when using the updated version of the questionnaire, in which fairness is divided into equality and proportionality, evidence for a binding factor remained, but no clear support for an individualizing factor was found. This suggests that in European contexts, care, equality, and proportionality may function as separate foundations, possibly due to the generally high endorsement of these foundations across the population.

Regardless of the precise nature and structure of moral foundations, the current research highlights that concerns about the protection of the national ingroup are prominent within a large portion of society, and that these concerns affect how legitimate people find the EU. People who score high on binding foundations show even greater concern, either because they have a stronger moral disposition for ingroup loyalty and traditional societal structures, or because their relevant ingroups express these values as morally right, or because their endorsement of binding foundations reflects conservative preferences influenced by psychological needs to reduce threat.

These questions raise important questions and present an intriguing challenge for future research. There is thus a highly relevant and promising avenue for continued investigation into the underlying mechanisms and implications of morality, in particular for reconciling seemingly competing theoretical perspectives and data.

7.2.3 Interdisciplinary research

This dissertation also represents an effort to integrate the fields of social psychology and EU law. Integration of these disciplines was not a goal in itself, but a means to address the broader research problem, which spans multiple areas of knowledge. Interdisciplinarity – the active integration of scientific disciplines beyond simply complementing their perspectives²⁹ – is considered essential for fostering innovation and offering comprehensive solutions to complex societal issues.³⁰ Each discipline, with its distinct field of inquiry, norms, and practices, provides only a partial understanding of

29 Julie Thompson Klein, 'Typologies of Interdisciplinarity: The Boundary Work of Definition' in Robert Frodeman, Julie Thompson Klein and Roberto Carlos Dos Santos Pacheco (eds), *The Oxford Handbook of Interdisciplinarity* (Oxford University Press 2017).

30 Robert Frodeman, 'The Future of Interdisciplinarity: An Introduction to the 2nd Edition' in Robert Frodeman, Julie Thompson Klein and Roberto Carlos Dos Santos Pacheco (eds), *The Oxford Handbook of Interdisciplinarity* (Oxford University Press 2017).

the world. Thus, while monodisciplinary research is needed to organize and divide academic labour and develop solid disciplinary knowledge, interdisciplinary research holds the potential to connect specialized knowledge to real-world problems. In the following paragraphs, I will reflect on my experiences conducting research on the intersection of social psychology and EU law by discussing three stages of my PhD journey: 1) getting acquainted with the other discipline; 2) conducting interdisciplinary research; 3) disseminating the outcomes of interdisciplinary research.

7.2.3.1 *Getting acquainted with the other discipline*

My PhD journey started when I entered the law faculty as a social psychologist with no formal background in law. After identifying a problem, the research process moves to formulating more specific research questions, and it is at this phase that I already encountered the challenges of interdisciplinary research. A researcher, unless trained in multiple disciplines, naturally approaches problems through the lens of their own academic background. In my case, I was inclined to view research as a confirmatory process, with a clear focus on using established theories and testing hypotheses to explain human behaviour. When I tried to formulate a research question that addressed the legal dimension of the problem, I found myself largely puzzled. I realized that formulating a good research question – an essential first step in any research, not just in interdisciplinary research – is more challenging than expected and is learned through education and practice. This difficulty underscored the complexity of interdisciplinary work, where bridging two distinct ways of thinking requires careful navigation from the outset.

To overcome this barrier and become able to think across disciplinary boundaries, I believe two things are essential. First, it is important to recognize that all research, but in particular interdisciplinary research, is inherently a collaborative effort that requires cooperation among researchers with diverse backgrounds. This can be particularly challenging in PhD research, which is often considered a solitary endeavour meant to demonstrate one's ability to conduct research independently. Therefore, an interdisciplinary PhD project should be supervised by professors from various disciplines who are committed to investing time and effort into the interdisciplinary dimension of the research. Second, even when working in a multidisciplinary team, it is crucial to learn how to *speak* the other discipline's language, or at least be able to *understand* it. To that end, I followed multiple courses at the law faculty focusing on legal methods, concepts and the fundamentals of EU (constitutional) law. Additionally, I was embedded as a PhD researcher within the department of European Law, which provided me with further opportunities to learn to understand 'the language of lawyers'.

So, what are the core differences between social psychology and EU law? Social psychology and EU law differ fundamentally in their objec-

tives. Social psychology is primarily a descriptive and explanatory science focused on understanding how people's thoughts, feelings, and behaviours are influenced by their social context, or, as how it is often described, 'by the actual, imagined, or implied presence of others'³¹. It seeks to explain the dynamic psychological processes that underlie human behaviour in social settings. In contrast, EU law, as a subdiscipline of law, also serves a descriptive purpose, but aims to articulate the legal doctrines contained in legal documents (i.e., EU legislation and caselaw of the Court of Justice of the EU). In other words, it describes the internal logic and coherence of the law, seeking to clarify how laws interact and function within the EU legal order, and what the law actually says. In addition to its descriptive nature, law is also normative, meaning that it, based on the foundations for understanding the law laid by descriptive work, evaluates whether existing laws fit with doctrinal principles, whether they are useful for legal practice, and whether they answer other practical concerns as well as meet (potentially extra-legal) normative standards.³²

It is crucial to reflect on the nature of one's research question, because it determines which methods are needed for investigation. This consideration is important for both monodisciplinary and interdisciplinary research, but is particularly significant in the latter. One must ask whether the question at hand is truly interdisciplinary or a multidimensional question that can be broken down into multiple sub-questions, each of which is monodisciplinary (as is the case in the current dissertation).

In my experience, the latter scenario is more common than the former. As in the current dissertation, there may be a broader question or problem that requires insights from both disciplines. However, this overarching question often leads to the formulation of several separate questions, with fundamentally different objectives. While there are specialized research areas at the intersection of psychology and law, such as sociolegal studies or empirical legal research, the questions explored in these fields often remain monodisciplinary. For example, the question of whether there is racial bias in judges' decision-making pertains to the practice of law, but it fundamentally remains a psychological question rather than a legal one. The same is true for the question of whether rule-of-law backsliding affects people's perceptions of the law. Conversely, legal questions can be answered using empirical methods – e.g., investigating how often national courts refer preliminary rulings to the Court of Justice of the European Union is a legal question – but the empirical nature of the inquiry does not transform it into a social psychological question.

31 Gordon W Allport, 'The Historical Background of Modern Social Psychology' in G Lindzey and E Aronson (eds), *The handbook of social psychology* (3rd edn, McGraw-Hill).

32 Sanne Taekema, 'Relative Autonomy, A Characterisation of the Discipline of Law' in B Van Klink and Sanne Taekema (eds), *Law and Method: Interdisciplinary research into law* (Mohr Siebeck 2011).

7.2.3.2 Conducting interdisciplinary research

Once the research question has been clearly defined, it becomes possible to consider how to conduct the research and identify at which phases interdisciplinary integration helps answering the ultimate question. Here, I focus on two aspects: methodology and interpretation.

In terms of methodology, EU law and social psychology employ distinct practices. Whereas EU law seeks to understand the meaning of legal texts through hermeneutics and argumentative reasoning, as is common in humanities, social psychology relies on theory and data.³³ I recall asking my supervisor during the early stages of my PhD trajectory whether there was a theoretical framework within law that I could use. I was surprised to learn that lawyers do not typically work with theories in the same way that social scientists do. In social psychology, theories, along with observations, are the very basis of research. They guide predictions, which are then tested with existing or newly collected data from human subjects. In law, however, there is no separation between theory and data, which are both embedded within the legal texts themselves. Consequently, social psychology has a more structured form of doing research, adhering to the empirical cycle that prescribes hypothesis formulation, data collection, and analysis.³⁴

Yet although this is a different and more structured approach, it is not necessarily better. What is more, recent developments in social psychology show a significant emphasis on the strictly defined hypothesis testing phase, often at the expense of exploratory research.³⁵ In this regard, social psychology could learn from the more open-minded approach found in legal scholarship, which often embraces exploratory research. In my own research, I also found that some of the most intriguing findings and new insights emerged from exploratory investigations rather than solely from hypothesis-testing. Although hypothesis testing in accordance with open science practices is crucial to ensure the transparency, reliability, and replicability of quantitative empirical research, it should be complemented with qualitative research and explorative practices to fully employ the wide spectrum of methods available to social psychologists.³⁶ Another distinguishing feature of legal research is its strong focus on definition formation and close scrutiny of the meaning and effects of language, a skill that could also improve social psychological research, for example in the phase of conceptualization and theory-building.

³³ *ibid.*

³⁴ Adriaan D de Groot, *Methodologie: Grondslagen van Onderzoek En Denken in de Gedragswetenschappen* (De Gruyter Mouton 2019).

³⁵ Cq. Kees Van Den Bos, 'De empirische pizzapunt' (*De Psycholoog*, 6 September 2024) <<https://www.tijdschriftdepsycholoog.nl/de-empirische-pizzapunt/>> accessed 4 October 2024.

³⁶ *ibid.*

Furthermore, social psychologists who examine how people respond to the law and legal institutions could benefit from collaborating with lawyers during the design phase of their research. Features of the legal context can significantly influence human behaviour. Studying these effects is not merely a form of 'applied social psychology' but an essential part of basic social psychology.³⁷ After all, social psychology investigates how people behave within a social context, and the law and legal institutions constitute an essential part of that context because they determine how society is organized.³⁸ Through interactions with the legal system, people learn how to regulate their behaviour towards others and towards authorities.³⁹ Accordingly, by studying the law and incorporating descriptive legal knowledge into empirical designs, psychologists can create more contextually precise studies. This not only enhances the external validity of their research, but also deepens their understanding of basic social psychological processes.⁴⁰ Moreover, improving the accuracy of study designs when studying how people perceive the law is crucial because citizens' moral judgments about the law determine whether people find the law and legal authorities legitimate.⁴¹ Finally, these designs should take into account that people's perceptions of the law may be biased and therefore be different from the actual law.⁴² This underscores the importance of collaboration between social psychologists and lawyers, where both perspectives are combined.

While it can be more challenging to grasp why and how social psychology should be incorporated into legal methods, social psychology could enrich the hermeneutic approach. Relying on the central premise of the sociology of law and sociological jurisprudence – namely, that law and legal institutions are social constructs, created by humans within specific social contexts rather than neutral, independent systems of rules⁴³ – an understanding of human behaviour can enhance legal interpretation. For example, it can shed light on why certain laws or principles exist by offering insight into the intentions of those who created them. Additionally, it can help clarifying how one's own interpretation of legal texts might be influenced by underlying social and psychological processes.

37 Kees Van Den Bos, 'Social Psychology and Law: Basic Principles in Legal Contexts' in PAM Van Lange, E Tory Higgins and Arie W Kruglanski (eds), *Social psychology: Handbook of basic principles* (3rd edn, Guilford Press).

38 June Louin Tapp and Felice J Levine, 'Legal Socialization: Strategies for an Ethical Legality' (1974) 27 *Stanford Law Review* 1.

39 Rick Trinkner and Tom R Tyler, 'Legal Socialization: Coercion versus Consent in an Era of Mistrust' (2016) 12 *Annual Review of Law and Social Science* 417.

40 Van Den Bos (n 37).

41 As demonstrated in the current dissertation, but see on this also John M Darley and Dena M Gromet, 'The Psychology of Punishment: Intuition and Reason, Retribution and Restoration', *The Psychology of Justice and Legitimacy* (Psychology Press 2009).

42 See on this also Marc Hertogh, 'Empirical Approaches to the Rule of Law: Contours and Challenges of a Social Science That Does Not Quite Yet Exist' (2024) 20 *Annual Review of Law and Social Science* 35.

43 Eugen Ehrlich and Nathan Isaacs, 'The Sociology of Law' (1922) 36 *Harvard Law Review* 130.

In terms of interpretation, knowledge of human behaviour can improve our understanding of the real-world impact and functioning of the law and the legal system. Yet a significant challenge arises in applying social psychological, empirical findings to the normative realm of EU law. I have addressed this issue extensively in Chapter 6, where I explore the translation of empirical insights on perceived EU legitimacy into the legal-normative debate about protecting national identity in EU law. Essentially, it is problematic to move from factual observations to normative claims (i.e., ‘the fact-value gap’), because facts, by their nature, cannot dictate values, nor can normative claims alter empirical facts.⁴⁴

However, this issue does not imply that social psychological and legal conclusions cannot be meaningfully integrated. On the contrary, I argue that ignoring the fact-value gap illustrates the very limitations of mono-disciplinary thinking, while bridging it offers opportunities for furthering knowledge. Several approaches to bridging the fact-value gap have been proposed in the literature,⁴⁵ and in Chapter 6, I focused on one that I find particularly relevant. This approach emphasizes the argumentative character of law and treats empirical facts as potential contributions to legal reasoning that can be weighed alongside other extra-legal and legal arguments. By treating social psychological findings as relevant arguments, they can be incorporated into legal reasoning without disregarding the difficulty of directly translating empirical findings into legal claims. In this way, social psychological insights can inform normative discussions in EU law and create a more evidence-based approach to understanding and creating law.

7.2.3.3 *Disseminating the outcomes of interdisciplinary research*

Finally, I have encountered several challenges during the dissemination of interdisciplinary research findings. These challenges stem largely from the fact that interdisciplinary research often remains niche, making it harder to engage in scholarly dialogue on the topic and to find the right outlet for presenting the results. For example, unless there are journals specifically dedicated to research at the intersection of two disciplines, finding a suitable journal can be challenging. This difficulty arises not only because the research may not align with the journal’s aims, but also due to the potential lack of knowledgeable reviewers who are qualified to evaluate an interdisciplinary manuscript.⁴⁶

44 Ivo Giesen, ‘The Use and Incorporation of Extralegal Insights in Legal Reasoning’ (2015) 11 *Utrecht Law Review* 1.

45 See for examples Frans L Leeuw, ‘Empirical Legal Research: The Gap between Facts and Values and Legal Academic Training’ [2015] *Utrecht Law Review* 19.

46 This view is based on my own experience, but is also endorsed by Christoph Kueffer and others, ‘Towards a Publication Culture in Transdisciplinary Research’ (2007) 16 *GAIA - Ecological Perspectives for Science and Society* 22.

In my experience, there are two ways to address this issue. First, it is possible to submit an interdisciplinary manuscript to journals that are more broadly devoted to interdisciplinary research. This allows for writing a single manuscript that conveys the interdisciplinary research findings. A potential downside of this approach is that it may be harder to reach the target audience, because those journals often have a broad audience. Second, researchers could consider writing multiple manuscripts that describe the same research, but are tailored to specific monodisciplinary audiences, and presenting the interdisciplinary part of the work through other formats. For example, depending on the kind of impact one wants to make, this could be through conference presentations, blog posts, podcasts, or policy briefs. This approach can help to ensure that the findings reach (and are reviewed by) the appropriate audiences while simultaneously stimulating meaningful discussions across disciplines. However, it also requires that scholars remain connected to classical disciplines and understand how their interdisciplinary work is interesting to the specific audiences of those disciplines.

7.2.4 The future of European integration

Finally, the findings of this dissertation have significant implications for ongoing societal debates about the future of European integration. Three points stand out in this regard.

First, while there is little evidence for the existence of a public legitimacy crisis, the EU seems to lack sufficient public legitimacy to advance deeper supranational integration at present. It is important to note that this conclusion pertains to the current situation, which may evolve over time. At present, however, while most citizens generally trust the EU and perceive it as legitimate – reflected in moderate to high levels of perceived legitimacy – this legitimacy remains fragile and vulnerable due to growing political tensions and identity dynamics, already visible in recent electoral successes of Eurosceptic parties. This may be problematic considering the growing number of transnational issues that require deeper integration and hence higher public perceived legitimacy. Yet deeper supranational integration with reduced competences on the national level may, currently, weaken rather than strengthen public EU legitimacy.

Second, EU identity and EU values are widely embraced and provide a critical source of legitimacy for the EU, but the preservation of national identity is a shared value for the majority of citizens as well. Consequently, dismissing concerns about losing national identity as irrational or immoral would be problematic, not only because these concerns can be viewed as rational and moral, but also because it would increase societal tensions and polarization and impede a constructive debate about the EU. In people's subjective representation of their group identities, national and EU identity can co-exist; both can simultaneously offer a positive identity and spark fears of losing them. Reacting to the rise of anti-EU or anti-globalist populism by labelling proponents of national sovereignty as irrational or

immoral creates a false dichotomy between EU proponents and opponents. This perceived divide, if left unchecked, risks evolving into a genuine polarization between groups with conflicting identities and values. Since a polarized debate is inherently unproductive, it is crucial that all parties are willing to understand different viewpoints, and to engage seriously with concerns about national identity and sovereignty. Importantly, this does not have to mean an 'exit' of multiple Member States, nor does it have to jeopardize European collaboration, because there are ways to better protect national identities while upholding important principles of EU law.

Third, despite evidence that a large portion of the population identifies with both their country and the EU and perceive the EU to be legitimate, the existence of a substantial group of citizens who identify exclusively with their nation does raise concerns for the EU's public legitimacy. This group, which is potentially growing alongside the rise of Eurosceptic populism, may categorically reject the EU's legitimacy. In the best scenario, these individuals withhold legitimacy unless a stronger protection for national identities is guaranteed; in the worst scenario, they deny the EU's legitimacy outright. This implication ties into the previous point. While it could be argued that populists legitimately voice citizens' discontents with supranational governance, their claim to represent 'all the people' enjoys little empirical support. Moreover, to the extent that populists exploit people's concerns to amplify polarization rather than mitigate it, merely because they see electoral potential, they form a significant challenge for public perceived legitimacy of the EU and European integration at large, especially because populism thrives when public legitimacy in authorities declines.⁴⁷ A critical task for future research is therefore to explore how constructive debates on Europe's future and cooperation on common societal issues can be facilitated in an increasingly polarized political landscape.

7.3 CONCLUDING REMARKS

The legitimacy of European integration was almost unquestionable in the aftermath of the two world wars. Cooperation among European states was essential to prevent another devastating conflict and to rebuild the continent economically, morally, and politically. Most citizens, moreover, were largely indifferent towards European integration, for it did not directly disrupt their lives. Today, however, while war looms again, it may no longer serve as a sufficient source of EU legitimacy in the eyes of citizens. The EU has transformed into a supranational organization grounded in constitutional principles and taking on roles traditionally reserved for nation states. This shift has made the EU increasingly politicized and controversial among the general public.⁴⁸ At the same time, Europe's precarious position in a chang-

47 Denis Ivanov, 'Economic Insecurity, Institutional Trust and Populist Voting Across Europe' (2023) 65 *Comparative Economic Studies* 461.

48 Hooghe and Marks (n 1).

ing geopolitical landscape and the urgency to address other transnational challenges make European cooperation and, by extension, perceived EU legitimacy, all the more necessary.

What should the EU do to restore and increase its legitimacy among the public? The European Commission's communications increasingly focus on a common identity and shared values.⁴⁹ Judgments of the CJEU also increasingly refer to EU identity and emphasize the need to defend EU values, even if that comes at the expense of protecting certain elements of national identity.⁵⁰ Is there a sufficiently strong common EU identity among citizens to continue pursuing this path of legitimation, or should the focus shift back to instrumental factors, such as economic factors and safety? And how can the law adapt to reflect changed public perceptions of EU legitimacy?

The current dissertation aimed to address these questions by understanding underlying social psychological processes through empirical studies designed with the legal context in mind, and by using the results of those studies to inform EU law.

The results demonstrate that most citizens have a strong EU identity and endorse similar values as the EU. Emphasizing the positive aspects of this shared identity can increase perceived EU legitimacy. At the same time, when people feel that their national identities – still highly significant and salient to most – are under threat or cannot be maintained, their perceptions of EU legitimacy decrease. While this can be avoided for some by highlighting the benefits provided by EU membership, this strategy risks to reach a dead end for a growing group of citizens who hold an ethnic conception of national identity.

For these reasons, the research concludes that alongside promoting EU identity and values, the law must better accommodate citizens' need to protect their national identities. It proposes several legal adjustments aimed at ensuring the continuity of national identities and their unique characteristics, without compromising important legal principles such as the primacy of EU law. The current research indicates that this should be avoided not merely for legal reasons, but also because most citizens feel strongly attached to the EU and its values. Importantly, this dissertation demonstrates that respect for national identity does not conflict with core principles and values of EU law; instead, it proposes how these can be harmonised to increase public perceived legitimacy of the EU. While the presented proposals come with certain caveats and are not exhaustive, they offer concrete suggestions for integrating empirical insights into EU law, thereby fostering the further evolution of evidence-based EU law.

49 Pamela Pansardi and Francesco Battegazzorre, 'The Discursive Legitimation Strategies of the President of the Commission: A Qualitative Content Analysis of the State of the Union Addresses (SOTEU)' (2018) 40 *Journal of European Integration* 853.

50 See for example *Hungary v European Parliament and Council of the European Union* [2022] CJEU Case C-156/21; *Republic of Poland v European Parliament and Council of the European Union* [2022] CJEU C-157/21.

- Adam S and Maier M, 'National Parties as Politicizers of EU Integration? Party Campaign Communication in the Run-up to the 2009 European Parliament Election' (2011) 12 *European Union Politics* 431
- Aichholzer J, Kritzinger S and Plescia C, 'National Identity Profiles and Support for the European Union' (2021) 22 *European Union Politics* 293
- Alemanno A and Stefan O, 'Openness at the Court of Justice of the European Union: Toppling a Taboo' (2014) 51 *Common Market Law Review* 97
- Alexander Haslam S, 'Making Good Theory Practical: Five Lessons for an Applied Social Identity Approach to Challenges of Organizational, Health, and Clinical Psychology' (2014) 53 *British Journal of Social Psychology* 1
- Allain-Dupré D, 'The Multi-Level Governance Imperative' (2020) 22 *The British Journal of Politics and International Relations* 800
- Allport GW, 'The Historical Background of Modern Social Psychology' in G Lindzey and E Aronson (eds), *The handbook of social psychology* (3rd edn, McGraw-Hill)
- Amiot CE and others, 'Integration of Social Identities in the Self: Toward a Cognitive-Developmental Model' (2007) 11 *Personality and Social Psychology Review* 364
- Amiot CE, Terry DJ and McKimmie BM, 'Social Identity Change during an Inter-group Merger: The Role of Status, Similarity, and Identity Threat' [2012] *Basic and Applied Social Psychology*
- Armington K and Ceka B, 'The Loss of Trust in the European Union during the Great Recession since 2007: The Role of Heuristics from the National Political System' (2014) 15 *European Union Politics* 82
- Atari M and others, 'Morality beyond the WEIRD: How the Nomological Network of Morality Varies across Cultures.' (2023) 125 *Journal of Personality and Social Psychology* 1157
- Azoulai L, 'The European Court of Justice and the Duty to Respect Sensitive National Interests' in Mark Dawson, Bruno De Witte and Elise Muir (eds), *Judicial activism at the European Court of Justice: Causes, responses and solutions* (Edward Elgar Publishing 2013)
- Badea C, Bender M and Korda H, 'Threat to National Identity Continuity: When Affirmation Procedures Increase the Acceptance of Muslim Immigrants' (2020) 78 *International Journal of Intercultural Relations* 65
- Berg L, 'Citizens' Trust in the EU as a Political System' in Antonina Bakardjieva Engelbrekt and others (eds), *Trust in the European Union in Challenging Times: Interdisciplinary European Studies* (Springer International Publishing 2019)
- Besselink L, 'The Persistence of a Contested Concept: Reflections on Ten Years Constitutional Identity in EU Law' (2021) 27 *European Public Law* 597
- Besselink LFM, 'National and Constitutional Identity before and after Lisbon' (2010) 6 *Utrecht Law Review* 36
- Bianchi M and others, 'What Do You Mean by "European"? Evidence of Spontaneous Ingroup Projection' 36 *Personality and Social Psychology Bulletin* 960

- Blanz M and others, 'Responding to Negative Social Identity: A Taxonomy of Identity Management Strategies' (1998) 28 *European Journal of Social Psychology* 697
- Blascovich J and others, 'Perceiver Threat in Social Interactions with Stigmatized Others' (2014) 80 *Journal of Personality and Social Psychology* 253
- Bonelli M, 'National Identity and European Integration Beyond "Limited Fields"' (2021) 27 *European Public Law*
- Boomgaarden HG and others, 'Mapping EU Attitudes: Conceptual and Empirical Dimensions of Euroscepticism and EU Support' (2011) 12 *European Union Politics* 241
- Borger V, 'Constitutional Identity, the Rule of Law, and the Power of the Purse: The ECJ Approves the Conditionality Mechanism to Protect the Union Budget: Hungary and Poland v. Parliament and Council' (2022) 59 *Common Market Law Review*
- Bottoms A and Tankebe J, 'Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice Criminology' (2012) 102 *Journal of Criminal Law and Criminology* 119
- Bottoms AE and Tankebe J, 'Police Legitimacy and the Authority of the State' in Justice Tankebe and AE Bottoms (eds), *Criminal law and the authority of the state* (Hart Publishing Limited 2017)
- Branscombe N and others, 'The Context and Content of Social Identity Threat' [1999] *Sepsis* 35
- Bremberg N and Gillespie R, *Catalonia, Scotland and the EU: Visions of Independence and Integration* (Routledge, Taylor & Francis Group 2022)
- Brewer MB, 'When Contact Is Not Enough: Social Identity and Intergroup Cooperation' (1996) 20 *International Journal of Intercultural Relations* 291
- Bruggeman R and Larik J, 'The Elusive Contours of Constitutional Identity: Taricco as a Missed Opportunity' (2020) 35 *Utrecht Journal of International and European Law* 20
- Bruter M, 'Legitimacy, Euroscepticism & Identity in the European Union – Problems of Measurement, Modelling & Paradoxical Patterns of Influence' (2008) 4 *Journal of Contemporary European Research* 273
- Buchanan A and Keohane RO, 'The Legitimacy of Global Governance Institutions' (2006) 20 *Ethics & International Affairs* 405
- Caldeira GA and Gibson JL, 'The Legitimacy of the Court of Justice in the European Union: Models of Institutional Support' (1995) 89 *American Political Science Review* 356
- Carey S, 'Undivided Loyalties: Is National Identity an Obstacle to European Integration?' (2002) 3 *European Union Politics* 387
- Carey S and Lebo M, 'In Europe, but Not Europeans: The Impact of National Identity on Public Support for the European Union' 6
- Carpenter S, 'Ten Steps in Scale Development and Reporting: A Guide for Researchers' (2018) 12 *Communication Methods and Measures* 25
- Celeste L and others, 'Self-Affirmation and Test Performance in Ethnically Diverse Schools: A New Dual-Identity Affirmation Intervention' (2021) 77 *Journal of Social Issues* 824
- Chalmers AW and Dellmuth LM, 'Fiscal Redistribution and Public Support for European Integration' (2015) 16 *European Union Politics* 386
- Chater N and Loewenstein G, 'The I-Frame and the s-Frame: How Focusing on Individual-Level Solutions Has Led Behavioral Public Policy Astray' (2023) 46 *Behavioral and Brain Sciences* e147

- Christin T and Trechsel AH, 'Joining the EU?: Explaining Public Opinion in Switzerland' (2002) 3 *European Union Politics* 415
- Cisłak A and others, 'Brexit and Polexit: Collective Narcissism Is Associated With Support for Leaving the European Union' (2020) 15 *Social Psychological Bulletin* 1
- Ciuk DJ, 'Assessing the Contextual Stability of Moral Foundations: Evidence from a Survey Experiment' (2018) 5 *Research & Politics* 2053168018781748
- Claes M, 'National Identity: Trump Card or up for Negotiation?' in Alejandro Saiz Arnaiz and Carina Alcobarro Llivina (eds), *National constitutional identity and European integration* (Intersentia 2013)
- Clark NJ and Rohrschneider R, 'The Relationship between National Identity and European Union Evaluations, 1993-2017' (2019) 20 *European Union Politics* 384
- Clement AA, 'Reporting on the "Ever Closer Union": Narrative Framing in National News Medias and Resistance to EU Integration' (2015) 6 *Eastern Journal of European Studies* 123
- Cloots E, 'National Identity, Constitutional Identity, and Sovereignty in the EU' (2016) 45 *Netherlands Journal of Legal Philosophy* 82
- Cohen GL, Purdie-Vaughns V and Garcia J, 'An Identity Threat Perspective on Intervention', *Stereotype threat: Theory, process, and application* (Oxford University Press 2012)
- Conti N, Di Mauro D and Memoli V, 'The European Union under Threat of a Trend toward National Sovereignty' (2018) 14 *Journal of Contemporary European Research* 231
- Crisp RJ and Hewstone M, 'Multiple Social Categorization', *Advances in Experimental Social Psychology*, vol 39 (Academic Press 2007)
- Crisp RJ, Stone CH and Hall NR, 'Recategorization and Subgroup Identification: Predicting and Preventing Threats from Common Ingroups' (2006) 32 *Personality and Social Psychology Bulletin* 230
- Crozier M, Huntington SP and Watanuki J, *The Crisis of Democracy: Report on the Governability of Democracies to the Trilateral Commission* (New York University Press 1975)
- Cuyvers A, 'The Legal Space for Structural Differentiation in the EU: Reciprocity, Interconnectedness and Effectiveness as Sources of Constitutional Rigidity' (2023) 2022 7 *European Papers* 11651190
- Darley JM and Gromet DM, 'The Psychology of Punishment: Intuition and Reason, Retribution and Restoration', *The Psychology of Justice and Legitimacy* (Psychology Press 2009)
- Dawson M, 'How Can EU Law Respond to Populism?' (2020) 40 *Oxford Journal of Legal Studies* 183
- de Vreese CH and Boomgaarden HG, 'Projecting EU Referendums: Fear of Immigration and Support for European Integration' (2005) 6 *European Union Politics* 59
- De Wilde P, 'No Polity for Old Politics? A Framework for Analyzing the Politicization of European Integration' (2011) 33 *Journal of European Integration* 559
- de Wilde P and Trenz H-J, 'Denouncing European Integration: Euroscepticism as Polity Contestation' (2012) 15 *European Journal of Social Theory* 537
- De Wilde P and Zürn M, 'Can the Politicization of European Integration Be Reversed?' (2012) 50 *JCMS: Journal of Common Market Studies* 137
- de Wit FRC, Scheepers D and Jehn KA, 'Cardiovascular Reactivity and Resistance to Opposing Viewpoints during Intragroup Conflict' (2012) 49 *Psychophysiology* 1691
- De Witte B and Fromage D, 'National Constitutional Identity Ten Years on: State of Play and Future Perspectives' (2021) 27 *European Public Law* 411

- Dellmuth L and others, *Citizens, Elites, and the Legitimacy of Global Governance* (1st edn, Oxford University Press 2022)
- , 'The Elite-Citizen Gap in International Organization Legitimacy' (2022) 116 *American Political Science Review* 283
- Dellmuth L and Schlipphak B, 'Legitimacy Beliefs towards Global Governance Institutions: A Research Agenda' (2020) 27 *Journal of European Public Policy* 931
- Dellmuth LM, Scholte JA and Tallberg J, 'Institutional Sources of Legitimacy for International Organisations: Beyond Procedure versus Performance' (2019) 45 *Review of International Studies* 627
- Derks B and others, 'The Threat vs. Challenge of Car Parking for Women: How Self- and Group Affirmation Affect Cardiovascular Responses' (2011) 47 *Journal of Experimental Social Psychology* 178
- Derks B, Van Laar C and Ellemers N, 'Working for the Self or Working for the Group: How Self- versus Group Affirmation Affects Collective Behavior in Low-Status Groups.' (2009) 96 *Journal of Personality and Social Psychology* 183
- Dobbs M, 'The Shifting Battleground of Article 4(2) TEU: Evolving National Identities and the Corresponding Need for EU Management?' (2015) 21 *European Journal of Current Legal issues*
- Dovidio JF, Gaertner SL and Saguy T, 'Another View of "We": Majority and Minority Group Perspectives on a Common Ingroup Identity' (2007) 18 *European Review of Social Psychology* 296
- Easton D, 'A Re-Assessment of the Concept of Political Support' (1975) 5 *British Journal of Political Science* 435
- Ehrlich E and Isaacs N, 'The Sociology of Law' (1922) 36 *Harvard Law Review* 130
- Ellemers N, 'The Influence of Socio-Structural Variables on Identity Management Strategies' (1993) 4 *European Review of Social Psychology* 27
- , 'Adversarial Alignment Enables Competing Models to Engage in Cooperative Theory Building toward Cumulative Science' (2020) 117 *Proceedings of the National Academy of Sciences* 7561
- Ellemers N and Alexander Haslam S, 'Social Identity Theory' in Paul AM Van Lange, Arie W Kruglanski and E Tory Higgins (eds), *Handbook of theories of social psychology* (SAGE 2012)
- Ellemers N, Kortekaas P and Ouwerkerk J, 'Self-Categorisation, Commitment to the Group and Group Self-Esteem as Related but Distinct Aspects of Social Identity' (1999) 29 *European Journal of Social Psychology*
- Ellemers N, Pagliaro S and Barreto M, 'Morality and Behavioural Regulation in Groups: A Social Identity Approach' (2013) 24 *European Review of Social Psychology* 160
- Ellemers N and Van der Toorn J, 'Groups as Moral Anchors' (2015) 6 *Current Opinion in Psychology* 189
- Eriksen EO and Fossum JE, 'Europe in Search of Legitimacy: Strategies of Legitimation Assessed' (2004) 25 *International Political Science Review* 435
- European Commission. Directorate General for Communication., 'White Paper on the Future of Europe: Reflections and Scenarios for the EU27 by 2025.' (Publications Office 2017)
- European Commission, Directorate-General for Communication, 'Standard Eurobarometer STD101 : Standard Eurobarometer 101 – Spring 2024' <http://data.europa.eu/88u/dataset/s3216_101_3_std101_eng>

- Farrand B and Carrapico H, “‘People like That Cannot Be Trusted’: Populist and Technocratic Political Styles, Legitimacy, and Distrust in the Context of Brexit Negotiations’ (2021) 17 *Journal of Contemporary European Research* 147
- Feinberg M and Willer R, ‘From Gulf to Bridge: When Do Moral Arguments Facilitate Political Influence?’ (2015) 41 *Personality and Social Psychology Bulletin* 1665
- , ‘Moral Reframing: A Technique for Effective and Persuasive Communication across Political Divides’ (2019) 13 *Social and Personality Psychology Compass* e12501
- Feldman G, ‘Personal Values and Moral Foundations: Examining Relations and Joint Prediction of Moral Variables’ (2021) 12 *Social Psychological and Personality Science* 676
- Fligstein N, Polyakova A and Sandholtz W, ‘European Integration, Nationalism and European Identity’ (2012) 50 *JCMS: Journal of Common Market Studies* 106
- Foster C and Frieden J, ‘Crisis of Trust: Socio-Economic Determinants of Europeans’ Confidence in Government’ (2017) 18 *European Union Politics* 511
- Fritz MS and MacKinnon DP, ‘Required Sample Size to Detect the Mediated Effect’ (2007) 18 *Psychological Science* 233
- Frodeman R, ‘The Future of Interdisciplinarity: An Introduction to the 2nd Edition’ in Robert Frodeman, Julie Thompson Klein and Roberto Carlos Dos Santos Pacheco (eds), *The Oxford Handbook of Interdisciplinarity* (Oxford University Press 2017)
- Frodeman R, Klein JT and Pacheco RCDS, *The Oxford Handbook of Interdisciplinarity* (Oxford University Press 2017)
- Fuchs H-D, ‘Cultural Diversity, European Identity and Legitimacy of the EU: A Theoretical Framework’ in Dieter Fuchs and Hans-Dieter Klingemann (eds), *Cultural Diversity, European Identity and the Legitimacy of the EU* (Edward Elgar Publishing 2011)
- Gabel M, ‘Public Support for European Integration: An Empirical Test of Five Theories’ (1998) 60 *Journal of Politics* 333
- Gaertner SL, Dovidio JF and Bachman BA, ‘Revisiting the Contact Hypothesis: The Induction of a Common Ingroup Identity’ (1996) 20 *International Journal of Intercultural Relations* 271
- Garben S, ‘Collective Identity as a Legal Limit to European Integration in Areas of Core State Powers’ (2020) 58 *JCMS: Journal of Common Market Studies* 41
- Gerards J, ‘Pluralism, Deference and the Margin of Appreciation Doctrine’ (2011) 17 *European Law Journal* 80
- Giesen I, ‘The Use and Incorporation of Extralegal Insights in Legal Reasoning’ (2015) 11 *Utrecht Law Review* 1
- Glasford DE, Dovidio JF and Pratto F, ‘I Continue to Feel so Good about Us: In-Group Identification and the Use of Social Identity-Enhancing Strategies to Reduce Intragroup Dissonance’ (2009) 35 *Personality and Social Psychology Bulletin* 415
- Gómez Á and others, ‘Responses to Endorsement of Commonality by Ingroup and Outgroup Members: The Roles of Group Representation and Threat’ (2013) 39 *Personality and Social Psychology Bulletin* 419
- Goodman E and others, ‘Adolescents’ Perceptions of Social Status: Development and Evaluation of a New Indicator’ (2001) 108 *Pediatrics* e31
- Góra M and Zielińska K, ‘Competing Visions: Discursive Articulations of Polish and European Identity after the Eastern Enlargement of the EU’ (2019) 33 *East European Politics and Societies* 331
- Graham J and others, ‘Mapping the Moral Domain’ (2011) 101 *Journal of Personality and Social Psychology* 366

- , 'Moral Foundations Theory: The Pragmatic Validity of Moral Pluralism' in Patricia Devine and Ashby Plant (eds), *Advances in Experimental Social Psychology*, vol 47 (Academic Press 2013)
- Graham J and Haidt J, 'Beyond Beliefs: Religions Bind Individuals Into Moral Communities' (2010) 14 *Personality and Social Psychology Review* 140
- Graham J, Haidt J and Nosek BA, 'Liberals and Conservatives Rely on Different Sets of Moral Foundations' (2009) 96 *Journal of Personality and Social Psychology* 1029
- Greenaway KH and others, 'Social Identities Promote Well-Being Because They Satisfy Global Psychological Needs' (2016) 46 *European Journal of Social Psychology* 294
- Gronau J and Schmidtke H, 'The Quest for Legitimacy in World Politics – International Institutions' Legitimation Strategies' (2016) 42 *Review of International Studies* 535
- Groot AD de, *Methodologie: Grondslagen van Onderzoek En Denken in de Gedragswetenschappen* (De Gruyter Mouton 2019)
- Grootelaar HAM and Bos K van den, 'How Litigants in Dutch Courtrooms Come to Trust Judges: The Role of Perceived Procedural Justice, Outcome Favorability, and Other Sociolegal Moderators' (2018) 52 *Law & Society Review* 234
- Grosfeld E and others, 'The Integration of Subgroups at the Supranational Level: The Relation between Social Identity, National Threat, and Perceived Legitimacy of the EU' (2022) 10 *Journal of Social and Political Psychology* 607
- , 'Affirmation of EU Identity Reduces Perceived National Identity Threat and Increases Perceived Legitimacy of the European Union' (OSF, 29 November 2024) <<https://osf.io/ny3sz>>
- Grosfeld E, Cuyvers A and Scheepers D, 'Towards Evidence-Based Legitimacy Interventions in EU Law: Challenges and Directions for Empirical Research' (2023) 19 *Utrecht Law Review* 87
- Grosfeld E, Scheepers D and Cuyvers A, 'Value Alignment and Public Perceived Legitimacy of the European Union and the Court of Justice' (2022) 12 *Frontiers in Psychology*
- , 'Mapping the Moral Foundations of the European Union: Why a Lack of Moral Diversity May Undermine Perceived EU Legitimacy' [2024] *PNAS Nexus* pgae282
- Guastaferrero B, 'Beyond the Exceptionalism of Constitutional Conflicts: The Ordinary Functions of the Identity Clause' (2012) 31 *Yearbook of European Law* 263
- Guinjoan M and Rodon T, 'A Scrutiny of the Linz-Moreno Question' (2016) 46 *Publius: The Journal of Federalism* 128
- Haack P, Pfarrer MD and Scherer AG, 'Legitimacy-as-Feeling: How Affect Leads to Vertical Legitimacy Spillovers in Transnational Governance' (2014) 51 *Journal of Management Studies* 634
- Haas EB, *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957* (University of Notre Dame Press 2004)
- Haidt J, 'The New Synthesis in Moral Psychology' (2007) 316 *Science* 998
- , *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (Penguin Books 2013)
- Haidt J and Graham J, 'When Morality Opposes Justice: Conservatives Have Moral Intuitions That Liberals May Not Recognize' (2007) 20 *Social Justice Research* 98
- Haidt J, Graham J and Joseph C, 'Above and Below Left-Right: Ideological Narratives and Moral Foundations' (2009) 20 *Psychological Inquiry* 110

- Hakhverdian A and others, 'Euroscepticism and Education: A Longitudinal Study of 12 EU Member States, 1973-2010' (2013) 14 *European Union Politics* 522
- Hart W and others, 'Feeling Validated Versus Being Correct: A Meta-Analysis of Selective Exposure to Information' (2009) 135 *Psychological Bulletin* 555
- Hatemi PK, Crabtree C and Smith KB, 'Ideology Justifies Morality: Political Beliefs Predict Moral Foundations' (2019) 63 *American Journal of Political Science* 788
- Hertogh M, 'Empirical Approaches to the Rule of Law: Contours and Challenges of a Social Science That Does Not Quite Yet Exist' (2024) 20 *Annual Review of Law and Social Science* 35
- Hinsch W, 'Justice, Legitimacy, and Constitutional Rights' (2010) 13 *Critical Review of International Social and Political Philosophy* 39
- Hobolt SB and Brouard S, 'Contesting the European Union? Why the Dutch and the French Rejected the European Constitution' (2011) 64 *Political Research Quarterly* 309
- Hobolt SB and De Vries CE, 'Public Support for European Integration' (2016) 19 *Annual Review of Political Science* 413
- Hofmann A, 'Resistance against the Court of Justice of the European Union' (2018) 14 *International Journal of Law in Context* 258
- Hogg MA and Terry DJ, 'Social Identity and Self-Categorization Processes in Organizational Contexts' (2000) 25 *The Academy of Management Review* 121
- Hooghe L, Lenz T and Marks G, 'Contested World Order: The Delegitimation of International Governance' (2019) 14 *The Review of International Organizations* 731
- Hooghe L and Marks G, 'Does Identity or Economic Rationality Drive Public Opinion on European Integration?' (2004) 37 *PS: Political Science & Politics* 415
- , 'Calculation, Community and Cues: Public Opinion on European Integration' (2005) 6 *European Union Politics* 419
- , 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus' (2008) 39 *British Journal of Political Science* 1
- Hopp FR and others, 'The Extended Moral Foundations Dictionary (eMFD): Development and Applications of a Crowd-Sourced Approach to Extracting Moral Intuitions from Text' (2021) 53 *Behavior Research Methods* 232
- Hornsey MJ and Hogg MA, 'Subgroup Relations: A Comparison of Mutual Inter-group Differentiation and Common Ingroup Identity Models of Prejudice Reduction' (2000) 26 *Personality and Social Psychology Bulletin* 242
- , 'Assimilation and Diversity: An Integrative Model of Subgroup Relations' (2000) 4 *Personality and Social Psychology Review* 143
- Hough M and others, 'Procedural Justice, Trust, and Institutional Legitimacy' (2010) 4 *Policing: A Journal of Policy and Practice* 203
- Huddy L, Del Ponte A and Davies C, 'Nationalism, Patriotism, and Support for the European Union' (2021) 42 *Political Psychology* 995
- Hurd I, 'Legitimacy and Authority in International Politics' (1999) 53 *International Organization* 379
- Hurrell A, 'Explaining the Resurgence of Regionalism in World Politics' (1995) 21 *Review of International Studies* 331
- Hurrelmann A, Schneider S and Steffek J, 'Introduction: Legitimacy in an Age of Global Politics' in Achim Hurrelmann, Steffen Schneider and Jens Steffek (eds), *Legitimacy in an Age of Global Politics* (Palgrave Macmillan UK 2007)
- Hurst K and Stern MJ, 'Messaging for Environmental Action: The Role of Moral Framing and Message Source' (2020) 68 *Journal of Environmental Psychology* 101394

- Ivanov D, 'Economic Insecurity, Institutional Trust and Populist Voting Across Europe' (2023) 65 *Comparative Economic Studies* 461
- Iyer R and others, 'Understanding Libertarian Morality: The Psychological Dispositions of Self-Identified Libertarians' (2012) 7 *PLoS ONE* e42366
- Jackson J and others, 'Why Do People Comply with the Law?: Legitimacy and the Influence of Legal Institutions' (2012) 52 *British Journal of Criminology* 1051
- , 'Empirical Legitimacy as Two Connected Psychological States' in Gorazd Meško and Justice Tankebe (eds), *Trust and Legitimacy in Criminal Justice: European Perspectives* (Springer International Publishing 2015)
- Jackson J and Gau JM, 'Carving up Concepts? Differentiating between Trust and Legitimacy in Public Attitudes towards Legal Authority', *Interdisciplinary perspectives on trust: Towards theoretical and methodological integration* (Springer International Publishing 2016)
- Jagland T, 'An Analysis of Democracy, Human Rights and the Rule of Law in Europe, Based on the Findings of the Council of Europe Monitoring Mechanisms and Bodies' (Council of Europe 2017)
- Jetten J and Hutchison P, 'When Groups Have a Lot to Lose: Historical Continuity Enhances Resistance to a Merger' (2011) 41 *European Journal of Social Psychology* 335
- Jetten J, O'Brien A and Trindall N, 'Changing Identity: Predicting Adjustment to Organizational Restructure as a Function of Subgroup and Superordinate Identification' (2002) 41 *British Journal of Social Psychology* 281
- Johnson D, Maguire ER and Kuhns JB, 'Public Perceptions of the Legitimacy of the Law and Legal Authorities: Evidence from the Caribbean' (2014) 48 *Law & Society Review* 947
- Jonas E and others, 'Threat and Defense: From Anxiety to Approach' in James M Olson and Mark P Zanna (eds), *Advances in Experimental Social Psychology*, vol 49 (Academic Press 2014)
- Jost JT and others, 'Political Conservatism as Motivated Social Cognition.' (2003) 129 *Psychological Bulletin* 339
- Kallis A, 'Populism, Sovereignism, and the Unlikely Re-Emergence of the Territorial Nation-State' (2018) 11 *Fudan Journal of the Humanities and Social Sciences* 285
- Karp JA, Banducci SA and Bowler S, 'To Know It Is to Love It?: Satisfaction with Democracy in the European Union' (2003) 36 *Comparative Political Studies* 271
- Kelemen RD and Pech L, 'The Uses and Abuses of Constitutional Pluralism: Undermining the Rule of Law in the Name of Constitutional Identity in Hungary and Poland' (2019) 21 *Cambridge Yearbook of European Legal Studies* 59
- Keohane RO, 'The Demand for International Regimes' (1982) 36 *International Organization* 325
- Kidwell B, Farmer A and Hardesty DM, 'Getting Liberals and Conservatives to Go Green: Political Ideology and Congruent Appeals' (2013) 40 *Journal of Consumer Research* 350
- Kivikangas JM and others, 'Moral Foundations and Political Orientation: Systematic Review and Meta-Analysis' (2021) 147 *Psychological Bulletin* 55
- Klein JT, 'Typologies of Interdisciplinarity: The Boundary Work of Definition' in Robert Frodeman, Julie Thompson Klein and Roberto Carlos Dos Santos Pacheco (eds), *The Oxford Handbook of Interdisciplinarity* (Oxford University Press 2017)
- Konings R, De Coninck D and d'Haenens L, 'The Role of European and National Identity and Threat Perceptions in Attitudes towards Immigrants' (2023) 31 *Journal of Contemporary European Studies* 446

- Konstadinides T, 'Constitutional Identity as a Shield and as a Sword: The European Legal Order within the Framework of National Constitutional Settlement' (2011) 13 *Cambridge Yearbook of European Legal Studies* 195
- Kouzakova M and others, 'The Implications of Value Conflict: How Disagreement on Values Affects Self-Involvement and Perceived Common Ground' (2012) 38 *Personality and Social Psychology Bulletin* 798
- Kovacheff C and others, 'The Problem with Morality: Impeding Progress and Increasing Divides' (2018) 12 *Social Issues and Policy Review* 218
- Kriesi H, 'The Role of European Integration in National Election Campaigns' (2007) 8 *European Union Politics* 83
- Kueffer C and others, 'Towards a Publication Culture in Transdisciplinary Research' (2007) 16 *GAIA – Ecological Perspectives for Science and Society* 22
- Kunst S, Kuhn T and van de Werfhorst HG, 'Does Education Decrease Euroscepticism? A Regression Discontinuity Design Using Compulsory Schooling Reforms in Four European Countries' (2020) 21 *European Union Politics* 24
- 'Laeken Declaration on the Future of the European Union (15 December 2001)' (2001) 12 *Bulletin of the European Union*
- Lange PAM, Kruglanski AW and Tory Higgins E, *Handbook of Theories of Social Psychology* (SAGE 2012)
- Leach CW and others, 'Group-Level Self-Definition and Self-Investment: A Hierarchical (Multicomponent) Model of in-Group Identification.' (2008) 95 *Journal of Personality and Social Psychology* 144
- Leach CW, Ellemers N and Barreto M, 'Group Virtue: The Importance of Morality (vs. Competence and Sociability) in the Positive Evaluation of in-Groups' (2007) 93 *Journal of Personality and Social Psychology* 234
- Leeuw FL, 'Empirical Legal Research: The Gap between Facts and Values and Legal Academic Training' [2015] *Utrecht Law Review* 19
- Lenz T and Viola LA, 'Legitimacy and Institutional Change in International Organisations: A Cognitive Approach' (2017) 43 *Review of International Studies* 939
- Licata L, 'Representing the Future of the European Union: Consequences on National and European Identifications' (2003) 12 *Papers on Social Representations* 5.1
- Lindberg LN and Scheingold SA, *Europe's Would-Be Polity: Patterns of Change in the European Community* (Prentice-Hall 1970)
- Lipps J and Schraff D, 'Regional Inequality and Institutional Trust in Europe' (2021) 60 *European Journal of Political Research* 892
- Lord C, 'Legitimacy Crisis in the European Union', *Theorising the Crises of the European Union* (Routledge 2020)
- Lubbers M, 'Regarding the Dutch `nee' to the European Constitution: A Test of the Identity, Utilitarian and Political Approaches to Voting `no' (2008) 9 *European Union Politics* 59
- Lubbers M and Scheepers P, 'Explanations of Political Euroscepticism at the Individual, Regional and National Levels' (2007) 9 *European Societies* 643
- , 'Divergent Trends of Euroscepticism in Countries and Regions of the European Union' (2010) 49 *European Journal of Political Research* 787
- Maduro MP, 'Interpreting European Law: Judicial Adjudication in a Context of Constitutional Pluralism' (2007) 1 *European Journal of Legal Studies* 137
- Maier M, Adam S and Maier J, 'The Impact of Identity and Economic Cues on Citizens' EU Support: An Experimental Study on the Effects of Party Communication in the Run-up to the 2009 European Parliament Elections' (2012) 13 *European Union Politics* 580

- Martinico G, 'Taming National Identity: A Systematic Understanding of Article 4.2 TEU' (2021) 27 *European Public Law* 447
- Mazepus H, 'What Makes Authorities Legitimate in the Eyes of Citizens? An Investigation of Perceived Legitimacy in Different Political Regimes' (Leiden University 2016)
- McLaren LM, 'Public Support for the European Union: Cost/Benefit Analysis or Perceived Cultural Threat?' (2002) 64 *Journal of Politics* 551
- , 'Opposition to European Integration and Fear of Loss of National Identity: Debunking a Basic Assumption Regarding Hostility to the Integration Project' (2004) 43 *European Journal of Political Research* 895
- , 'Explaining Mass-Level Euroscepticism: Identity, Interests, and Institutional Distrust' (2007) 42 *Acta Politica* 233
- Millet F-X, 'Successfully Articulating National Constitutional Identity Claims: Strait Is the Gate and Narrow Is the Way' (2021) 27 *European Public Law*
- Mishler W and Rose R, 'Trust, Distrust and Skepticism: Popular Evaluations of Civil and Political Institutions in Post-Communist Societies' [1997] *The Journal of Politics*
- Moland M, 'Opting for Opt-Outs? National Identities and Support for a Differentiated EU' (2024) 62 *JCMS: Journal of Common Market Studies* 55
- Montalan B and others, 'Social Identity-Based Motivation Modulates Attention Bias toward Negative Information: An Event-Related Brain Potential Study' (2011) 1 *Socioaffective Neuroscience & Psychology* 5892
- Moravcsik A, 'In Defence of the "Democratic Deficit": Reassessing Legitimacy in the European Union' (2002) 40 *JCMS: Journal of Common Market Studies* 603
- Mühlemann NS and others, 'Understanding Responses to an Organizational Takeover: Introducing the Social Identity Model of Organizational Change' (2022) 123 *Journal of Personality and Social Psychology* 1004
- Nettle D and Saxe R, 'Preferences for Redistribution Are Sensitive to Perceived Luck, Social Homogeneity, War and Scarcity' (2020) 198 *Cognition* 104234
- Newsome A, Riddervold M and Trondal J, 'The Legitimacy Crisis: An Introduction' in Marianne Riddervold, Jarle Trondal and Akasemi Newsome (eds), *The Palgrave Handbook of EU Crises* (Springer International Publishing 2021)
- Norris P, *Democratic Deficit: Critical Citizens Revisited* (1st edn, Cambridge University Press 2011)
- Obradović S and Sheehy-Skeffington J, 'Power, Identity, and Belonging: A Mixed-Methods Study of the Processes Shaping Perceptions of EU Integration in a Prospective Member State' (2020) 50 *European Journal of Social Psychology* 1425
- Ottaviano I, 'Judicial Dialogue Between National Constitutional Judges and EU Judges in the Context of the Single Supervisory Mechanism: Opportunity for a Reverse Preliminary Ruling?' (2022) 1 *Freedom, security & justice : european legal studies* 258
- Pansardi P and Battagazzorre F, 'The Discursive Legitimation Strategies of the President of the Commission: A Qualitative Content Analysis of the State of the Union Addresses (SOTEU)' (2018) 40 *Journal of European Integration* 853
- Patrikios S and Cram L, 'Better the Devil You Know: Threat Effects and Attachment to the European Union' (2016) 14 *Comparative European Politics* 717
- Peitz L, Dhont K and Seyd B, 'The Psychology of Supranationalism: Its Ideological Correlates and Implications for EU Attitudes and Post-Brexit Preferences' (2018) 39 *Political Psychology* 1305

- Perju V, 'On the (De-)Fragmentation of Statehood in Europe: Reflections on Ernst-Wolfgang Böckenförde's Work on European Integration' (2018) 19 *German Law Journal* 403
- Piqani D, 'In Search of Limits for the Protection of National Identities as a Member State Interest' in Marton Varju (ed), *Between Compliance and Particularism: Member State Interests and European Union Law* (Springer International Publishing 2019)
- Pollack MA, 'The Legitimacy of the Court of Justice of the European Union' [2018] SSRN Electronic Journal 18
- Polyakova A and Fligstein N, 'Is European Integration Causing Europe to Become More Nationalist? Evidence from the 2007-9 Financial Crisis' (2016) 23 *Journal of European Public Policy* 60
- Purnhagen KP and others, 'More Competences than You Knew? The Web of Health Competence for European Union Action in Response to the COVID-19 Outbreak' (2020) 11 *European Journal of Risk Regulation* 297
- Quari S, 'Has the Court of Justice embraced the language of constitutional identity?' (*Diritti Comparati*, 25 April 2022) <<https://www.diritticomparati.it/has-the-court-of-justice-embraced-the-language-of-constitutional-identity/>> accessed 22 May 2024
- Reus-Smit C, 'International Crises of Legitimacy' (2007) 44 *International Politics* 157
- Richerson PJ and Boyd R, 'The Evolution of Human Ultra-Sociality' in Irenäus Eibl-Eibesfeldt and Frank Kemp Salter (eds), *Indoctrinability, ideology, and warfare: Evolutionary perspectives* (Berghahn 1988)
- Rios K, Sosa N and Osborn H, 'An Experimental Approach to Intergroup Threat Theory: Manipulations, Moderators, and Consequences of Realistic vs. Symbolic Threat' (2018) 29 *European Review of Social Psychology* 212
- Roccas S and Brewer MB, 'Social Identity Complexity' (2002) 6 *Personality and Social Psychology Review* 88
- Rosenberg J and others, 'tidyLPA: An R Package to Easily Carry out Latent Profile Analysis (LPA) Using Open-Source or Commercial Software' (2018) 3 *Journal of Open Source Software* 978
- Sanjaume-Calvet M, Cetrà D and Franco-Guillén N, 'Leaving Europe, Leaving Spain: Comparing Secessionism from and within the European Union' 47 *West European Politics* 1121
- Scharpf FW, 'Economic Integration, Democracy and the Welfare State' (1997) 4 *Journal of European Public Policy* 18
- Scheepers D and Ellemers N, 'When the Pressure Is up: The Assessment of Social Identity Threat in Low and High Status Groups' (2005) 41 *Journal of Experimental Social Psychology* 192
- , 'Stress and the Stability of Social Systems: A Review of Neurophysiological Research' (2018) 29 *European Review of Social Psychology* 340
- Schmid K and others, 'Antecedents and Consequences of Social Identity Complexity: Intergroup Contact, Distinctiveness Threat, and Outgroup Attitudes' (2009) 35 *Personality and Social Psychology Bulletin* 1085
- Schmidt VA, 'Democracy and Legitimacy in the European Union Revisited: Input, Output and "Throughput"' (2013) 61 *Political Studies* 2
- , 'The Eurozone's Crisis of Democratic Legitimacy. Can the EU Rebuild Public Trust and Support for European Economic Integration?', *European Economy – Discussion Papers* (Directorate General Economic and Financial Affairs (DG ECFIN), European Commission 2015)

- Scholte JA, 'Social Structure and Global Governance Legitimacy' in Jonas Tallberg, Karin Bäckstrand and Jan Aart Scholte (eds), *Legitimacy in Global Governance: Sources, Processes, and Consequences* (Oxford University Press 2018)
- Schoon EW, 'Operationalizing Legitimacy' (2022) 87 *American Sociological Review* 478
- Schwartz SH, 'Universals in the Content and Structure of Values: Theoretical Advances and Empirical Tests in 20 Countries', *Advances in Experimental Social Psychology*, vol 25 (Elsevier 1992)
- , 'Refining the Theory of Basic Individual Values' (2012) 103 *Journal of Personality and Social Psychology* 663
- Sherman DK and others, 'The Group as a Resource: Reducing Biased Attributions for Group Success and Failure via Group Affirmation' (2007) 33 *Personality and Social Psychology Bulletin* 1100
- Simon B and Ruhs D, 'Identity and Politicization among Turkish Migrants in Germany: The Role of Dual Identification' (2008) 95 *Journal of Personality and Social Psychology* 1354
- Sindic D, 'Psychological Citizenship and National Identity' (2011) 21 *Journal of Community & Applied Social Psychology* 202
- , 'Leave or Remain? European Identification, Legitimacy of European Integration, and Political Attitudes towards the EU' (2019) 29 *Journal of Community & Applied Social Psychology* 32
- Sindic D and Reicher SD, "'Our Way of Life Is Worth Defending": Testing a Model of Attitudes towards Superordinate Group Membership through a Study of Scots' Attitudes towards Britain' (2009) 39 *European Journal of Social Psychology* 114
- Smeekes A and Verkuyten M, 'Collective Self-Continuity, Group Identification and in-Group Defense' (2013) 49 *Journal of Experimental Social Psychology* 984
- Smith DS, 'Shaping the Modern World With a Stone-Age Brain: The Brexit Referendum and the Moral Foundations Theory' (2019) 7 *Journal of Social and Political Psychology* 863
- Smith HJ and Grant DR, 'How to Improve Group Affirmation Manipulations: A Systematic Review and Meta-Analysis' [2024] *Group Processes & Intergroup Relations* 13684302241276070
- Smith KB and others, 'Intuitive Ethics and Political Orientations: Testing Moral Foundations as a Theory of Political Ideology' (2017) 61 *American Journal of Political Science* 424
- Sobolewska M and Ford R, *Brexitland: Identity, Diversity and the Reshaping of British Politics* (1st edn, Cambridge University Press 2020)
- Sommerer T and Agné H, 'Consequences of Legitimacy in Global Governance' in Jonas Tallberg, Karin Bäckstrand and Jan Aart Scholte (eds), *Legitimacy in global governance: Sources, processes, and consequences* (Oxford Academic 2018)
- Spieker LD, 'Framing and Managing Constitutional Identity Conflicts: How to Stabilize the *Modus Vivendi* between the Court of Justice and National Constitutional Courts' (2020) 57 *Common Market Law Review* 361
- 'State of the Union Address by President von der Leyen' (*European Commission – European Commission*) <https://ec.europa.eu/commission/presscorner/detail/ov/SPEECH_21_4701>
- Steele CM, 'The Psychology of Self-Affirmation: Sustaining the Integrity of the Self' in Leonard Berkowitz (ed), *Advances in Experimental Social Psychology*, vol 21 (Elsevier 1988)
- Stefan O, 'COVID-19 Soft Law: Voluminous, Effective, Legitimate? A Research Agenda' (2020) 5 *European Papers* 663

- Stolerman D and Lagnado D, 'The Moral Foundations of Human Rights Attitudes' (2020) 41 *Political Psychology* 439
- Strimling P and others, 'The Connection between Moral Positions and Moral Arguments Drives Opinion Change' (2019) 3 *Nature Human Behaviour* 922
- Strupp-Levitsky M and others, 'Moral "Foundations" as the Product of Motivated Social Cognition: Empathy and Other Psychological Underpinnings of Ideological Divergence in "Individualizing" and "Binding" Concerns' (2020) 15 *PLOS ONE* e0241144
- Suchman MC, 'Managing Legitimacy: Strategic and Institutional Approaches' (1995) 20 *The Academy of Management Review* 571
- Sunshine J and Tyler TR, 'The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing' (2003) 37 *Law & Society Review* 513
- Swami V and others, 'To Brexit or Not to Brexit: The Roles of Islamophobia, Conspiracist Beliefs, and Integrated Threat in Voting Intentions for the United Kingdom European Union Membership Referendum' (2018) 109 *British Journal of Psychology* 156
- Sweet AS and Brunell TL, 'Constructing a Supranational Constitution: Dispute Resolution and Governance in the European Community' (1998) 92 *American Political Science Review* 63
- Taekema S, 'Relative Autonomy, A Characterisation of the Discipline of Law' in B Van Klink and Sanne Taekema (eds), *Law and Method: Interdisciplinary research into law* (Mohr Siebeck 2011)
- Tajfel H, 'Social Identity and Intergroup Behaviour' (1974) 13 *Social Science Information* 65
- Tajfel H and Turner J, 'An Integrative Theory of Intergroup Conflict' in William G Austin and Stephen Worchel (eds), *The social psychology of intergroup relations* (Brooks/Cole 1979)
- Tallberg J and Zürn M, 'The Legitimacy and Legitimation of International Organizations: Introduction and Framework' (2019) 14 *The Review of International Organizations* 581
- Tapp JL and Levine FJ, 'Legal Socialization: Strategies for an Ethical Legality' (1974) 27 *Stanford Law Review* 1
- Terry DJ, Carey CJ and Callan VJ, 'Employee Adjustment to an Organizational Merger: An Intergroup Perspective' (2001) 27 *Personality and Social Psychology Bulletin* 267
- Thomassen J, Andeweg R and van Ham C, 'Political Trust and the Decline of Legitimacy Debate: A Theoretical and Empirical Investigation into Their Interrelationship' in Sonja Zmerli and Tom WG van der Meer (eds), *Handbook on political trust* (Edward Elgar Publishing)
- Tridimas T, 'The Principle of Proportionality: Review of National Measures' in Takis Tridimas (ed), *The General Principles of EU Law* (Oxford University Press 2006)
- , 'The General Principles of EU Law and the Europeanisation of National Laws' (2020) 13 *Review of European Administrative Law* 5
- Trinkner R and Tyler TR, 'Legal Socialization: Coercion versus Consent in an Era of Mistrust' (2016) 12 *Annual Review of Law and Social Science* 417
- Turner J, 'Some Current Issues in Research on Social Identity and Self-Categorization Theories' in Naomi Ellemers, Russell Spears and Bertjan Doosje (eds), *Social identity* (Blackwell 1999)

- Turner-Zwinkels F, Van Zomeren M and Postmes T, 'Politicization During the 2012 U.S. Presidential Elections: Bridging the Personal and the Political Through an Identity Content Approach' (2015) 41 *Personality and Social Psychology Bulletin* 433
- Tyler TR, 'The Psychology of Legitimacy: A Relational Perspective on Voluntary Deference to Authorities' (1997) 1 *Personality and Social Psychology Review* 323
- , 'Procedural Justice, Legitimacy, and the Effective Rule of Law' (2003) 3 *Crime and Justice* 283
- , 'Psychological Perspectives on Legitimacy and Legitimation' (2006) 57 *Annual Review of Psychology* 375
- , 'Methodology in Legal Research' (2017) 13 *Utrecht Law Review* 130
- Tyler TR, Atiba Goff P and MacCoun RJ, 'The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement' (2015) 16 *Psychological science in the public interest* 75
- Tyler TR and Blader SL, 'The Group Engagement Model: Procedural Justice, Social Identity, and Cooperative Behavior' (2003) 7 *Personality and Social Psychology Review* 349
- Tyler TR and Jackson J, 'Future Challenges In The Study Of Legitimacy And Criminal Justice' in Justice Tankebe and Alison Lieblich (eds), *Legitimacy and Criminal Justice* (Oxford University Press 2013)
- Tyler TR and Lind EA, 'A Relational Model of Authority in Groups' in Mark P Zanna (ed), *Advances in Experimental Social Psychology*, vol 25 (Elsevier 1992)
- Ullrich J, Christ O and Schlüter E, 'Merging on Mayday: Subgroup and Superordinate Identification as Joint Moderators of Threat Effects in the Context of European Union's Expansion' (2006) 36 *European Journal of Social Psychology* 857
- Van de Vyver J and others, 'Boosting Belligerence: How the July 7, 2005, London Bombings Affected Liberals' Moral Foundations and Prejudice' (2016) 27 *Psychological Science* 169
- , 'Brexit or Breman? A Person and Social Analysis of Voting Decisions in the EU Referendum' (2018) 28 *Journal of Community & Applied Social Psychology* 65
- Van Den Bos K, 'De empirische pizzapunt' (*De Psycholoog*, 6 September 2024) <<https://www.tijdschriftdepsycholoog.nl/de-empirische-pizzapunt/>> accessed 4 October 2024
- , 'Social Psychology and Law: Basic Principles in Legal Contexts' in PAM Van Lange, E Tory Higgins and Arie W Kruglanski (eds), *Social psychology: Handbook of basic principles* (3rd edn, Guilford Press)
- Van Den Bos K, Van Der Velden L and Lind EA, 'On the Role of Perceived Procedural Justice in Citizens' Reactions to Government Decisions and the Handling of Conflicts' (2014) 10 *Utrecht Law Review* 1
- Van der Brug W, van der Meer T and van der Pas D, 'Voting in the Dutch "Ukraine-Referendum": A Panel Study on the Dynamics of Party Preference, EU-Attitudes, and Referendum-Specific Considerations' (2018) 53 *Acta Politica* 496
- Van Elsas EJ and Van der Brug W, 'The Changing Relationship between Left-Right Ideology and Euroscepticism, 1973-2010' (2015) 16 *European Union Politics* 194
- Van Elsas EJ and others, 'How Political Malpractice Affects Trust in EU Institutions' (2020) 43 *West European Politics* 944
- Van Klingeren M, Boomgaarden HG and De Vreese CH, 'Going Soft or Staying Soft: Have Identity Factors Become More Important Than Economic Rationale When Explaining Euroscepticism?' (2013) 35 *Journal of European Integration* 689

- Van Leeuwen E, Van Knippenberg D and Ellemers N, 'Continuing and Changing Group Identities: The Effects of Merging on Social Identification and Ingroup Bias' (2003) 29 *Personality and Social Psychology Bulletin* 679
- Van Middelaar L, *Alarums & Excursions: Improvising Politics on the European Stage* (Agenda Publishing 2019)
- Van Spanje J and De Vreese C, 'So What's Wrong with the EU? Motivations Underlying the Eurosceptic Vote in the 2009 European Elections' (2011) 12 *European Union Politics* 405
- Verhaegen S, Hooghe M and Quintelier E, 'The Effect of Political Trust and Trust in European Citizens on European Identity' (2017) 9 *European Political Science Review* 161
- Vignoles VL, Schwartz SJ and Luyckx K, 'Introduction: Toward an Integrative View of Identity' in Seth J Schwartz, Koen Luyckx and Vivian L Vignoles (eds), *Handbook of Identity Theory and Research* (Springer 2011)
- Willicana AJ, Rivera LM and Garcia DM, 'When One's Group Is Beneficial: The Effect of Group-Affirmation and Subjective Group Identification on Prejudice' (2018) 21 *Group Processes & Intergroup Relations* 962
- Voelkel JG and Feinberg M, 'Morally Reframed Arguments Can Affect Support for Political Candidates' (2018) 9 *Social Psychological and Personality Science* 917
- Voelkel JG, Mernyk JS and Willer R, 'Moral Reframing Increases Support for Economically Progressive Candidates' 23 *PNAS Nexus* 1
- Voeten E, 'Public Opinion and the Legitimacy of International Courts' (2013) 14 *Theoretical Inquiries in Law* 411
- Von Bogdandy A and Schill SW, 'Overcoming Absolute Primacy: Respect for National Identity under the Lisbon Treaty' (2011) 48 *Common Market Law Review* 1417
- Walters GD and Bolger PC, 'Procedural Justice Perceptions, Legitimacy Beliefs, and Compliance with the Law: A Meta-Analysis' (2019) 15 *Journal of Experimental Criminology* 341
- Ward T, 'The European Union: A Crisis of Legitimacy?' (2010) 9 *European View* 115
- Weiler JHH, 'The Transformation of Europe' (1991) 100 *The Yale Law Journal* 2403
- Weiler JHH and Sarmiento D, 'The EU Judiciary After Weiss – Proposing A New Mixed Chamber of the Court of Justice. A Reply to Our Critics' (*EU Law Live*, 6 July 2020) <<https://eulawlive.com/the-eu-judiciary-after-weiss-proposing-a-new-mixed-chamber-of-the-court-of-justice-a-reply-to-our-critics-by-j-h-h-weiler-and-daniel-sarmiento/>> accessed 1 October 2024
- Wenzel M, Mummendey A and Waldzus S, 'Superordinate Identities and Intergroup Conflict: The Ingroup Projection Model' (2007) 18 *European Review of Social Psychology* 331
- Wenzel M, Waldzus S and Steffens MC, 'Ingroup Projection as a Challenge of Diversity: Consensus about and Complexity of Superordinate Categories' in Chris G Sibley and Fiona Kate Barlow (eds), *The Cambridge Handbook of the Psychology of Prejudice* (Cambridge University Press 2016)
- Wolsko C, 'Expanding the Range of Environmental Values: Political Orientation, Moral Foundations, and the Common Ingroup' (2017) 51 *Journal of Environmental Psychology* 284
- Wolsko C, Ariceaga H and Seiden J, 'Red, White, and Blue Enough to Be Green: Effects of Moral Framing on Climate Change Attitudes and Conservation Behaviors' (2016) 65 *Journal of Experimental Social Psychology* 7

- Xiao YJ, Coppin G and Van Bavel JJ, 'Perceiving the World Through Group-Colored Glasses: A Perceptual Model of Intergroup Relations' (2016) 27 *Psychological Inquiry* 255
- Anton Las v PSA Antwerp NV* [2013] CJEU C-202/11
- Assessment of the conformity to the Polish Constitution of selected provisions of the Treaty on European Union* [2021] Polish Constitutional Tribunal K 3/21
- Criminal proceedings against MAS and MB (Taricco II)* [2017] CJEU C-42/17
- European Commission v Poland* [2023] CJEU C-204/21
- Flaminio Costa v ENEL* [1964] ECJ 6-64
- Hungary v European Parliament and Council of the European Union* [2022] CJEU Case C-156/21
- Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien* [2010] CJEU C-208/09
- Lisbon-Urteil* [2009] Bundesverfassungsgericht 2/08
- Malgożata Runevič-Vardyn v Vilniaus miesto savivaldybės administracija and Others* [2011] CJEU C-391/09
- Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn* [2004] ECJ C-36/02
- Peter Gauweiler and Others v Deutscher Bundestag* [2015] CJEU C-62/14, Opinion of AG Cruz Villalón
- Proceedings brought by Boriss Cilevičs and Others* [2020] CJEU C-391/20, Opinion of Advocate General Emiliou
- Proceedings brought by Heinrich Weiss and Others* [2018] CJEU C-493/17
- Proceedings brought by RS* [2022] CJEU C-430/21
- Republic of Poland v European Parliament and Council of the European Union* [2022] CJEU C-157/21
- S and Marper v the United Kingdom* [2008] ECtHR 30562/04, 30566/04
- Slovak pensions* [2012] Czech Constitutional Court Pl. ÚS 5/12
- Van Gend & Loos v Netherlands Inland Revenue Administration* [1963] ECJ 26-62

9.1 APPENDIX CHAPTER 2

Supplementary Table 1. Descriptive statistics of personal values and perceived EU values

	<i>M</i>	<i>SD</i>	<i>Skewness</i>
Personal values			
Democracy	4.36	0.71	-1.41
Liberty	4.47	0.69	-1.33
Fairness	4.55	0.69	-1.70
Rule of law	4.10	0.87	-0.82
Respect for national authority	3.40	1.09	-0.29
Respect for tradition	3.16	1.21	-0.07
Perceived EU values			
Democracy	3.80	0.99	-0.89
Liberty	3.70	0.97	-0.67
Fairness	3.44	1.04	-0.44
Rule of law	3.67	0.99	-0.62
Respect for national authority	3.27	1.02	-0.43
Respect for tradition	3.13	1.08	-0.13

Supplementary Table 2. Results from a factor analysis of personal values

<i>Value</i>	<i>Factor loading</i>		<i>Eigenvalue</i>
	<i>1</i>	<i>2</i>	
Factor 1: Individualizing values			1.19
Democracy	.59		
Liberty	.56		
Fairness	.63		
Factor 2: Binding values			1.45
Rule of law	.35	.40	
Respect for national authority		.98	
Respect for tradition		.57	

Note. Factor loadings above .35 are in bold. The two-factor model had a good fit, $\chi^2(8) = 97.39, p < .001$; CFI = .921; TLI = .852; RMSEA = .099; SRMR = .070.

Supplementary Table 3. Results from a factor analysis of perceived EU values

Value	Factor loading		Eigenvalue
	1	2	
Factor 1: Individualizing values			2.25
Democracy	.77	.25	
Liberty	.77	.29	
Fairness	.70	.27	
Factor 2: Binding values			1.61
Rule of law	.60	.40	
Respect for national authority	.28	.96	
Respect for tradition	.35	.56	

Note. Factor loadings above .35 are in bold. The two-factor model had a good fit, $\chi^2(8) = 186.22, p < .001$; CFI = .943; TLI = .893; RMSEA = .140; SRMR = .050.

Supplementary Table 4. Results from regression analyses on perceived legitimacy of the CJEU with individualizing values

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	-0.01	0.15	-0.30	0.28	.954	
Country ^a						1.53
France	-0.42	0.09	-0.60	-0.24	< .001	
Germany	-0.09	0.09	-0.26	0.09	.323	
Italy	-0.18	0.09	-0.36	0.00	.052	
Netherlands	-0.02	0.09	-0.20	0.15	.784	
Poland	-0.22	0.09	-0.40	-0.04	.020	
Age	0.10	0.03	0.05	0.15	< .001	1.15
Education ^b						1.46
Secondary education	-0.06	0.15	-0.35	0.22	.662	
Vocational education	-0.20	0.17	-0.54	0.14	.256	
Professional education	0.15	0.16	-0.16	0.47	.346	
Bachelor's degree	0.20	0.15	-0.09	0.48	.173	
Master's degree	0.37	0.15	0.08	0.66	.011	
Doctoral degree	0.42	0.18	0.08	0.77	.016	
Pers. ind. values	0.04	0.03	-0.02	0.09	.187	1.32
Perc. ind. values EU	0.49	0.03	0.43	0.54	< .001	1.22
Pers. ind. values X perc. ind. values EU	-0.02	0.03	-0.07	0.04	.533	1.16

Note. CI = confidence interval; LL = lower limit; UL = upper limit; VIF = variance inflation factor; pers. = personal; perc. = perceived; ind. = individualizing. $R^2 = .329$.
^aReference group = Finland. ^bReference group = primary education.

Supplementary Table 5. Results from regression analyses on perceived legitimacy of the CJEU with binding values

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	-0.07	0.15	-0.36	0.23	.652	
Country ^a						1.53
France	-0.43	0.09	-0.61	-0.25	< .001	
Germany	-0.14	0.09	-0.26	0.09	.125	
Italy	-0.20	0.09	-0.32	0.04	.031	
Netherlands	-0.03	0.09	-0.21	0.15	.742	
Poland	-0.30	0.10	-0.49	-0.11	.002	
Age	0.09	0.03	0.04	0.14	< .001	1.15
Education ^b						1.45
Secondary education	-0.02	0.15	-0.32	0.28	.906	
Vocational education	-0.16	0.18	-0.51	0.19	.381	
Professional education	0.18	0.17	-0.15	0.50	.288	
Bachelor's degree	0.30	0.15	0.01	0.59	.043	
Master's degree	0.49	0.15	0.19	0.79	.001	
Doctoral degree	0.53	0.18	0.17	0.88	.003	
Pers. bind. values	0.05	0.03	0.00	0.10	.070	1.09
Perc. bind. values EU	0.44	0.03	0.38	0.49	< .001	1.17
Pers. bind. values X perc. bind. values EU	0.03	0.02	-0.02	0.07	.251	1.13

Note. CI = confidence interval; LL = lower limit; UL = upper limit; VIF = variance inflation factor; pers. = personal; perc. = perceived; bind. = binding. $R^2 = .291$.

^aReference group = Finland. ^bReference group = primary education.

Supplementary Table 6. Results from regression analyses on perceived legitimacy of the EU with individualizing values

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	0.11	0.14	-0.17	0.38	.439	
Country ^a						1.53
France	-0.35	0.09	-0.51	-0.18	< .001	
Germany	-0.11	0.08	-0.28	0.05	.189	
Italy	-0.11	0.09	-0.28	0.06	.202	
Netherlands	-0.05	0.08	-0.21	0.12	.582	
Poland	-0.27	0.09	-0.45	-0.10	.002	
Age	0.02	0.02	-0.03	0.06	.525	1.15
Education ^b						1.46
Secondary education	-0.08	0.14	-0.36	0.19	.558	
Vocational education	-0.30	0.16	-0.62	0.03	.071	
Professional education	-0.01	0.15	-0.31	0.29	.949	
Bachelor's degree	0.08	0.14	-0.19	0.35	.549	
Master's degree	0.18	0.14	-0.09	0.46	.186	
Doctoral degree	0.21	0.17	-0.12	0.53	.211	

<i>Effect</i>	<i>Estimate</i>	<i>SE</i>	<i>95% CI</i>		<i>p</i>	<i>VIF</i>
			<i>LL</i>	<i>UL</i>		
Pers. ind. values	-0.02	0.13	-0.08	0.03	.362	1.32
Perc. ind. values EU	0.60	0.03	0.55	0.65	< .001	1.22
Pers. ind. values X perc. ind. values EU	-0.03	0.03	-0.07	0.02	.322	1.16

Note. CI = confidence interval; *LL* = lower limit; *UL* = upper limit; *VIF* = variance inflation factor; pers. = personal; perc. = perceived; ind. = individualizing. $R^2 = .402$.

^aReference group = Finland. ^bReference group = primary education.

Supplementary Table 7. Results from regression analyses on perceived legitimacy of the EU with binding values

<i>Effect</i>	<i>Estimate</i>	<i>SE</i>	<i>95% CI</i>		<i>p</i>	<i>VIF</i>
			<i>LL</i>	<i>UL</i>		
Intercept	0.06	0.14	-0.22	0.35	.660	
Country ^a						1.53
France	-0.38	0.09	-0.55	-0.20	< .001	
Germany	-0.20	0.09	-0.37	-0.03	.021	
Italy	-0.16	0.09	-0.33	0.02	.075	
Netherlands	-0.05	0.09	-0.22	0.12	.590	
Poland	-0.35	0.09	-0.53	-0.17	<.001	
Age	0.00	0.03	-0.05	0.05	.946	1.15
Education ^b						1.45
Secondary education	-0.05	0.14	-0.33	0.23	.720	
Vocational education	-0.26	0.17	-0.60	0.07	.122	
Professional education	0.01	0.16	-0.30	0.32	.956	
Bachelor's degree	0.17	0.14	-0.10	0.45	.221	
Master's degree	0.30	0.14	0.01	0.58	.041	
Doctoral degree	0.27	0.17	-0.06	0.61	.110	
Pers. bind. values	0.01	0.03	-0.04	0.06	.640	1.09
Perc. bind. values EU	0.52	0.03	0.47	0.58	< .001	1.17
Pers. bind. values X perc. bind. values EU	0.07	0.02	0.02	0.11	.002	1.13

Note. CI = confidence interval; *LL* = lower limit; *UL* = upper limit; *VIF* = variance inflation factor; pers. = personal; perc. = perceived; bind. = binding. $R^2 = .358$.

^aReference group = Finland. ^bReference group = primary education.

9.2 APPENDIX CHAPTER 3

Supplementary Table 1. Stimuli for Study 2

Legal norm	Description
Primacy of EU law	EU law has absolute primacy over national law, even over national constitutions. This means that if there is a conflict between EU law and a national constitution, national courts should apply EU law and not the constitution.
Direct effect	EU rules in principle have direct effect in all Member States. This means that citizens can invoke and rely on their EU rights directly in front of national courts and administrative authorities.
Fundamental status EU citizenship	Citizenship of the EU is destined to be the fundamental status of nationals of the member states. This means within EU law, being an EU citizen is your fundamental status as a person.
Non-discrimination based on nationality	All EU citizens must be treated equally, irrespective of their nationality, unless an exception can be justified. This means that in principle a Member State must treat citizens from other EU Member States the same as their own citizens.
EU citizenship additional	Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship. This means that you first have your national citizenship, and then also get EU citizenship on top of your national citizenship.
Respect for national identities	The EU shall respect the national identities of the Member States, inherent in their fundamental political and constitutional structures. This means that the EU must for example respect the constitutional identity of each Member State.
Respect for essential state functions	The EU shall respect Member States' essential State functions, including ensuring the territorial integrity of the State, maintaining law and order, and safeguarding national security. This means for example that Member States determine their own military activities.
Principle of conferral	The EU may act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. This means that the EU may only do something if the Member States have given it the power to do so. All powers not given to the EU remain with the Member States themselves.
Principle of subsidiarity	The EU shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States. This means that the EU only steps in where the Member States cannot achieve a certain goal just as well by themselves.
Right to withdraw from the EU	Every Member State has the sovereign right to withdraw from the EU. This means that the EU can never stop a Member State from leaving the EU if it decides to do so.
Unanimity voting accession	The accession of new Member States to the EU requires unanimity. This means that a new country can only join the EU if all other Member States agree.
Representation Council of Ministers	EU laws have to be approved by the Council of Ministers. Every Member State has one minister in this Council. This means that no EU law can be adopted without Member States voting on it via their own ministers.

<i>Legal norm</i>	<i>Description</i>
Qualified majority voting	An EU law will only be adopted with a qualified majority of votes. This means that at least 55% of the Member States must vote yes. These Member States, moreover, must, together represent at least 65% of the entire EU population. This means that individual Member States do not have a veto, but that EU laws can only be adopted when most ministers, representing most EU citizens, agree with it.
Principle of transparency	Decisions in the EU shall be taken as openly and closely as possible to the citizens. This means that all EU citizens have right to the widest possible access to the documents of the European Parliament, Council, and Commission.
Tax on plastic	Part of the EU budget comes from a tax on plastic packaging waste that is not recycled. This means that the Member States collect this tax, and then transfer it to the EU.
Net payers and receivers	The Member States with the highest national income contribute the most to the EU. This means that some Member States pay more to the EU than they receive back in EU funds (net payers), whereas some Member States get more money from the EU than they pay (net receivers).
European arrest warrant	Member States are obligated to arrest criminal suspects and surrender them to the Member State where the criminal act was committed. This means that Member States must in principle arrest and transport people who are suspected of crimes in other Member States. Surrender may only be refused if there is a risk of inhuman treatment in the Member State to which the suspect will be surrendered.
External border and Frontex	In order to improve migration management, combat crime with a cross-border dimension, and ensure a high level of internal security within the EU, the EU shall have a common European Border and Coast Guard Agency. This means that the EU has a body (Frontex) which helps Member States with protecting their borders, even though Member States remain in charge of their own borders.
Internal market principles	The EU creates an internal market. The internal market is an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured. This means that products, money, and people can in principle freely move between Member States.
Harmonization competence for internal market	To create an internal market and ensure the free movement of goods, persons, services, and capital the EU may harmonize national laws. This means for example that the EU may set common product standards for cars, which all member States must then apply.
Equal treatment of workers	All EU citizens have the right to work in another member state, where they shall enjoy equal treatment with the nationals of the host member state. This means that an EU citizen who works in another Member State may live there and has to be treated the same as national workers.
Right to reside	All EU citizens have the right to work in another member state, where they shall enjoy equal treatment with the nationals of the host member state. This means that an EU citizen who works in another Member State may live there and has to be treated the same as national workers.
Limitation to right to reside	EU citizens who do not have sufficient financial means to support themselves and have no other EU right to reside in another Member State, are not entitled to social security benefits in other Member States. This means that Member States may refuse social security benefits (for example, maternity/paternity or unemployment benefits) to EU citizens that come to them without sufficient means to support themselves.
Principle of mutual recognition	When a good is lawfully placed on the market in one member state, other member states must in principle allow this good to be sold in their territory as well. This means that products that meet the rules of the state in which they are made may in principle also be sold in the rest of the EU.

<i>Legal norm</i>	<i>Description</i>
Law on same sex marriage	Member States are not required to allow same-sex marriage. Yet Member States must recognize a same-sex marriage that is lawfully concluded in another member state. This means that if a same-sex couple is legally married in one Member State, other member states must allow these partners to reside together on their territories.
Monetary Union	The EU shall establish an economic and monetary union whose currency is the euro. This means that member states stop with their own currency and use the euro as their joint money.
EU values	The EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.
Judicial independence	Every member state must ensure that its national courts are independent and offer effective judicial protection. This means that national courts must respect EU rules on the independence of judges
Voting in municipal and European Parliament elections	All EU citizens have the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in the Member State where they reside. This means that EU citizens that move to another Member State may vote in municipal elections in that state, but not in its national elections.
Composition of European Parliament	The European Parliament shall be composed of representatives of the EU's citizens. This means that all members of the European Parliament are directly elected by citizens in special national elections. Member States with larger populations have more seats in the European Parliament. But no Member State has more than 96 seats, and even the smallest Member State has at least 6 seats.
Protection of fundamental rights	The EU shall protect fundamental rights. These include the freedoms and principles set out in the Charter of Fundamental Rights of the European Union, the European Convention of Human Rights as well as the constitutional traditions common to the Member States. This also means that Member States may not do anything that violates these EU fundamental rights.
Prohibition to extradition	No one may be removed, expelled, or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment. This for example means that refugees may not be sent back to countries where this is not guaranteed.
European green deal	The EU aims to fight climate change and to meet the goals of the Paris Climate Agreement. To this end, the EU has created a European Green Deal, rethinking policies for clean energy. For example, all new petrol and diesel cars will be banned from sale by 2035
Principle of non-discrimination	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 shall be prohibited. This means that you are not allowed to treat people differently for any of these reasons.
Relocation of migrants	In accordance with the principles of solidarity and fair sharing of responsibility between the Member States, migrants will be relocated from Italy and Greece to the territories of the other Member States. This means that Member States where the most migrants come in may send some of those migrants to Member States where fewer migrants enter.

<i>Legal norm</i>	<i>Description</i>
Principle of solidarity	The EU is based on a principle of solidarity. This means that Member States must help each other and that the strongest shoulders should carry the heaviest burden. For example, to recover from the COVID-19 crisis and create a better future for the next generations, the EU has set up a €750 billion euros recovery fund. The Member States that have been hit hardest by the crisis will receive more financial support than others.
Consumer protection	To promote the interests of consumers and to ensure a high level of consumer protection, the Union shall contribute to protecting the health, safety, and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests. This means that the EU can adopt rules to protect consumers, and all Member States and companies must respect these rules.
Free roaming	Consumers will not be charged with roaming costs for voice calls, text messages and data when in other Member States. This means that making calls or using data in other Member States costs the same as in your own state.
European Food Safety Authority	The EU will ensure a high level of protection of human health and consumers' interest in relation to food. For that purpose, the European Food Safety Authority is established. This means that the EU ensures that all food meets high standards and is safe to eat.
European Medicines Agency	All medicines sold in the EU must meet the EU standards for health and safety and must be approved by the European Medicines Agency. This means that Member States or companies may not sell medicines that do not meet EU rules.

Supplementary Table 2. Demographic characteristics of the pilot sample in Study 3

	<i>Total</i>	<i>Participants with reframed conditions</i>	<i>Participants with rebalanced conditions</i>
<i>n</i>	195	96	99
Age			
<i>M</i>	29.79	28.34	31.20
<i>SD</i>	9.59	8.53	10.37
Range	18-70	18-67	19-70
Gender (%)			
Male	49.47	48.96	50.51
Female	48.21	48.96	47.47
Non-binary	2.05	2.08	2.02
Education level (%)			
Primary	0.51	1.04	0
Secondary	6.67	8.33	5.05
Vocational	9.74	10.42	9.09
Higher vocational	35.38	35.42	35.35
Academic bachelor	19.49	19.79	19.19
Academic master	26.67	22.92	30.30
Doctoral	1.54	2.08	1.01

Supplementary Table 3. Factor loadings of moral foundations in Study 3 in a two- and four-factor solution

Item	Two-Factor Solution		Four-Factor Solution			
	1 (7.25)	2 (4.59)	1 (6.11)	2 (3.47)	3 (3.39)	4 (2.61)
Caring for people who have suffered is an important virtue.	0.33	0.38		0.73		
The world would be a better place if everyone made the same amount of money.		0.84			0.85	
I think people who are more hard-working should end up with more money.	0.50					0.74
I think children should be taught to be loyal to their country.	0.72		0.77			
I think it is important for societies to cherish their traditional values.	0.71		0.73			
I think the human body should be treated like a temple, housing something sacred within.	0.47		0.49			
I believe that compassion for those who are suffering is one of the most crucial virtues.		0.43		0.66		
Our society would have fewer problems if people had the same income.		0.85			0.87	
I think people should be rewarded in proportion to what they contribute.	0.46					0.68
It upsets me when people have no loyalty to their country.	0.61		0.63			
I feel that most traditions serve a valuable function in keeping society orderly.	0.67		0.68			
I believe chastity is an important virtue.	0.50		0.52			
We should all care for people who are in emotional pain.		0.49		0.70		
I believe that everyone should be given the same quantity of resources in life.		0.71			0.66	
The effort a worker puts into a job ought to be reflected in the size of a raise they receive.	0.40					0.65
Everyone should love their own community.	0.56		0.56			
I think obedience to parents is an important virtue.	0.67		0.63			
It upsets me when people use foul language like it is nothing.	0.46		0.46	0.34		
I am empathetic toward those people who have suffered in their lives.		0.34		0.70		
I believe it would be ideal if everyone in society wound up with roughly the same amount of money.		0.84			0.85	
It makes me happy when people are recognized on their merits.	0.43			0.34		0.49
Everyone should defend their country, if called upon.	0.57		0.58			
We all need to learn from our elders.	0.59		0.57			

Item	Two-Factor Solution		Four-Factor Solution			
	1 (7.25)	2 (4.59)	1 (6.11)	2 (3.47)	3 (3.39)	4 (2.61)
If I found out that an acquaintance had an unusual but harmless sexual fetish I would feel uneasy about them.			0.33			
Everyone should try to comfort people who are going through something hard.	0.31	0.46		0.67		
When people work together toward a common goal, they should share the rewards equally, even if some worked harder on it.		0.45			0.41	
In a fair society, those who work hard should live with higher standards of living.	0.48					0.62
Everyone should feel proud when a person in their community wins in an international competition.	0.58		0.53			
I believe that one of the most important values to teach children is to have respect for authority.	0.58		0.58			
People should try to use natural medicines rather than chemically identical human-made ones.	0.35	0.38				
It pains me when I see someone ignoring the needs of another human being.	0.31	0.43		0.65		
I get upset when some people have a lot more money than others in my country.		0.52			0.49	
I feel good when I see cheaters get caught and punished.	0.50		0.41			0.32
I believe the strength of a sports team comes from the loyalty of its members to each other.	0.47		0.39			
I think having a strong leader is good for society.	0.49		0.46			
I admire people who keep their virginity until marriage.	0.38		0.41			

Note. SS loadings are presented in brackets. Only factor loadings higher than 0.30 are presented.

Supplementary Table 4. Experimental conditions in Study 3

Reframing conditions	
Control	EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed.
Care/equality	To protect fundamental rights and equal treatment of all citizens, EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. Primacy thus ensures that citizens have the same rights and that some will not be treated differently than others.
Loyalty	To protect national constitutions, EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. Since EU law is legally obligated to always respect the national constitutional identity and traditions of the Member States, primacy thus ensures that no country will have to breach their own constitution.

Authority	To ensure a clear hierarchy between authorities, EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. Since a well-functioning society requires that authorities are respected, primacy thus ensures that citizens can live in a stable and orderly European society.
Liberty	To protect individual freedoms, EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. As EU law strongly protects individual freedoms, primacy thus ensures that all citizens can live in freedom, without being oppressed by national governments, companies, or other organizations.
Economic	To ensure economic growth and a well-functioning market, EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. As this is required for the uniform application of internal market rules, primacy thus ensures that all citizens can live in prosperity.

Rebalancing conditions

Control	EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed.
Care/ equality	EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. However, EU laws have no primacy if they violate fundamental human rights, which EU law also protects. If an EU law harms someone's fundamental rights, national law is thus allowed to protect citizens against the EU law.
Loyalty	EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. However, EU laws have no primacy over the constitutional identity and traditions of the Member States. If an EU law conflicts with the core of a national constitution, people can thus remain loyal to their national constitution because national courts will apply national law.
Authority	EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. However, EU laws have no primacy when they subvert the rightful authority of the Member States. An EU law can therefore not exceed the competences given to the EU by the Member States. If it does national courts can thus limit the primacy of EU law.
Liberty	EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. However, EU laws have no primacy if they violate individual freedoms. If an EU law harms the core of someone's liberty, national law is thus allowed to protect citizens against the EU law.
Economic	EU laws have primacy over the laws of the Member States. This means that EU laws are higher than national laws. If an EU law and a national law conflict, the EU law therefore wins. The national law must then be disapplied and changed. However, EU laws have no primacy if they threaten economic stability and prosperity. If an EU law endangers a vital national economic interest, it thus has no primacy over national law.

Supplementary Table 5. Tukey HSD pairwise comparisons of average probabilities of moral foundations words in State of the Union speeches

	Care	Fairness	Loyalty	Authority
Fairness	< -0.001			
Loyalty	0.009***	0.009***		
Authority	0.010***	0.010***	<0.001	
Purity	0.024***	0.024***	0.015***	0.014***

Note. ****p* < .001.

Supplementary Table 6. Standardized coefficients and model statistics of the mediation model in Study 2

Predictor Variable	Dependent Variable					
	Moral Alignment			Perceived EU Legitimacy		
	β	SE	p	β	SE	p
Country (dummy = France)						
Germany	0.34	0.14	.012	-0.02	0.12	.868
Italy	0.30	0.14	.032	0.17	0.12	.175
Netherlands	0.18	0.14	.203	-0.02	0.12	.900
Poland	0.09	0.14	.502	0.22	0.12	.071
Sweden	0.13	0.14	.352	-0.18	0.13	.154
Age	0.06	0.05	.169	-0.16	0.04	< .001
Political Orientation	-0.06	0.05	.213	-0.14	0.04	.001
Individualizing Moral Foundations	0.18	0.05	< .001	0.02	0.04	.586
Binding Moral Foundations	-0.12	0.05	.019	-0.02	0.04	.599
Moral Alignment	-	-	-	0.43	0.04	< .001
Adjusted R ² = .06			Adjusted R ² = .28			
F(9, 583) = 5.42, p < .001			F(10, 582) = 24.01, p < .001			

Supplementary Table 7. Descriptive statistics of responses to EU rules

Item	% 'right'	Care	Fairness	Loyalty	Authority	Purity	Liberty	Other
Primacy of EU law	68.4	R: .38 W: .17	R: .70 W: .25	R: .05 W: .22	R: .16 W: .49	R: .08 W: .12	R: .52 W: .43	R: .19 W: .26
Direct effect	97.0	R: .50 W: .17	R: .75 W: .50	R: .06 W: .17	R: .15 W: .50	R: .09 W: 0	R: .63 W: .33	R: .08 W: .17
Fundamental status EU citizenship	82.4	R: .23 W: .19	R: .64 W: .17	R: .19 W: .31	R: .08 W: .33	R: .06 W: .17	R: .26 W: .36	R: .24 W: .31
Non-discrimination nationality	95.7	R: .59 W: .11	R: .91 W: .11	R: .12 W: .22	R: .12 W: .56	R: .16 W: 0	R: .54 W: .22	R: .06 W: .22
EU citizenship additional to national citizenship	95.7	R: .13 W: 0	R: .60 W: .22	R: .28 W: .22	R: .21 W: .11	R: .04 W: .11	R: .27 W: .11	R: .21 W: .56
Respect for national identities	93.1	R: .06 W: .53	R: .35 W: .27	R: .32 W: .07	R: .54 W: .07	R: .10 W: 0	R: .34 W: .60	R: .13 W: .13

<i>Item</i>	<i>% 'right'</i>	<i>Care</i>	<i>Fairness</i>	<i>Loyalty</i>	<i>Authority</i>	<i>Purity</i>	<i>Liberty</i>	<i>Other</i>
Respect for essential state functions	80.3	R: .19 W: .46	R: .14 W: .31	R: .24 W: .09	R: .45 W: .09	R: .03 W: .09	R: .34 W: .54	R: .21 W: .31
Conferral	90.6	R: .09 W: .32	R: .33 W: .37	R: .15 W: .05	R: .48 W: .16	R: .06 W: .05	R: .38 W: .37	R: .23 W: .47
Subsidiarity	91.9	R: .32 W: .44	R: .40 W: .33	R: .16 W: 0	R: .30 W: .06	R: .05 W: 0	R: .34 W: .39	R: .23 W: .39
Right to withdraw	95.0	R: .06 W: .36	R: .45 W: 0	R: .13 W: .27	R: .24 W: .45	R: .04 W: 0	R: .59 W: .55	R: .23 W: .09
Unanimity requirement accession	68.5	R: .12 W: .20	R: .55 W: .53	R: .24 W: .05	R: .28 W: .08	R: .04 W: .08	R: .22 W: .39	R: .26 W: .44
Council representation	91.3	R: .15 W: .11	R: .69 W: .32	R: .21 W: .26	R: .28 W: .16	R: .04 W: 0	R: .42 W: .32	R: .13 W: .32
Qualified majority voting	87.5	R: .15 W: .11	R: .50 W: .70	R: .14 W: .15	R: .24 W: .15	R: .07 W: .11	R: .41 W: .30	R: .23 W: .26
Transparency	99.1	R: .16 W: .50	R: .65 W: 0	R: .11 W: 0	R: .22 W: 0	R: .19 W: 0	R: .55 W: .50	R: .19 W: .50
Plastic tax	88.9	R: .11 W: .24	R: .22 W: .10	R: .11 W: .05	R: .18 W: .10	R: .21 W: .19	R: .04 W: .10	R: .57 W: .62
Net payers and net receivers	82.1	R: .53 W: .03	R: .50 W: .66	R: .19 W: .06	R: .06 W: .06	R: .10 W: .09	R: .19 W: .09	R: .21 W: .31
European Arrest Warrant	93.3	R: .41 W: .31	R: .51 W: .38	R: .17 W: .23	R: .45 W: .08	R: .14 W: .08	R: .30 W: .23	R: .15 W: .08
External border and Frontex	83.9	R: .45 W: .55	R: .25 W: .52	R: .23 W: .09	R: .35 W: .12	R: .06 W: .12	R: .28 W: .42	R: .23 W: .33
Internal market principles	95.1	R: .12 W: .20	R: .66 W: .50	R: .10 W: .10	R: .09 W: .50	R: .07 W: .30	R: .47 W: .20	R: .31 W: .20
Harmonization competence internal market	88.6	R: .17 W: .12	R: .71 W: .24	R: .06 W: .04	R: .15 W: .24	R: .06 W: .08	R: .11 W: .48	R: .29 W: .32
Equal treatment workers	96.0	R: .31 W: .22	R: .91 W: .44	R: .09 W: .22	R: .09 W: .33	R: .17 W: .11	R: .46 W: .11	R: .11 W: 0
Right to reside	93.4	R: .17 W: .64	R: .56 W: .79	R: .14 W: .07	R: .19 W: .14	R: .10 W: .07	R: .14 W: .21	R: .24 W: .07
Limitation to right to reside	49.8	R: .10 W: .80	R: .34 W: .60	R: .10 W: .03	R: .33 W: .06	R: .12 W: .21	R: .05 W: .32	R: .38 W: .10
Mutual recognition	73.4	R: .08 W: .18	R: .61 W: .07	R: .10 W: .09	R: .13 W: .21	R: .05 W: .07	R: .25 W: .19	R: .28 W: .53
Same sex marriage	81.9	R: .49 W: .39	R: .72 W: .63	R: .05 W: .03	R: .13 W: .11	R: .21 W: .37	R: .68 W: .63	R: .10 W: .11
Monetary Union	73.2	R: .06 W: .14	R: .48 W: .21	R: .13 W: .18	R: .17 W: .37	R: .03 W: .02	R: .13 W: .28	R: .44 W: .46
Article 2 EU values	97.5	R: .73 W: 0	R: .83 W: .20	R: .11 W: 0	R: .15 W: .20	R: .30 W: .60	R: .71 W: 0	R: .06 W: .40
Judicial independence	97.6	R: .44 W: .20	R: .74 W: .20	R: .04 W: .20	R: .27 W: .40	R: .14 W: 0	R: .58 W: .20	R: .09 W: .40
Voting municipal elections	74.8	R: .07 W: .05	R: .59 W: .75	R: .20 W: .07	R: .25 W: .07	R: .07 W: .07	R: .27 W: .25	R: .21 W: .33
Election European Parliament	83.8	R: .11 W: .09	R: .67 W: .65	R: .10 W: .09	R: .21 W: .15	R: .03 W: .06	R: .34 W: .38	R: .16 W: .21
Fundamental rights protection	98.1	R: .68 W: .25	R: .77 W: 0	R: .11 W: 0	R: .30 W: .25	R: .18 W: 0	R: .73 W: .75	R: .06 W: .25
Prohibition to extradition when inhuman treatment	88.8	R: .84 W: .04	R: .34 W: .21	R: .07 W: .08	R: .07 W: .33	R: .27 W: .17	R: .67 W: .13	R: .08 W: .50

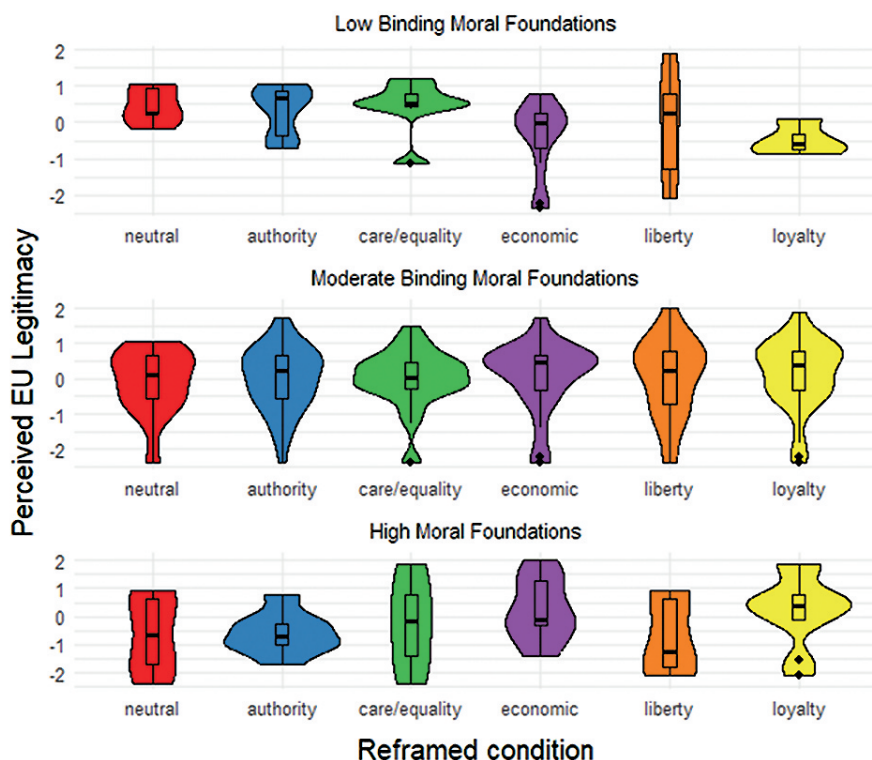
Item	% 'right'	Care	Fairness	Loyalty	Authority	Purity	Liberty	Other
European Green Deal	79.1	R: .43 W: .23	R: .15 W: .41	R: .11 W: .09	R: .14 W: .11	R: .31 W: .07	R: .05 W: .59	R: .49 W: .43
Non-discrimination	96.6	R: .72 W: .43	R: .89 W: .14	R: .10 W: .57	R: .16 W: .57	R: .40 W: .43	R: .74 W: .29	R: .04 W: .29
Relocation of migrants	81.3	R: .66 W: .37	R: .57 W: .39	R: .16 W: .17	R: .20 W: .46	R: .19 W: .17	R: .38 W: .49	R: .17 W: .34
Solidarity and NextGeneration EU	91.5	R: .82 W: .11	R: .47 W: .44	R: .28 W: .11	R: .11 W: .11	R: .17 W: .17	R: .22 W: .17	R: .10 W: .39
Consumer protection	93.3	R: .60 W: .23	R: .61 W: .08	R: .07 W: 0	R: .11 W: .15	R: .15 W: .08	R: .38 W: .62	R: .14 W: .31
Free roaming costs	97.6	R: .13 W: .40	R: .76 W: .20	R: .09 W: .20	R: .09 W: .20	R: .06 W: .20	R: .25 W: 0	R: .28 W: .20
European Food Safety Authority	97.0	R: .73 W: .17	R: .31 W: .17	R: .08 W: .17	R: .10 W: .17	R: .29 W: 0	R: .08 W: .50	R: .24 W: .50
European Medicines Agency	93.7	R: .77 W: .54	R: .35 W: .23	R: .03 W: .15	R: .16 W: .23	R: .15 W: .08	R: .14 W: .54	R: .17 W: .23
Total	87.7	R: .35 W: .26	R: .55 W: .33	R: .14 W: .13	R: .21 W: .22	R: .13 W: .11	R: .37 W: .34	R: .21 W: .31

Note. This table reports percentages of participants who judged rules to be ‘right’ (vs. ‘wrong’), and proportion of arguments selected for these right/wrong judgments. Ind = individualizing. Ind. = individualizing. Bind = binding. R = right. W = wrong.
* $p < .05$; ** $p < .01$; *** $p < .001$.

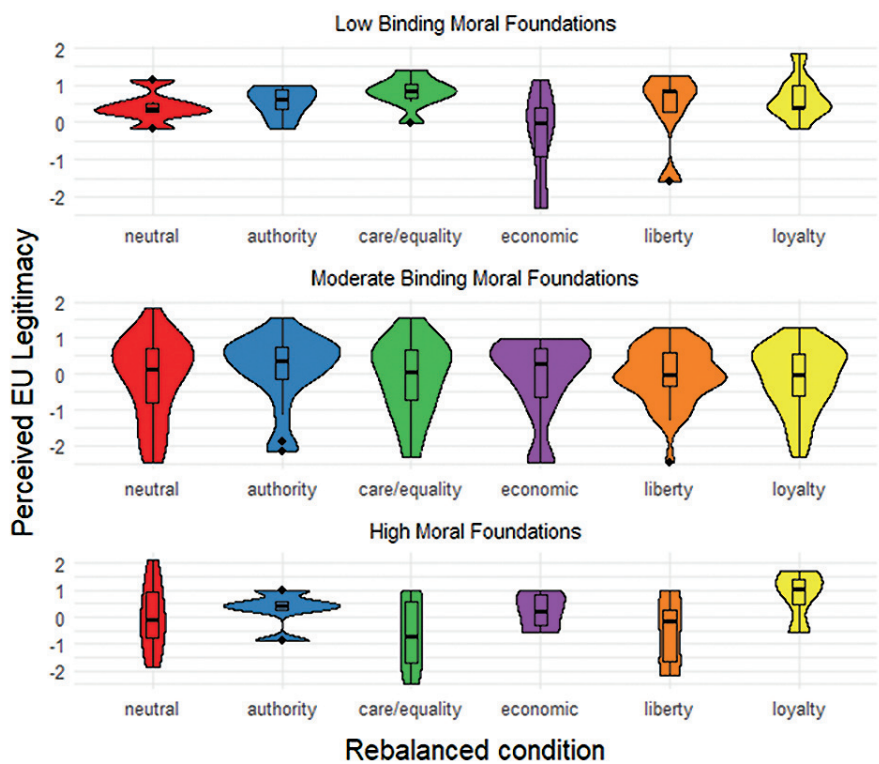
Supplementary Table 8. Means and standard deviations of perceived EU legitimacy and support for primacy by strategy and condition

Strategy	Condition	<i>n</i>	Perceived EU Legitimacy	Support for Primacy
Reframing	Neutral	40	3.06 (0.89)	2.78 (1.19)
	Care/Equality	46	3.18 (0.86)	3.11 (1.08)
	Loyalty	48	3.25 (0.92)	2.96 (1.15)
	Authority	58	3.16 (0.80)	2.83 (1.23)
	Liberty	47	3.11 (1.08)	2.96 (1.35)
	Economic	45	3.15 (0.96)	3.02 (1.03)
Rebalancing	Neutral	45	3.14 (0.95)	2.67 (1.19)
	Care/Equality	52	3.08 (0.95)	3.06 (1.19)
	Loyalty	48	3.21 (0.81)	2.88 (1.14)
	Authority	37	3.33 (0.77)	3.30 (1.02)
	Liberty	48	3.07 (0.80)	2.87 (1.03)
	Economic	53	3.07 (0.92)	2.87 (1.14)

Supplementary Figure 1. Violin and boxplots of perceived EU legitimacy (mean-centred) for each reframed condition and binding moral foundations group (low = 1 SD below M; moderate = between 1 SD below and above M; high = 1 SD above M)



Supplementary Figure 2. Violin and boxplots of perceived EU legitimacy (mean-centred) for each rebalanced condition and binding moral foundations group (low = 1 SD below M; moderate = between 1 SD below and above M; high = 1 SD above M)



Supplementary Table 9. Tukey HSD pairwise comparisons of mean differences of perceived EU legitimacy between education levels

	Low	Medium	High
Medium	-0.12		
High	-0.57***	-0.49***	
M	2.90	3.02	3.47
SD	0.87	0.91	0.79

Note. *** $p < .001$.

Supplementary Table 10. Standardized coefficients and model statistics of the model regressing perceived EU legitimacy on reframed conditions and binding moral foundations (Study 3)

	β	SE	t	p	η^2
Age	-0.19	0.06	-2.92	.004	.05
Education (Dummy = Low)					.03
Medium	0.15	0.15	1.01	.311	
High	0.47	0.16	2.91	.004	
Binding MF	-0.32	0.18	-1.82	.070	< .01
Condition (Dummy = Control)					.01
Authority	0.08	0.20	0.39	.695	
Care/Equality	0.17	0.21	0.80	.426	
Economic	0.19	0.21	0.92	.358	
Liberty	0.09	0.21	0.42	.674	
Loyalty	0.33	0.21	1.57	.117	
Binding MF X Condition (Dummy = Control)					.05
Binding MF X Authority	0.19	0.21	0.89	.374	
Binding MF X Care/Equality	0.40	0.24	1.67	.097	
Binding MF X Economic	0.65	0.21	3.12	.002	
Binding MF X Liberty	0.09	0.25	0.36	.718	
Binding MF X Loyalty	0.46	0.23	1.98	.049	
Adjusted $R^2 = .09$					
$F(14, 269) = 2.99, p < .001$					

Note. MF = moral foundations.

Supplementary Table 11. Standardized coefficients and model statistics of the model regressing perceived EU legitimacy on rebalanced conditions and binding moral foundations (Study 3)

	β	SE	t	p	η^2
Age	-0.15	0.06	-2.43	.016	.05
Education (Dummy = Low)					.09
Medium	-0.07	0.15	-0.50	.620	
High	0.61	0.16	3.81	< .001	
Binding MF	0.12	0.13	0.92	.360	< .01
Condition (Dummy = Control)					.01
Authority	0.27	0.21	1.33	.184	
Care/Equality	-0.02	0.19	-0.10	.919	
Economic	0.00	0.19	0.01	.990	
Liberty	-0.05	0.19	-0.28	.780	
Loyalty	0.10	0.19	0.50	.619	
Binding MF X Condition (Dummy = Control)					.03
Binding MF X Authority	-0.35	0.18	-1.89	.059	
Binding MF X Care/Equality	0.10	0.19	0.57	.572	
Binding MF X Economic	-0.32	0.20	-1.62	.106	
Binding MF X Liberty	-0.02	0.20	-0.10	.919	
Binding MF X Loyalty	-0.15	0.06	-2.43	.016	
Adjusted $R^2 = .14$					
$F(14, 268) = 4.23, p < .001$					

Note. MF = moral foundations.

Supplementary Table 12. Standardized coefficients and model statistics of the model regressing perceived EU legitimacy on reframed conditions and individualizing moral foundations (Study 3)

	β	SE	t	p	η^2
Age	-0.21	0.06	-3.56	< .001	.05
Education (Dummy = Low)					.03
Medium	0.20	0.15	1.34	.181	
High	0.53	0.16	3.32	.001	
Individualizing MF	0.07	0.16	0.45	.654	.05
Condition (Dummy = Control)					.01
Authority	0.14	0.19	0.74	.463	
Care/Equality	0.19	0.20	0.95	.344	
Economic	0.27	0.21	1.33	.186	
Liberty	0.12	0.20	0.58	.562	
Loyalty	0.39	0.21	1.87	.063	
Individualizing MF X Condition (Dummy = Control)					.03
Individualizing MF X Authority	0.02	0.20	0.10	.917	
Individualizing MF X Care/Equality	0.11	0.22	0.51	.611	
Individualizing MF X Economic	0.36	0.20	1.78	.075	
Individualizing MF X Liberty	0.42	0.22	1.92	.056	
Individualizing MF X Loyalty	-0.03	0.22	-0.14	.889	
Adjusted $R^2 = .12$					
$F(14, 269) = 3.67, p < .001$					

Note. MF = moral foundations.

Supplementary Table 13. Standardized coefficients and model statistics of the model regressing perceived EU legitimacy on rebalanced conditions and individualizing moral foundations (Study 3)

	β	SE	t	p	η^2
Age	-0.16	0.06	-2.62	.009	.05
Education (Dummy = Low)					.09
Medium	-0.03	0.14	-0.22	.828	
High	0.63	0.16	4.01	< .001	
Individualizing MF	0.56	0.15	3.64	.003	.01
Condition (Dummy = Control)					.01
Authority	0.20	0.21	0.97	.335	
Care/Equality	-0.13	0.19	-0.69	.493	
Economic	-0.06	0.19	-0.33	.744	
Liberty	-0.12	0.19	-0.62	.534	
Loyalty	0.00	0.19	0.02	.982	
Individualizing MF X Condition (Dummy = Control)					.03
Individualizing MF X Authority	-0.48	0.20	-2.34	.020	
Individualizing MF X Care/Equality	-0.45	0.20	-2.26	.025	
Individualizing MF X Economic	-0.65	0.20	-3.29	.001	
Individualizing MF X Liberty	-0.49	0.21	-2.40	.017	
Individualizing MF X Loyalty	-0.42	0.22	-1.94	.054	
Adjusted $R^2 = .16$					
$F(14, 268) = 4.76, p < .001$					

Note. MF = moral foundations.

Supplementary Table 14. Standardized coefficients and model statistics of the model regressing support for primacy on reframed conditions and binding moral foundations (Study 3)

	β	SE	<i>t</i>	<i>p</i>	η^2
Age	-0.10	0.06	-1.52	.129	.02
Education (Dummy = Low)					.03
Medium	0.15	0.15	0.97	.332	
High	0.49	0.16	2.96	.003	
Binding MF	-0.16	0.18	-0.88	.381	< .01
Condition (Dummy = Control)					.01
Authority	-0.02	0.20	-0.10	.918	
Care/Equality	0.30	0.21	1.40	.162	
Economic	0.27	0.21	1.25	.214	
Liberty	0.16	0.21	0.77	.441	
Loyalty	0.25	0.21	1.17	.241	
Binding MF X Condition (Dummy = Control)					.04
Binding MF X Authority	-0.07	0.21	-0.34	.736	
Binding MF X Care/Equality	0.11	0.24	0.47	.640	
Binding MF X Economic	0.42	0.21	2.00	.047	
Binding MF X Liberty	-0.05	0.25	-0.20	.839	
Binding MF X Loyalty	0.24	0.24	1.02	.309	
Adjusted $R^2 = .06$					
$F(14, 269) = 2.32, p = .005$					

Note. MF = moral foundations.

Supplementary Table 15. Standardized coefficients and model statistics of the model regressing support for primacy on rebalanced conditions and binding moral foundations (Study 3)

	β	SE	<i>t</i>	<i>p</i>	η^2
Age	-0.10	0.06	-1.57	.117	.03
Education (Dummy = Low)					.05
Medium	-0.15	0.15	-1.00	.316	
High	0.38	0.16	2.31	.022	
Binding MF	-0.17	0.14	-1.27	.206	< .01
Condition (Dummy = Control)					.03
Authority	0.60	0.21	2.84	.005	
Care/Equality	0.38	0.19	1.95	.052	
Economic	0.25	0.19	1.27	.206	
Liberty	0.13	0.20	0.64	.525	
Loyalty	0.19	0.20	0.94	.347	
Binding MF X Condition (Dummy = Control)					.03
Binding MF X Authority	0.43	0.19	2.29	.023	
Binding MF X Care/Equality	-0.04	0.19	-0.22	.824	
Binding MF X Economic	0.19	0.19	0.99	.322	
Binding MF X Liberty	0.02	0.20	0.08	.933	
Binding MF X Loyalty	0.14	0.21	0.66	.510	
Adjusted $R^2 = .09$					
$F(14, 268) = 3.07, p < .001$					

Note. MF = moral foundations.

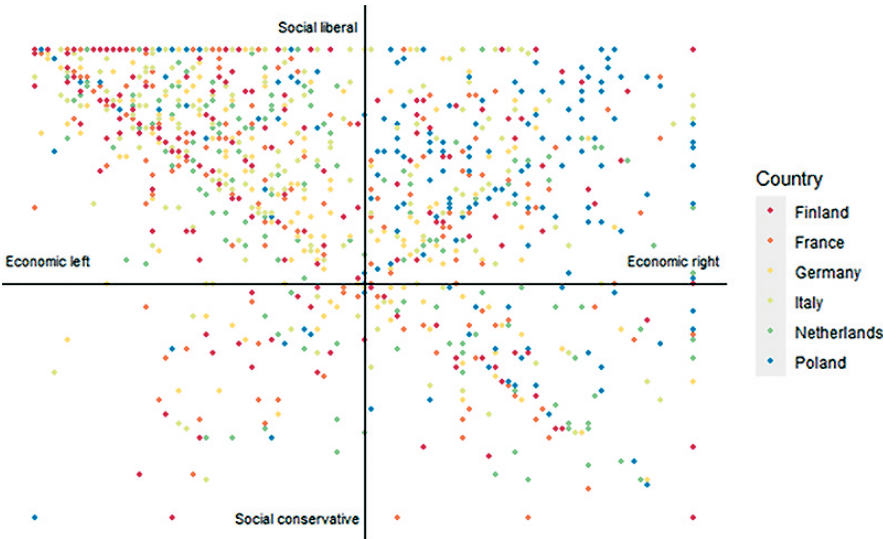
9.3 APPENDIX CHAPTER 4

Supplementary Table 1. Main characteristics of the total sample and each country subsample

	Total	Finland	France	Germany	Italy	Netherlands	Poland
Sample size	1136	164	197	195	200	196	184
Age M	27.60	29.16	28.49	30.39	26.36	28.79	22.35
(SD)	(8.98)	(8.71)	(8.88)	(9.96)	(7.97)	(9.71)	(5.54)
Range	18-73	18-73	18-62	18-63	18-62	18-71	18-46
Gender (in %)							
Female	40.1	38.4	44.7	37.9	49	45.4	23.9
Male	58.4	58.5	52.8	61	50	53.6	75.5
Other	1.3	3	2	1	0.5	1	0.5
Not indicated	0.2	0	0.5	0	0.5	0	0
Education level (in %)							
Primary education	3.3	6.1	2.5	2.6	1	0	8.7
Secondary education	19.5	12.2	13.7	15.4	26.5	7.1	42.4
Vocational education [†]	5.6	15.2	2	6.2	0	9.7	2.2
Professional education	10.2	16.5	4.6	4.6	2.5	28.6	5.4
Bachelor's degree	29.8	25.6	27.4	36.4	38	21.9	28.3
Master's degree	26.1	18.3	42.1	27.7	28	26.5	12
Doctoral degree	5.5	6.1	7.6	7.7	4	1	1.1

[†]This answer category was not in the Italian version of the questionnaire because in Italy this level of education does not exist.

Supplementary Figure 1. Political preferences of the country subsamples on the economic and social dimension



Supplementary Table 2. Results from oblique promax rotated principal axis factor analysis of items measuring threat to national power and sociocultural identity

	Sociocultural identity threat	Power threat
<i>Eigenvalue</i>	4.82	4.32
<i>α</i>	.94	.95
1. The EU has too much power and responsibility in [country]		.94
2. The EU controls the destinies of [country] in too many ways		.93
3. The EU too often denies [country]'s independent positions of power and responsibilities	.10	.79
4. The EU has too much power and responsibility over our national institutions		.91
5. The EU undermines democracy in [country]	.35	.53
6. The EU undermines the value of my national vote	.43	.45
7. The EU undermines core [nationality] norms and values	.71	.18
8. The EU undermines [nationality] customs and symbols	.91	
9. The EU undermines [nationality] identity	.97	
10. The EU undermines the unity of [nationality] culture	.93	
11. The Euro threatens our national identity / Joining the Eurozone would threaten our national identity [†]	.74	
12. I experience fear that [country] will lose its distinctive culture due to the EU	.59	.20

Note. We conducted exploratory principles axis factoring, using oblique promax rotation, to assess the factor structure. A scree plot suggested that two factors should be retained. Taking the recommended cut-off level of .32, the factor loadings indicated that items 5 and 6 load on both factors. These items were thus deleted due to cross-loadings. Factor loadings in bold indicate onto which final factors the item loaded. The *α* is indicated for the final factors.

[†]The second item was used in the Polish sample.

Supplementary Table 3. Descriptive statistics for dual identification variables in all country subsamples

	Finland	France	Germany	Italy	Netherlands	Poland
National identification	5.42 (1.09)	4.81 (1.10)	4.78 (0.96)	4.66 (1.03)	5.24 (0.90)	4.11 (1.26)
EU identification	5.32 (1.01)	5.26 (1.03)	5.53 (0.87)	5.58 (0.90)	5.08 (0.94)	5.17 (0.98)
Dual identification (con.)	5.26 (1.59)	5.08 (1.65)	5.28 (1.48)	5.40 (1.47)	5.02 (1.50)	4.72 (1.67)
Dual identification (cat.)						
Exclusive national	46	47	20	22	37	25
First national, then EU	98	103	116	127	134	103
First EU, then national	15	42	56	48	24	46
Exclusive EU	5	5	3	3	1	10

Note. Con. = continuous. Cat. = categorical. Means and standard deviations between brackets are reported for the continuous dual identification measure. The number of participants in each of the categories of the categorical dual identification measure are shown.

Supplementary Table 4. Tukey HSD pairwise comparisons of threat to power between countries

	Finland	France	Germany	Italy	Netherlands	Poland
France	0.11 [-0.33, 0.56]					
Germany	-0.57** [-1.02, -0.12]	-0.68*** [-1.11, -0.25]				
Italy	-0.40 [-0.85, 0.04]	-0.52** [-0.94, -0.09]	0.16 [-0.27, 0.59]			
Netherlands	0.10 [-0.35, 0.55]	-0.02 [-0.45, 0.41]	0.66*** [0.23, 1.09]	0.50* [0.07, 0.93]		
Poland	-0.14 [-0.60, 0.32]	-0.25 [-0.69, 0.18]	0.43 [-0.01, 0.86]	0.27 [-0.17, 0.70]	-0.24 [-0.67, 0.20]	
M	3.13	3.25	2.57	2.73	3.23	2.99
SD	1.49	1.49	1.44	1.44	1.50	1.56

Note. Values are the mean differences in power threat, in brackets the 95% confidence intervals.
* $p < .05$, ** $p < .01$, *** $p < .001$.

Supplementary Table 5. Tukey HSD pairwise comparisons of threat to sociocultural identity between countries

	Finland	France	Germany	Italy	Netherlands	Poland
France	0.18 [-0.22, 0.58]					
Germany	-0.34 [-0.73, 0.06]	-0.51** [-0.89, -0.13]				
Italy	-0.30 [-0.69, 0.10]	-0.47** [-0.85, -0.10]	0.04 [-0.34, 0.42]			
Netherlands	0.36 [-0.03, 0.76]	0.19 [-0.19, 0.56]	0.70*** [0.32, 1.08]	0.66*** [0.28, 1.04]		
Poland	0.25 [-0.15, 0.65]	0.07 [-0.31, 0.46]	0.59*** [0.20, 0.97]	0.55*** [0.16, 0.93]	-0.11 [-0.50, 0.27]	
M	2.35	2.52	2.01	2.05	2.71	2.60
SD	1.33	1.33	1.15	1.18	1.43	1.44

Note. Values are the mean differences in culture threat, in brackets the 95% confidence intervals.
** $p < .01$, *** $p < .001$.

Supplementary Table 6. Tukey HSD pairwise comparisons of perceived EU legitimacy between countries

	Finland	France	Germany	Italy	Netherlands	Poland
France	-0.34 [-0.69, 0]					
Germany	-0.09 [-0.43, 0.26]	0.26 [-0.07, 0.59]				
Italy	0.11 [-0.23, 0.45]	0.45** [0.13, 0.78]	0.20 [-0.13, 0.52]			
Netherlands	-0.18 [-0.52, 0.17]	0.17 [-0.16, 0.49]	-0.09 [-0.42, 0.24]	-0.29 [-0.62, 0.04]		
Poland	-0.37* [-0.72, -0.02]	-0.03 [-0.36, 0.30]	-0.29 [-0.62, 0.05]	-0.48*** [-0.81, -0.15]	-0.20 [-0.53, 0.14]	
M	4.77	4.43	4.68	4.88	4.59	4.40
SD	1.04	1.26	1.15	1.03	1.13	1.17

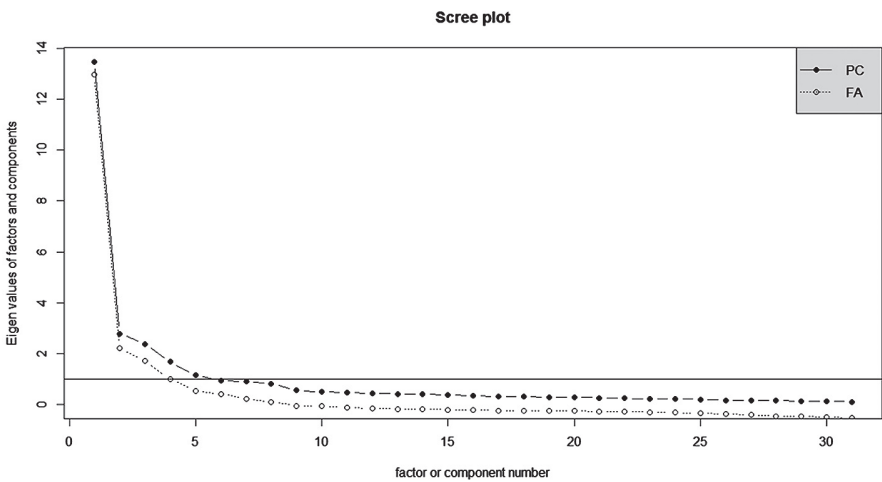
Note. Values are the mean differences in culture threat, in brackets the 95% confidence intervals.
** $p < .01$, *** $p < .001$.

Supplementary Table 7. Tukey HSD pairwise comparisons of perceived EU legitimacy between education levels

	1	2	3	4	5	6	7
2	-0.10 [-0.69, 0.49]						
3	-0.49 [-1.17, 0.20]	-0.39 [-0.86, 0.09]					
4	-0.01 [-0.64, 0.62]	0.09 [-0.29, 0.47]	0.48 [-0.04, 0.93]				
5	0.23 [-0.35, 0.80]	0.32* [0.04, 0.61]	0.71*** [0.26, 1.17]	0.23 [-0.13, 0.59]			
6	0.35 [-0.23, 0.94]	0.45*** [0.16, 0.75]	0.84*** [0.38, 1.30]	0.36 [0, 0.73]	0.13 [-0.14, 0.39]		
7	0.35 [-0.34, 1.04]	0.45 [-0.03, 0.93]	0.83*** [0.24, 1.43]	0.35 [-0.17, 0.88]	0.12 [-0.34, 0.58]	-0.01 [-0.47, 0.46]	
n	37	222	64	116	338	297	62
M	4.49	4.39	4.01	4.49	4.72	4.85	4.84
SD	1.11	1.17	1.23	1.20	1.10	1.07	1.18

Note. 1: Primary education, 2: Secondary education, 3: Vocational education, 4: Professional education, 5: Bachelor's degree, 6: Master's degree, 7: Doctoral degree.
Values are the mean differences in culture threat, in brackets the 95% confidence intervals.
** $p < .01$, *** $p < .001$.

Supplementary Figure 2. Scree plot of all items measuring EU identification, threat to nation, institutional trust, felt duty to obey, and political orientation, revealing 5 factors



Supplementary Table 8. Factor loadings and fit indices from oblique promax rotated principal axis factor analysis of items measuring EU identification, threat to nation, institutional trust, felt duty to obey, and political orientation

	PA1	PA2	PA3	PA4	PA5
I identify with other people in the EU			0.96		
I am like other people in the EU		-0.15	1.01		
The group of EU people is an important reflection of who I am	0.11		0.94	0.15	
I would like to continue belonging to people in the EU			0.56	-0.32	
I dislike being one of the people in the EU			-0.11	0.74	
I would rather belong to another group than people in the EU	-0.13			0.77	
I think people in the EU have little to be proud of				0.74	
I feel good about people in the EU			0.58	-0.21	
I have little respect for people in the EU			0.13	0.72	
I would rather not tell that I belong to people in the EU				0.74	
The EU has too much power and responsibility in [country]	-0.11				0.93
The EU controls the destinies of [country] in too many ways	-0.11	-0.10			0.94
The EU too often denies [country]'s independent positions of power and responsibilities					0.79
The EU has too much power and responsibility over our national institutions		-0.11			0.86
The EU undermines core [nationality] norms and values	0.65				0.29
The EU undermines [nationality] customs and symbols	0.90				
The EU undermines [nationality] identity	0.97				

	PA1	PA2	PA3	PA4	PA5
The EU undermines the unity of [nationality] culture	0.94				
The Euro threatens our national identity / Joining the Eurozone would threaten our national identity [†]	0.64			0.15	
I experience fear that [country] will lose its distinctive culture due to the EU	0.53				0.16
I have confidence in the EU	-0.12	0.40	0.26		
The EU is trustworthy	-0.19	0.45	0.23		
The EU acts within the law	-0.31	0.42			
Most EU civil servants do their job well	-0.24	0.42	0.16		
People should obey laws made by the EU even if it goes against what they think is right		0.88			
People should obey laws made by the EU even if they will not be caught for breaking it		0.74			
People should do what the EU tells them to do even if they disagree with it	0.14	1.03			
People should do what the EU tells them to do even if they don't like the way the EU treats them	0.16	0.98	-0.10		
I feel I should accept the decisions made by the EU		0.85			
Economic left (equal wealth distribution and larger role of the state) – right (individual responsibility and free market)					0.33
Social left (progressive policy) – right (conservative policy)	0.15	0.12			0.47

Note. TLI = .90, RMSEA = .08, $\chi^2 = 722$, $df = 271$, $p < .001$.

[†]The second item was used in the Polish sample.

Supplementary Table 9. Factor correlations and indices from oblique promax rotated principal axis factor analysis of items measuring EU identification, threat to nation, institutional trust, felt duty to obey, and political orientation

	PA1	PA2	PA3	PA4	PA5
PA1					
PA2	-.62				
PA3	-.55	.59			
PA4	.64	-.51	-.60		
PA5	.75	-.56	-.51	-.50	
SS loadings	4.09	4.89	3.71	3.02	3.69
Proportion explained	.24	.22	.18	.15	.16

Supplementary Table 10. Results of the main regression model on institutional trust

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	0.18	0.05	0.07	0.28	.001	
Country [†]						
France	-0.26	0.07	-0.40	-0.12	<.001	1.28
Germany	-0.35	0.07	-0.49	-0.20	<.001	
Italy	-0.09	0.07	-0.23	0.05	.204	
Netherlands	-0.11	0.07	-0.25	0.03	.125	
Poland	-0.12	0.08	-0.27	0.02	.102	
National id.	<0.01	0.02	-0.05	0.05	.942	1.52
EU id.	0.28	0.03	0.22	0.34	<.001	2.36
Dual id.	0.13	0.03	0.08	0.19	<.001	1.99
Threat to nation	-0.44	0.03	-0.49	-0.39	<.001	1.82
National id. X threat	-0.07	0.02	-0.10	-0.03	.001	1.12
EU id. X threat	-0.01	0.02	-0.06	0.04	.646	3.03
Dual id. X threat	0.04	0.03	-0.01	0.09	.111	3.01

Note. CI = confidence interval; LL = lower limit; UL = upper limit; VIF = variance

[†] Finland was the reference category

Supplementary Table 11. Results of the main regression model on duty to obey

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	0.10	0.07	-0.03	0.24	.118	
Country [†]						
France	-0.15	0.09	-0.32	0.03	.094	1.28
Germany	-0.18	0.09	-0.35	<0.01	.050	
Italy	-0.04	0.09	-0.22	0.13	.637	
Netherlands	0.08	0.09	-0.09	0.26	.339	
Poland	-0.24	0.09	-0.42	0.05	.013	
National id.	0.02	0.03	-0.04	0.08	.498	1.52
EU id.	0.16	0.04	0.09	0.23	<.001	2.36
Dual id.	0.11	0.03	0.05	0.18	.001	1.99
Threat to nation	-0.35	0.03	-0.41	-0.28	<.001	1.82
National id. X threat	-0.05	0.02	-0.10	-0.01	.026	1.12
EU id. X threat	-0.05	0.03	-0.11	0.01	.085	3.03
Dual id. X threat	0.11	0.03	0.04	0.17	.001	3.01

Note. CI = confidence interval; LL = lower limit; UL = upper limit; VIF = variance

[†] Finland was the reference category

Supplementary Table 12. Results of the regression model on institutional trust with threat to national power

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	0.22	0.06	0.11	0.33	<.001	
Country [†]						
France	-0.29	0.07	-0.43	-0.15	<.001	1.27
Germany	-0.36	0.07	-0.51	-0.22	<.001	
Italy	-0.11	0.07	-0.26	0.03	.125	
Netherlands	-0.16	0.07	-0.30	-0.02	.026	
Poland	-0.19	0.08	-0.34	-0.04	.015	
National id.	-0.01	0.03	-0.06	0.04	.673	1.55
EU id.	0.33	0.03	0.27	0.39	<.001	2.24
Dual id.	0.14	0.03	0.08	0.19	<.001	2.01
Threat to national power	-0.38	0.03	-0.43	-0.33	<.001	1.63
National id. X threat	-0.07	0.02	-0.11	-0.03	.001	1.13
EU id. X threat	0.02	0.02	-0.03	0.07	.401	2.69
Dual id. X threat	0.02	0.03	-0.04	0.07	.529	2.79

Note. CI = confidence interval; LL = lower limit; UL = upper limit; VIF = variance

[†] Finland was the reference category

Supplementary Table 13. Results of the regression model on felt duty to obey with threat to national power

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	0.13	0.07	<0.01	0.26	.057	
Country [†]						
France	-0.17	0.09	-0.34	0.01	.061	1.27
Germany	-0.19	0.09	-0.37	-0.01	.034	
Italy	-0.06	0.09	-0.23	0.12	.526	
Netherlands	0.04	0.09	-0.13	0.22	.611	
Poland	-0.29	0.09	-0.47	-0.10	.003	
National id.	0.02	0.03	-0.04	0.08	.570	1.55
EU id.	0.19	0.04	0.12	0.26	<.001	2.24
Dual id.	0.12	0.03	0.05	0.18	.001	2.01
Threat to national power	-0.32	0.03	-0.38	-0.26	<.001	1.63
National id. X threat	-0.05	0.02	-0.10	<0.01	.051	1.13
EU id. X threat	-0.04	0.03	-0.10	0.02	.196	2.69
Dual id. X threat	0.09	0.03	0.02	0.15	.007	2.79

Note. CI = confidence interval; LL = lower limit; UL = upper limit; VIF = variance

[†] Finland was the reference category

Table S14. Results of the regression model on institutional trust with threat to national sociocultural identity

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	0.15	0.06	0.04	0.26	.006	
Country [†]						
France	-0.27	0.07	-0.41	-0.12	<.001	1.28
Germany	-0.32	0.07	-0.46	-0.18	<.001	
Italy	-0.09	0.07	-0.24	0.05	.202	
Netherlands	-0.06	0.07	-0.20	0.08	.396	
Poland	-0.10	0.08	-0.26	0.05	.193	
National id.	-0.04	0.02	-0.09	0.01	.080	1.44
EU id.	0.32	0.03	0.26	0.37	<.001	2.28
Dual id.	0.16	0.03	0.10	0.21	<.001	1.95
Threat to national sociocultural identity	-0.39	0.03	-0.44	-0.33	<.001	1.79
National id. X threat	-0.06	0.02	-0.10	-0.02	.002	1.10
EU id. X threat	-0.04	0.02	-0.09	0.01	.133	3.13
Dual id. X threat	0.06	0.03	0.01	0.11	.018	2.93

Note. CI = confidence interval; LL = lower limit; UL = upper limit; VIF = variance
[†] Finland was the reference category

Table S15. Results of the regression model on felt duty to obey with threat to national sociocultural identity

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	0.10	0.07	-0.03	0.23	.146	
Country [†]						
France	-0.17	0.09	-0.34	0.01	.065	1.29
Germany	-0.15	0.09	-0.33	0.02	.088	
Italy	-0.05	0.09	-0.23	0.13	.594	
Netherlands	0.11	0.09	-0.06	0.29	.213	
Poland	-0.22	0.10	-0.41	-0.03	.021	
National id.	0.02	0.03	-0.08	0.04	.468	1.44
EU id.	0.20	0.04	0.13	0.27	<.001	2.28
Dual id.	0.13	0.03	0.07	0.20	<.001	1.95
Threat to national sociocultural identity	-0.27	0.03	-0.34	-0.21	<.001	1.79
National id. X threat	-0.06	0.02	-0.11	-0.01	.018	1.10
EU id. X threat	-0.05	0.03	-0.11	0.01	.123	3.13
Dual id. X threat	0.11	0.03	0.05	0.17	.001	2.93

Note. CI = confidence interval; LL = lower limit; UL = upper limit; VIF = variance
[†] Finland was the reference category

Supplementary Table 16. Robustness check: results of the regression model on legitimacy among far-right sub sample

Effect	Estimate	SE	95% CI		p	VIF
			LL	UL		
Intercept	-0.24	0.16	-0.56	0.07	.131	
Country [†]						
France	-0.14	0.20	-0.53	0.24	.466	1.52
Germany	-0.32	0.20	-0.72	0.08	.119	
Italy	0.12	0.18	-0.25	0.48	.526	
Netherlands	0.36	0.21	-0.05	0.78	.084	
Poland	0.15	0.22	-0.27	0.58	.476	
National id.	-0.04	0.07	-0.17	0.10	.609	2.01
EU id.	0.45	0.10	0.26	0.65	<.001	3.04
Dual id.	0.13	0.08	-0.03	0.30	.104	2.67
Threat to nation	-0.34	0.10	-0.52	-0.15	<.001	1.91
National id. X threat	<0.01	0.06	-0.13	0.12	.946	1.78
EU id. X threat	<-0.01	0.10	-0.19	0.19	.974	3.39
Dual id. X threat	0.01	0.09	-0.17	0.20	.876	3.77

Note. CI = confidence interval; LL = lower limit; UL = upper limit; VIF = variance
[†] Finland was the reference category

9.4 APPENDIX CHAPTER 5

9.4.1 Participants, materials, and procedure Preliminary Study 1

9.4.1.1 Participants

After removing data from participants who completed the study in less than one minute, the sample comprised 153 individuals with Dutch nationality (age: $M = 30.50$, $SD = 10.43$, 18-74; 53.6% male, 43.1% female, 3.3% non-binary) and 150 with French nationality (age: $M = 32.23$, $SD = 10.24$, 18-68; 56.7% male, 40.7% female, 2.7% non-binary). Dutch and French samples were recruited partly as convenience samples, and partly because it had appeared in previous work that experienced national identity threat was more normally distributed in these samples than in other samples.¹ The sample was on average highly educated (78.5% received a higher professional or university degree). 18.5% of the participants lived in a rural area or small village, 43.5% in a small or medium-sized city, and 38.0% in a large city. Participants were slightly more left-oriented on the political spectrum ($M = 36.26$, $SD = 25.56$ on a 100-point scale; see below).

1 Eva Grosfeld and others, 'The Integration of Subgroups at the Supranational Level: The Relation between Social Identity, National Threat, and Perceived Legitimacy of the EU' (2022) 10 Journal of Social and Political Psychology 607.

9.4.1.2 Materials and procedure

Participants first provided demographic information (age, gender, education, living place) and indicated their political orientation on a scale running from 1 (left/progressive) to 100 (right/conservative). They were then randomly assigned to one of three conditions (low threat vs. moderate threat vs. high threat). National identity threat was induced by letting participants read a piece of text. The text described the primacy of EU law over national law. A detailed description of the national identity threat manipulation materials can be found on the OSF. In the moderate threat condition, the primacy of EU law was explained through neutral language used by the Court of Justice of the European Union itself. In the high threat condition, identity-based language, which is more common in populist communication, was used to explain primacy (e.g., ‘...ultimately a United States of Europe can be created’, ‘the absolute primacy of EU [...] may threaten their [member states’] national sovereignty and identity’). The low threat condition did not mention primacy. All conditions included a statement about the institutions of the EU to prevent that we would test the effect of EU salience rather than the effect of primacy of EU law on national identity threat. After reading the experimental text, participants indicated their agreement with six items measuring national identity threat (e.g., ‘In the European Union, the [nationality] way of life is preserved’, ‘[country] might lose part of its identity due to the European Union’, $\alpha = .93$) on 7-point Likert scales ranging from *totally disagree* to *totally agree*. Some items were reverse-coded. Participants also indicated on a 10-point scale to what extent they personally had confidence in the EU, as a proxy of perceived EU legitimacy. At the end of the study, participants were redirected to Prolific where they were appropriately reimbursed for participation.

9.4.2 Participants, materials, and procedure Preliminary Study 2

9.4.2.1 Participants

Participants were recruited in a polling station in Leiden, the Netherlands, after they had voted for the national election on November 22nd, 2023. The sample comprised 150 Dutch individuals (age: $M = 48.98$, $SD = 16.59$, 18-79; 52% female, 3.3% gender not indicated), of which 20.7% had received low education, 30% medium education, and 49.3% high education. Parties that participants voted most often for were GroenLinks/PvdA (27.3%; economic and social left), PVV (16%; economic center, social radical right), VVD (15.3%, economic and social right), D66 (11.3%; economic center, social left), SP (9.3%; economic radical left, social left), and NSC (8%; economic and social center). The sample was slightly more progressive/social left than the general Dutch population, among which PVV became the biggest party.

9.4.2.2 Procedure and measures

The study was conducted in a room next to the voting booths. Participants wore headphones during the entire study because the threat manipulation was a video with audio. First, they provided demographic information (age, gender, education). Participants were then asked to indicate their agreement with a set of statements measuring national identification. National identification was assessed with the same items as those measuring national identification strength in the main study. Internal consistency of the total scale was high ($\alpha = .93$). Participants were then randomly assigned to one of three threat conditions. Instead of reading a text, in this study participants watched an information video of two minutes. After watching the video, participants responded to the same national identity threat items ($\alpha = .92$) as those used in Preliminary Study 1 and indicated their agreement with eight items assessing perceived EU legitimacy ($\alpha = .95$). Perceived EU legitimacy was assessed with the same items as those measuring perceived EU legitimacy in the main study. At the end of the study, participants indicated for which party they had voted, which constituted the measure of political ideology, after which they were thanked for their participation and received a small token of appreciation.

9.4.3 Latent profile analysis

National identity profiles were estimated through latent profile analysis (LPA) using the tidyLPA package in R.² The number of national identity profiles in LPA was decided by estimating and comparing models with three to six profiles, allowing for varying variances and covariances. The comparison was done by looking at the fit indices (Akaike Information Criteria (AIC), Bayesian Information Criteria (BIC), entropy) and visualization of the profiles. Taking into account the principle of parsimony, we decided on three profiles. Participants are assigned to the class of which their membership is most likely.

The mean values of the national identity dimensions for each class are depicted as z-scores in Figure S1.

2 Joshua Rosenberg and others, 'tidyLPA: An R Package to Easily Carry out Latent Profile Analysis (LPA) Using Open-Source or Commercial Software' (2018) 3 Journal of Open Source Software 978.

9.4.4 National affirmation lists across countries

Country: Austria

Elements national identity:

1. Österreichische Traditionen wie zum Beispiel Nikolaus, Donauwalzer zum Jahreswechsel, Faschingsumzug, Kaffeehaus, Skifahren, Würstlstand
2. Österreichische Feiertage wie beispielsweise der Staatsfeiertag am 1. Mai oder der Nationalfeiertag am 26. Oktober
3. Österreichische Werte wie Humanismus, Selbstbestimmung, Neutralität
4. Die deutsche Sprache (in ihren unterschiedlichen regionalen Ausprägungen)
5. Die österreichische Flagge
6. Bedingungen zum Erlangen der österreichischen Staatsbürgerschaft
7. Die österreichische Staats- und Regierungsform: parlamentarischer Bundesstaat (Bundesrepublik)
8. Regionale Bräuche wie Narzissenfest, Almabtrieb, Maibaumaufstellen, Sonnwendfeuer, Sternsingen, Perchtenläufe, Ratschen.

Country: Belgium

Elements national identity:

1. Belgische tradities zoals 'de koers'; muziekfestivals; carnaval
2. Belgische feestdagen zoals de nationale feestdag (21 juli), Allerheiligen, en Wapenstilstand
3. Belgische waarden zoals het (politieke) compromis, scheiding van kerk en staat, solidariteit, bescheidenheid
4. De Nederlandse taal, le Français, die deutsche Sprache
5. De Belgische driekleur (zwart-geel-rood)
6. Voorwaarden voor wie wel en niet Belgisch staatsburger mag worden
7. De Belgische constitutionele monarchie, parlementaire democratie en federalisme
8. De Bourgondische levensstijl (Belgisch bier, stoofvlees en frietjes van de frituur)

Country: France

Elements national identity:

1. Les traditions Françaises comme le « repas gastronomique des Français », un patrimoine culturel immatériel de l'humanité
2. Les vacances Françaises comme le 14 juillet, qui fete la prise de la Bastille (Revolution française)
3. Les valeurs Françaises comme Liberté, Egalité, Fraternité, Laïcité
4. Le Français
5. Le drapeau français (bleu blanc rouge)
6. Conditions pour devenir ou ne pas devenir citoyen français : Code civil Titre 1er bis : De la nationalité française (Articles 17 a 33-2)
7. La forme de l'État français : Article premier de la Constitution française : "La France est une République indivisible, laïque, démocratique et sociale."

8. Le défilé et les feux d'artifice du 14 juillet, L'interdiction des signes religieux à l'école

Country: Germany

Elements national identity:

1. Deutsche Traditionen wie zum Beispiel Weihnachtsmärkte, Karneval und Volksfeste, "Dinner for one" am Silvesterabend
2. Deutsche Feiertage wie beispielsweise der Tag der deutschen Einheit
3. Deutsche Werte wie Ordnung und Pünktlichkeit
4. Die deutsche Sprache
5. Die Flagge der Bundesrepublik Deutschland
6. Bedingungen zum Erlangen der deutschen Staatsbürgerschaft
7. Die deutsche Staats- und Regierungsform: parlamentarischer Bundesstaat (Bundesrepublik)
8. Erinnerungskultur an die Verbrechen des Holocaust

Country: Greece

Elements national identity:

1. Ελληνικές παραδόσεις όπως η Βάψιμο αυγών και σούβλισμα αρνιών το Πάσχα, πανηγύρι δεκαπενταύγουστου
2. Ελληνικές εθνικές εορτές όπως η Ημέρα του ΟΧΙ στο τηλεσίγραφο των Ιταλών (είσοδος Ελλάδας στον Β' Παγκόσμιο Πόλεμο), Ημέρα κήρυξης του πολέμου ανεξαρτησίας (25η Μαρτίου)
3. Ελληνικές αξίες όπως η φιλοξενία, κοινοτισμός (ιδιαίτερη σύνδεση με τον τόπο καταγωγής)
4. Ελληνικά
5. Ελληνική σημαία
6. Οι όροι για ποιοι επιτρέπεται και ποιοι δεν επιτρέπεται να γίνουν Έλληνες πολίτες.
7. Η ελληνική μορφή της κυβέρνησης: Προεδρευομένη κοινοβουλευτική δημοκρατία
8. την ιδιαίτερος χρόνος και τρόπος ζωής του ελληνικού καλοκαιριού

Country: Ireland

Elements national identity:

1. Irish traditions such as traditional music and dancing (pub sessions and céilís) and Irish sports (hurling and gaelic football).
2. Irish holidays such as St. Patrick's Day and St. Brigid's Day
3. Irish values such as social justice and equality, military neutrality and being a large humanitarian donor
4. The English and Gaeilge/Irish languages
5. The tricolour
6. Conditions for who is and who is not allowed to become an Irish citizen
7. Irish form of government: constitutional republic with a parliamentary democracy
8. Nollaig na mBan

Country: Italy

Elements national identity:

1. Tradizioni italiane come mangiare una pasta in famiglia o con amici, seguire le partite di calcio con grande passione e apprezzare un buon caffè
2. Feste nazionali italiane come la liberazione d'Italia il 25 Aprile
3. Valoraioni italiani come l'accoglienza, l'importanza della famiglia e della condivisione
4. Italiano (con diversi dialetti tipici per ogni regione)
5. Il tricolore italiano (Verde, Bianco, Rosso)
6. Condizioni per chi può e chi non può ottenere la cittadinanza italiana
7. La forma di governo dello stato italiano è una repubblica parlamentare
8. La passione è il carburante che continua ad alimentare la società odierna

Country: Netherlands

Elements national identity:

1. Nederlandse tradities zoals Sinterklaas en de Elfstedentocht
2. Nederlandse feestdagen zoals Koningsdag en Bevrijddag
3. Nederlandse waarden zoals vrijheid van meningsuiting en de vrijheid om godsdienst of levensovertuiging te kiezen
4. De Nederlandse taal
5. De Nederlandse vlag
6. Voorwaarden voor wie wel en niet Nederlands staatsburger mag worden
7. De Nederlandse staatsvorm: een constitutionele monarchie (met de koning als staatshoofd) en parlementaire democratie
8. Typisch Nederlands eten zoals stamppot, bitterballen en de HEMA rookworst

Country: Poland

Elements national identity:

1. Polskie tradycje, takie jak topiennicze Marzanny, śmigus-dyngus (lany poniedziałek), 12 potraw na Wigilię
2. Polskie święta, takie jak Narodowe Święto Niepodległości (11 listopada) lub Dzień Wszystkich Świętych (1 listopada)
3. Polskie wartości, takie jak rodzina, gościnność, zaradność
4. Język polski
5. Flaga Polski "Biało-czerwona"
6. Warunki nabycia obywatelstwa polskiego: kto (nie) może zostać obywatelem polskim
7. Polska forma rządów: republika parlamentarna
8. Pamięć o polskiej historii, w tym doświadczeniach wojennych oraz przymusowej migracji

Country: Romania

Elements national identity:

1. Tradiții românești precum Dragobetele și Mărțișorul.
2. Sărbători românești precum Ziua Marii Uniri
3. Valori românești precum ospitalitatea și prietenia față de străini
4. Limba română
5. Drapelul României
6. Condițiile pentru cine este și cine nu este autorizat să devină cetățean român.
7. Forma de stat românească: Republica
8. Minoritățile diferite în diferite zone geografice.

Country: Slovenia

Elements national identity:

1. Slovenski običaji kot npr. Miklavževanje, Pust in velikonočni običaji, kuren-tovanje
2. Slovenski narodni prazniki kot npr. Prešernov dan (8. februar), Pust, Dan žena, Martinovo
3. Slovenske narodne vrednote kot npr. samostojnost in neodvisnost, domoljubje
4. slovenščina
5. Slovenska zastava
6. pogoji za pridobitev slovenskega državljansta: kdo lahko/ne more) postati slovenski državljan/ka
7. oblika državne vladavine: parlamentarna republika z dvodomnim parla-mentom (DZ in DS)
8. stičišče alpskega, sredozemskega, panonskega in dinarskega sveta

Country: Sweden

Elements national identity:

1. Svenska traditioner som Midsommarfirande och Fettisdagen
2. Svenska helgdagar som Nationaldagen och Julafton
3. Svenska värderingar som jämlikhet, en stark välfärdsstat och konfor-mitet
4. Det svenska språket och de sex minoritetsspråken
5. Den svenska flaggan
6. Villkoren för vem som kan bli svensk medborgare och vem som inte kan det
7. Svensk statsform: monarki med parlamentarisk demokrati
8. Den svenska modellen

9.4.5 Supplementary tables and figures

Supplementary Table 1. Means and standard deviations of national identity threat and perceived EU legitimacy across gender, education level, living place, and nationality (Preliminary Study 1)

Grouping Variable	National Identity Threat		Perceived EU Legitimacy	
	M	SD	M	SD
Gender				
Male	3.46	1.45	6.15	2.21
Female	3.21	1.45	6.65	1.94
Non-binary	2.91	1.12	6.56	1.59
Education				
Primary	-	-	-	-
Secondary	3.51	1.50	5.93	2.19
Vocational	3.54	1.56	6.43	1.95
Professional	3.61	1.40	6.25	2.02
Undergraduate	3.35	1.31	6.71	2.11
Graduate	3.13	1.45	6.47	2.10
Doctorate	2.90	1.58	5.71	2.43
Living place				
Rural area/village	3.73	1.51	6.09	2.11
Small-/middle-sized town	3.41	1.55	6.27	2.20
Big city	3.08	1.23	6.62	1.94
Nationality				
French	3.35	1.54	6.03	2.26
Dutch	3.33	1.34	6.71	1.86

Supplementary Table 2. Unstandardized coefficients and model statistics of the model regressing perceived EU legitimacy on national identity threat (Preliminary Study 1)

	β	SE	t	p	η^2
Nationality (reference = France)					.03
Netherlands	0.65	0.17	3.96	< .001	
Political Orientation	0.01	< 0.01	2.07	.040	.06
National Identity Threat	-1.09	0.06	-16.97	< .001	.45
Adjusted $R^2 = .53$					
$F(3, 299) = 113.9, p < .001$					

Supplementary Table 3. Means and standard deviations of national identity threat and perceived eu legitimacy across gender, education level, and political party (Preliminary Study 2)

Grouping Variable	National Identity Threat		Perceived EU Legitimacy	
	M	SD	M	SD
Gender				
Male	3.88	1.53	4.56	1.52
Female	3.56	1.26	4.72	1.27
Non-binary	-	-	-	-
Not indicated	4.07	1.25	3.80	0.29
Education				
Low	4.66	1.22	3.83	1.19
Medium	4.06	1.27	4.36	1.40
High	3.12	1.28	5.10	1.25
Political party				
BIJ1	3.00	1.00	5.68	1.27
D66	2.96	0.95	5.35	0.66
GL/PvdA	2.54	0.80	5.53	0.82
NSC	4.58	0.50	4.64	0.98
PVV	4.89	1.18	3.31	1.37
PvdD	2.54	0.91	5.44	0.72
SP	4.43	1.00	2.99	0.92
VVD	4.07	1.14	4.34	0.97

Note. Only the descriptive statistics of political parties on which four or more participants voted were reported.

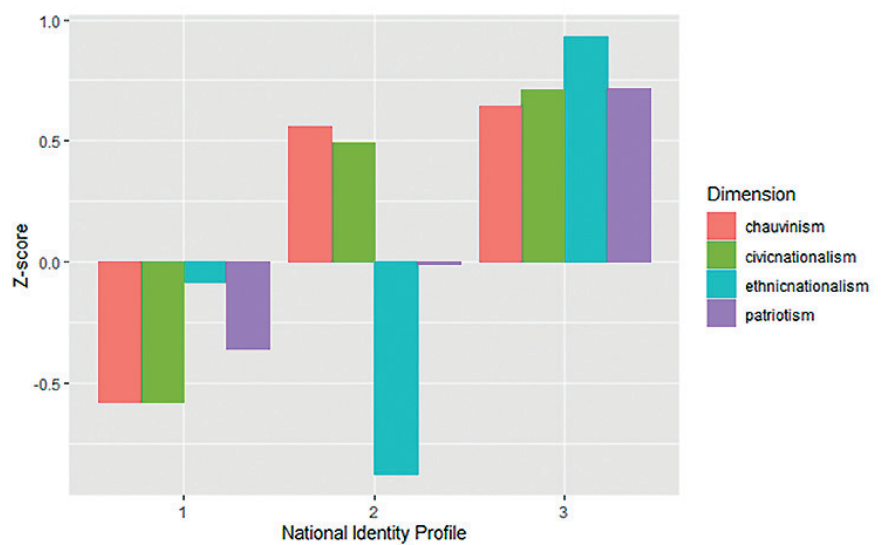
Supplementary Table 4. Unstandardized coefficients and model statistics of the model regressing perceived EU legitimacy on national identity threat (Preliminary Study 2)

	β	SE	t	p	η^2
Political Orientation (Reference = 50PLUS)					.54
BBB	0.36	1.08	0.33	.742	
BIJ1	0.30	0.85	0.35	.727	
BVNL/Groep van Haga	-1.80	1.08	-1.66	.099	
CDA	0.48	1.09	0.44	.660	
CU	0.91	1.08	0.84	.403	
D66	-0.06	0.80	-0.07	.943	
DENK	-1.88	0.93	-2.01	.047	
FvD	-1.63	0.94	-1.74	.084	
GL/PvdA	-0.14	0.80	-0.17	.864	
NSC	0.28	0.80	0.35	.728	
PvdD	-0.23	0.87	-0.27	.789	
PVV	-0.85	0.78	-1.10	.275	
SP	-0.47	0.79	-0.59	.557	
Volt	0.52	1.09	0.47	.638	
VVD	-0.35	0.78	-0.45	.652	
National Identity Threat	-0.64	0.07	-9.42	< .001	.18
Adjusted R ² = .69					
F(16, 133) = 21.9, p < .001					

Supplementary Table 5. Unstandardized coefficients of national identity threat in the models regressing subdimensions of perceived EU legitimacy (Preliminary Study 2)

	β	SE	t	p	η^2
DV: Trust	-0.69	0.09	-8.01	< .001	.17
DV: Morality	-0.69	0.08	-8.57	< .001	.20
DV: Lawfulness	-0.60	0.08	-7.19	< .001	.15
DV: Duty to Obey	-0.59	0.08	-7.19	< .001	.13

Supplementary Figure 1. Z-scores of national identity dimensions across national identity profiles



Supplementary Table 6. Means and standard deviations of study variables across nationality

Nationality	National identification	National identity threat	Perceived EU legitimacy
Austria	4.23 (1.04)	3.22 (1.22)	4.85 (1.10)
Belgium	4.11 (1.07)	3.29 (1.27)	4.74 (1.22)
France	4.82 (1.09)	3.74 (1.24)	4.34 (1.22)
Germany	4.02 (1.23)	3.46 (1.23)	4.67 (1.33)
Greece	4.43 (1.57)	3.70 (1.16)	4.35 (1.22)
Ireland	5.81 (0.83)	3.59 (1.40)	4.88 (1.12)
Italy	4.20 (1.29)	3.01 (1.33)	4.94 (1.23)
Netherlands	4.53 (0.85)	3.69 (1.32)	4.74 (1.09)
Poland	4.46 (1.27)	3.72 (1.29)	4.42 (1.32)
Romania	4.30 (1.32)	3.27 (1.23)	4.87 (1.20)
Slovenia	4.59 (1.05)	3.45 (1.06)	4.76 (1.08)
Sweden	4.78 (1.03)	3.82 (1.12)	4.51 (1.32)
Average	4.52 (1.24)	3.50 (1.26)	4.67 (1.22)

Supplementary Table 7. Means and standard deviations of the identification sub-scales for national and EU identity

Sub-scale	National identity	EU identity
Satisfaction	4.95 (1.27)	5.03 (1.15)
Solidarity	4.48 (1.39)	4.17 (1.34)
Centrality	3.99 (1.58)	3.58 (1.49)

Supplementary Table 8. Tukey HSD comparisons between affirmation conditions with the legitimacy subdimensions as dependent variables

Comparison	Mean difference	95% CI		p
		Lower Limit	Upper Limit	
DV: Trust				
National – Control	-0.05	-0.32	0.22	.910
EU – Control	0.29	0.02	0.56	.030
EU – National	0.34	0.06	0.62	.012
DV: Morality				
National – Control	< -0.01	-0.26	0.25	.999
EU – Control	0.30	0.04	0.55	.017
EU – National	0.30	0.04	0.57	.021
DV: Lawfulness				
National – Control	0.08	-0.17	0.32	.746
EU – Control	0.24	-0.01	0.49	.062
EU – National	0.16	-0.10	0.42	.303
DV: Duty to obey				
National – Control	0.06	-0.18	0.30	.826
EU – Control	0.17	-0.07	0.41	.207
EU – National	0.11	-0.13	0.36	.535

Note. CI = confidence interval; DV = dependent variable.

Supplementary Table 9. Standardized coefficients and model statistics of the model regressing national identity threat on affirmation strategy and national identification

	β	SE	t	p	η^2
Nationality (reference = Austria)					< .01
Belgium	-0.08	0.18	-0.44	.659	
France	0.43	0.18	2.36	.019	
Germany	0.16	0.18	0.87	.382	
Greece	0.24	0.18	1.32	.187	
Ireland	0.30	0.19	1.56	.119	
Italy	-0.17	0.18	-0.91	.365	
Netherlands	0.38	0.18	2.07	.038	
Poland	0.34	0.18	1.87	.062	
Romania	-0.12	0.19	-0.65	.515	
Slovenia	0.21	0.18	1.15	.251	
Sweden	0.55	0.18	2.98	.003	

	β	SE	t	p	η^2
Political Orientation	0.02	< 0.01	14.16	< .001	.18
Affirmation (reference = control)					.02
National	-0.24	0.09	-2.58	.010	
EU	-0.39	0.09	-4.23	< .001	
National Id.	0.04	0.05	0.82	.414	< .01
Affirmation X National Id.					< .01
National X National Id.	-0.10	0.07	-1.32	.188	
EU X National Id.	-0.03	0.07	-0.44	.663	
Adjusted $R^2 = .22$					
$F(17, 886) = 15.92, p < .001$					

Note. Id. = identification.

Supplementary Table 10. Contrasts between slopes of national identification across affirmation strategies on national identity threat

Contrast	Estimate	SE	df	t	p
Control – nat. affirm.	0.10	0.07	886	1.32	.386
Control – EU affirm.	0.03	0.07	886	0.44	.901
Nat. affirm. – EU affirm.	-0.06	0.08	886	-0.83	.682

Note. Nat. = national. Affirm. = Affirmation.

Supplementary Table 11. Standardized coefficients and model statistics of the model regressing perceived EU legitimacy on affirmation strategy and national identification

	β	SE	t	p	η^2
Nationality (reference = Austria)					.03
Belgium	0.04	0.18	0.20	.839	
France	-0.55	0.19	-2.95	.003	
Germany	-0.07	0.18	-0.37	.709	
Greece	-0.37	0.19	-1.98	.048	
Ireland	-0.25	0.19	-1.30	.193	
Italy	0.05	0.18	0.28	.782	
Netherlands	-0.09	0.19	-0.50	.618	
Poland	-0.36	0.18	-1.95	.052	
Romania	0.15	0.19	0.81	.418	
Slovenia	-0.15	0.19	-0.78	.434	
Sweden	-0.40	0.19	-2.16	.031	
Political Orientation	-0.02	0.00	-11.02	< .001	.09
Affirmation (reference = control)					.01
National	0.01	0.09	0.08	.935	
EU	0.26	0.09	2.84	.005	
National Id.	0.15	0.05	2.93	.003	.04
Affirmation X National Id.					.02
National X National Id.	0.09	0.07	1.22	.224	
EU X National Id.	0.09	0.07	1.20	.229	
Adjusted $R^2 = .15$					
$F(17, 886) = 10.32, p < .001$					

Note. Id. = identification.

Supplementary Table 12. Contrasts between slopes of national identification across affirmation strategies on perceived EU legitimacy

Contrast	Estimate	SE	df	t	p
Control – nat. affirm.	-0.09	0.07	886	-1.22	.444
Control – EU affirm.	-0.09	0.07	886	-1.20	.451
Nat. affirm. – EU affirm.	< 0.01	0.08	886	0.01	1.00

Note. Nat. = national. Affirm. = Affirmation.

Supplementary Table 13. Standardized coefficients and model statistics of the model regressing national identity threat on affirmation strategy and national identity profile

	β	SE	t	p	η^2
Nationality (reference = Austria)					.04
Belgium	-0.13	0.18	-0.74	.457	
France	0.43	0.18	2.38	.017	
Germany	0.07	0.18	0.41	.685	
Greece	0.12	0.19	0.63	.528	
Ireland	0.15	0.18	0.84	.403	
Italy	-0.22	0.18	-1.23	.218	
Netherlands	0.38	0.18	2.11	.036	
Poland	0.18	0.18	1.00	.319	
Romania	-0.20	0.19	-1.07	.287	
Slovenia	0.00	0.18	-0.01	.995	
Sweden	0.50	0.18	2.76	.006	
Political Orientation	0.02	0.00	12.78	< .001	.18
Affirmation (reference = control)					.02
National	-0.27	0.12	-2.14	.032	
EU	-0.43	0.12	-3.52	< .001	
Nat. Id. Profile (reference = non-nationalists)					.02
Inclusive Nationalists	-0.35	0.15	-2.27	.024	
Exclusive Nationalists	0.23	0.16	1.47	.142	
Affirmation X Nat. Id. Profile					.01
National X Inclusive Nationalists	0.20	0.22	0.94	.347	
EU X Inclusive Nationalists	-0.22	0.23	-0.99	.325	
National X Exclusive Nationalists	-0.13	0.22	-0.60	.546	
EU X Exclusive Nationalists	0.23	0.21	1.09	.275	

Adjusted $R^2 = .25$
 $F(20, 883) = 15.91, p < .001$

Note. Nat. Id. Profile = national identity profile.

Supplementary Table 14. Standardized coefficients and model statistics of the model regressing perceived EU legitimacy on affirmation strategy and national identity profile

	β	SE	<i>t</i>	<i>p</i>	η^2
Nationality (reference = Austria)					.03
Belgium	0.09	0.19	0.49	.622	
France	-0.39	0.19	-2.06	.040	
Germany	-0.01	0.19	-0.06	.952	
Greece	-0.18	0.19	-0.93	.350	
Ireland	0.22	0.19	1.14	.253	
Italy	0.16	0.19	0.84	.404	
Netherlands	-0.03	0.19	-0.14	.885	
Poland	-0.15	0.19	-0.80	.425	
Romania	0.36	0.20	1.83	.068	
Slovenia	0.03	0.19	0.15	.879	
Sweden	-0.28	0.19	-1.49	.137	
Political Orientation	-0.02	0.00	-9.62	< .001	.09
Affirmation (reference = control)					.01
National	-0.11	0.13	-0.81	.416	
EU	0.27	0.13	2.08	.038	
Nat. Id. Profile (reference = non-nationalists)					.02
Inclusive Nationalists	0.35	0.16	2.17	.030	
Exclusive Nationalists	0.14	0.16	0.87	.387	
Affirmation X Nat. Id. Profile					< .01
National X Inclusive Nationalists	0.15	0.23	0.67	.505	
EU X Inclusive Nationalists	0.08	0.24	0.35	.728	
National X Exclusive Nationalists	0.37	0.23	1.63	.103	
EU X Exclusive Nationalists	-0.03	0.22	-0.14	.891	
Adjusted $R^2 = .13$					
$F(20, 883) = 7.69, p < .001$					

Note. Nat. Id. Profile = national identity profile.

Supplementary Table 15. Average order of ranking national affirmation and EU affirmation across national identity profiles

National Identity Profile	National Affirmation	EU Affirmation
Non-Nationalists	1. National values such as ... 2. The national language(s) 3. The national form of government 4. National traditions such as ... 5. National holidays such as ... 6. Other 7. Conditions for national citizenship 8. The national flag	1. Protection of fundamental human rights and human dignity 2. The freedom to live and work everywhere in the EU 3. The principle of equality between member states and nationalities 4. Solidarity between EU countries in times of crisis (helping those countries in need) 5. The EU's multilayered representative democracy 6. The continent's unique nature and environment 7. Europe's shared history and cultural heritage 8. The melting pot of European cultures
Inclusive Nationalists	1. National values such as ... 2. The national language(s) 3. The national form of government 4. National holidays such as ... 5. National traditions such as ... 6. Other 7. Conditions for national citizenship 8. The national flag	1. Protection of fundamental human rights and human dignity 2. The freedom to live and work everywhere in the EU 3. The principle of equality between member states and nationalities 4. Solidarity between EU countries in times of crisis (helping those countries in need) 5. The EU's multilayered representative democracy 6. The continent's unique nature and environment 7. Europe's shared history and cultural heritage 8. The melting pot of European cultures
Exclusive Nationalists	1. The national language(s) 2. National values such as ... 3. National holidays such as ... 4. National traditions such as ... 5. The national form of government 6. The national flag 7. Conditions for national citizenship 8. Other	1. Protection of fundamental human rights and human dignity 2. The freedom to live and work everywhere in the EU 3. Solidarity between EU countries in times of crisis (helping those countries in need) 4. The principle of equality between member states and nationalities 5. The continent's unique nature and environment 6. The EU's multilayered representative democracy 7. Europe's shared history and cultural heritage 8. The melting pot of European cultures

Nederlandse samenvatting (Dutch summary)

HET VERHOGEN VAN PUBLIEK WAARGENOMEN LEGITIMITEIT VAN DE EUROPESE UNIE DOOR DE INTEGRATIE VAN PSYCHOLOGISCHE INZICHTEN IN HET RECHT

Het recente succes van nationalistische en Eurosceptische politieke partijen, die in veel Europese landen inmiddels ook onderdeel van de regering vormen, laat zien dat een groeiend aantal burgers minder steun betuigt aan de Europese Unie (EU) dan voorheen. In tegenstelling tot in de beginjaren na de Tweede Wereldoorlog, politiseerde de EU in de loop van de jaren negentig doordat de EU zich steeds verder uitbreidde en diepere politieke integratie plaatsvond. De legitimiteit van de EU zoals waargenomen door burgers (publiek waargenomen legitimiteit van de EU) is sindsdien niet meer vanzelfsprekend en heeft volgens sommigen zelfs een dieptepunt bereikt toen het Verenigd Koninkrijk zich terugtrok uit het Europese samenwerkingsverband. Het is echter algemeen erkend dat publiek waargenomen legitimiteit essentieel is voor het voortbestaan en probleemoplossend vermogen van de EU, en dat Europese samenwerking essentieel is om maatschappelijke problemen (zoals klimaatverandering, economische instabiliteit, de dreiging van internationale conflicten, gezondheidspandemieën, migratie) aan te pakken.

Dit proefschrift onderzoekt daarom hoe waargenomen legitimiteit van de EU verhoogd kan worden. Het stelt dat hiervoor een combinatie van inzichten nodig is. Aan de ene kant is begrip nodig van de psychologische factoren en processen die leiden tot meer of minder waargenomen legitimiteit van de EU onder burgers. Aan de andere kant is begrip nodig van het EU-recht, omdat psychologische inzichten over het verhogen van legitimiteit uiteindelijk toegepast moeten worden in het recht. De EU is immers een sterk juridische organisatie. Er zijn dus veel mogelijkheden om verandering te bewerkstelligen via het recht, dat tegelijkertijd juridische grenzen oplegt. Om te onderzoeken hoe waargenomen legitimiteit van de EU verhoogd kan worden, hanteert dit proefschrift om deze redenen een interdisciplinaire benadering.

Het onderzoek volgt drie stappen. Het begint met empirisch onderzoek om de sociaal psychologische processen die ten grondslag liggen aan waargenomen legitimiteit van de EU te onderzoeken. Dan wordt het empirisch onderzoek vervolgd met studies die mogelijke legitimeringstrategieën testen. Deze strategieën zijn gebaseerd op de bevindingen uit de eerste stap en worden ontworpen met de uiteindelijke juridische toepassing in het achterhoofd. Dit houdt in dat elementen van de juridische context geïntegreerd

worden in het studie design. In de derde en laatste stap wordt onderzocht hoe bevindingen uit het empirische onderzoek geïntegreerd kunnen worden in het EU-recht. Dit deel van het onderzoek verkent juridische mogelijkheden en grenzen aan de implementatie van legitimeringstrategieën.

Hoewel er verschillende factoren zijn die kunnen leiden tot waargenomen legitimiteit van de EU, focust dit proefschrift zich specifiek op de rol van sociale identiteit en morele waarden. Er is namelijk nog maar weinig onderzoek naar de rol van deze factoren, terwijl zij waarschijnlijk een sterk effect hebben op waargenomen legitimiteit van de EU. De uitkomst van het *Brexit*-referendum, bijvoorbeeld, is vooral gedreven door identiteit-gerelateerde zorgen en minder door economische overwegingen. Daarnaast zijn identiteit en waarden een belangrijk en saillant onderdeel geworden van het publieke debat over de EU. Zowel voorstanders als tegenstanders van Europese integratie beroepen zich op argumenten die gebaseerd zijn op identiteit en waarden. In de sociale psychologie wordt bovendien aangenomen dat sociale identiteit en morele waarden een grote invloed hebben op hoe mensen de wereld waarnemen, ervaren, en erin handelen.

In het empirische deel van het onderzoek zijn zeven studies uitgevoerd onder bijna vierduizend burgers uit in totaal dertien lidstaten van de EU. Naast één studie die plaatsvond in een stemlokaal tijdens de Tweede Kamerverkiezingen in 2023 in Leiden, werden de andere studies online door participanten voltooid. De studies waren vragenlijsten en experimenten.

Uit dit deel bleek dat waargenomen legitimiteit van de EU inderdaad beïnvloed wordt door morele waarden en sociale identiteit. Ten eerste, een gevoel van gedeelde waarden met de EU heeft een positief effect op waargenomen legitimiteit van de EU. Omdat mensen die naast zogenaamde individualiserende waarden (zorg voor anderen en het vermijden van leed; eerlijkheid of rechtvaardigheid) ook sterke groepsverbindende waarden hebben (loyaliteit naar de eigen groep; respect voor autoriteit en traditie; religiositeit of spiritualiteit), minder gedeelde waarden ervaren met de EU, zien zij de EU ook als minder legitiem dan mensen die minder waarde hechten aan die groepsverbindende waarden. Daarnaast wordt waargenomen legitimiteit van de EU positief beïnvloed door een hoge identificatie met de EU, wat samenhangt met een gevoel van gedeelde waarden. Er was geen consistente relatie tussen nationale identificatie en waargenomen legitimiteit van de EU. De resultaten lieten zien dat een sterke nationale identiteit alleen een negatief effect op legitimiteit heeft wanneer er geen enkele vorm van identificatie is met de EU (wanneer mensen dus geen duale nationale-EU identiteit hebben), of wanneer mensen ervaren dat de EU hun nationale identiteit bedreigt. Gemiddeld genomen rapporteerden de participanten van de studies een gemiddeld tot hoog niveau van gedeelde waarden, Europese identiteit en waargenomen legitimiteit van de EU. Ook was er veel steun voor de EU-waarden zoals die zijn gedefinieerd in Artikel 2 van het Verdrag betreffende de Europese Unie (VEU).

Op basis van deze bevindingen ontwikkelde en testte het onderzoek een aantal legitimeringstrategieën. Omdat mensen met groepsverbindende

waarden minder gedeelde waarden ervaren met de EU, en daarom de EU minder legitiem vinden, richtten de eerste twee strategieën zich op het vergroten van een gevoel van gedeelde waarden in deze groep mensen. Eerder psychologisch onderzoek heeft aangetoond dat wanneer informatie wordt geherformuleerd op een manier die aansluit bij bepaalde morele waarden, mensen met die waarden de informatie minder defensief verwerken en een grotere overlap ervaren tussen de waarden van de informatiebron en de eigen waarden. Gebaseerd op dit inzicht testte het huidige onderzoek of het herformuleren van informatie over een bepaalde EU-juridische norm waargenomen legitimiteit van de EU kan verhogen bij mensen die groepsverbindende waarden belangrijk vinden. De juridische norm was de voorrang van het EU-recht boven het nationale recht, een norm die in een andere studie in het huidige onderzoek als onjuist werd beoordeeld door mensen met sterk groepsverbindende waarden.

De resultaten laten zien dat herformulering inderdaad effectief is wanneer deze ofwel benadrukt dat voorrang nationale constitutionele identiteit en tradities beschermt ofwel dat voorrang economische groei en welvaart stimuleert. Deze herformuleringen hadden bovendien geen negatief effect op de waargenomen legitimiteit van de EU bij mensen die individualiserende waarden heel belangrijk vinden. Naast het herformuleren van een EU-norm keek deze studie ook naar het effect van het herbalanceren van een norm, opnieuw de voorrang van het EU-recht boven het nationale recht. Dit houdt in dat de juridische inhoud van de norm wordt aangepast om beter aan te sluiten bij bepaalde morele waarden. Deze strategie leek geen positief effect op waargenomen legitimiteit van de EU te hebben bij mensen met sterk groepsverbindende waarden, maar wel een negatief effect bij mensen met sterk individualiserende waarden.

Een andere legitimeringsstrategie die getest werd, richtte zich op het verminderen van waargenomen dreiging van de nationale identiteit door de EU. Opnieuw baseerde deze strategie zich op eerder sociaal psychologisch onderzoek, namelijk onderzoek naar groepsaffirmatie. Dit onderzoek laat zien dat het gevoel dat de sociale identiteit bedreigd wordt, kan worden verminderd door de positieve aspecten van een andere sociale identiteit of dezelfde sociale identiteit in een ander domein te benadrukken. Het huidige onderzoek richtte zich op het affirmeren van de nationale ofwel EU-identiteit. Participanten reflecteerden op de vraag waarom ze trots zijn om een nationale burger (in de ene experimentele conditie) of EU-burger (in de andere experimentele conditie) te zijn.

De resultaten tonen aan dat de effectiviteit van deze strategieën afhangt van hoe mensen nationale identiteit zien. De EU-identiteit affirmatie verlaagde dreiging en verhoogde waargenomen legitimiteit van de EU bij twee groepen mensen. Ten eerste, bij mensen die trots zijn op hun nationale identiteit en een civiele opvatting van nationale identiteit hebben ('iedereen die de taal spreekt en nationale wetten respecteert hoort erbij'). Ten tweede, bij mensen die niet veel trots voelen voor hun nationale identiteit. Deze twee groepen zien dus sneller de positieve waarde van EU-groepslidmaatschap

en dit kan waargenomen legitimiteit van de EU verhogen. Deze affirmatie was echter niet effectief (en de nationale identiteit affirmatie wel) bij mensen die trots zijn op hun nationale identiteit en een etnische opvatting hebben van nationale identiteit ('iedereen die dezelfde nationale afkomst heeft hoort erbij'). Voor deze mensen werd dreiging lager en waargenomen legitimiteit van de EU hoger wanneer zij positief werden bekrachtigd in hun nationale identiteit.

In het laatste, niet-empirische, deel van het onderzoek is onderzocht hoe de empirische bevindingen geïntegreerd kunnen worden in het EU-recht. Dit is een uitdaging, omdat empirische 'feiten' niet zomaar normatieve betekenis kunnen krijgen, een probleem dat de kloof tussen feit en norm wordt genoemd. Deze uitdaging is mogelijk nog groter wanneer de empirische feiten abstracte begrippen bevatten, zoals in het huidige onderzoek, maar dit betekent niet dat de kloof niet overbrugd kan worden. Het huidige onderzoek verkent mogelijkheden.

Ten eerste kunnen Europese communicatie-uitingen beter resoneren met individuen die het gevoel hebben dat de EU hun waarden niet deelt of hun nationale identiteit bedreigt. Dit vereist een balans tussen de nadruk op EU-waarden aan de ene kant, en waarden zoals respect voor nationale identiteit en groepsloyaliteit aan de andere kant. In plaats van simpelweg te stellen dat EU-burgers gedeelde waarden hebben, is het cruciaal deze waarden expliciet te definiëren, aangezien mensen zich mogelijk niet bewust zijn van hun gedeelde EU-waarden of dergelijke informatie over gedeelde waarden kunnen afwijzen vanwege een gebrek aan identificatie met de EU. Deze communicatiestrategieën vereisen geen juridische aanpassingen, maar ze moeten wel op een ethische en verantwoorde manier toegepast worden.

Ten tweede kan de EU haar publieke legitimiteit beter waarborgen wanneer de waarden en identiteiten van mensen worden weerspiegeld in wetgeving en rechtspraak. Het huidige onderzoek focust op hoe dit kan worden bewerkstelligd in de interpretatie en toepassing van Artikel 4(2) van het VEU, dat de verplichting voor de EU om nationale identiteiten te respecteren beschrijft. Een analyse van jurisprudentie van het Hof van Justitie van de Europese Unie (HvJEU) toont aan de balans tussen het beschermen van supranationale beginselen, identiteit en waarden enerzijds en het beschermen van nationale identiteit anderzijds momenteel overheelt naar het eerste. Hoewel het vergroten van de bescherming van nationale identiteit onder Artikel 4(2) VEU belangrijk is, is er beperkte juridische ruimte om dit aan te passen op manieren die de kernprincipes van het EU-recht, zoals voorrang en EU-waarden, zouden ondermijnen. Bovendien suggereren de empirische bevindingen dat het beperken van de voorrang van EU-recht ten gunste van nationale identiteit ook niet wenselijk zou worden gevonden door burgers. Er zijn daarom zowel juridische als psychologische limitaties om voorrang te beperken wanneer EU-recht conflicteert met de nationale identiteit van een lidstaat.

Het onderzoek stelt vier alternatieve juridische routes voor. De eerste optie is het verbeteren van de juridische dialoog tussen het HvJEU en nati-

onale rechtbanken, bijvoorbeeld door de introductie van een omgekeerd prejudicieel mechanisme of de oprichting van een gemengde constitutionele kamer om kwesties van nationale identiteit aan te pakken. Ten tweede zou nationale identiteit materieel beter beschermd kunnen worden, bijvoorbeeld door bepaalde gebieden van nationale identiteit een speciale beschermingsstatus te verlenen. De derde optie is het vergroten van de beoordelingsvrijheid voor nationale rechtbanken om de aard van nationale identiteit en de proportionaliteit van afwijkingen van EU-wetgeving op basis van nationale identiteit te beoordelen. Ten slotte zou het HvJEU explicieter en gedetailleerder kunnen ingaan op nationale identiteit in haar redenering om te laten zien dat respect voor nationale identiteit een belangrijke norm is binnen het EU-recht.

Concluderend stelt dit proefschrift dat, hoewel er geen empirisch bewijs voor een legitimiteitscrisis van de EU is, de waargenomen legitimiteit van de EU onder burgers niet vanzelfsprekend is en dat het belangrijk is dat een toekomstige legitimiteitscrisis wordt voorkomen. Meer specifiek is de conclusie dat de publiek waargenomen legitimiteit van de EU momenteel wordt beschermd door een vrij sterke EU-identiteit onder burgers, die gedefinieerd wordt door gedeelde waarden, maar dat de EU ook nationale identiteiten moet respecteren om legitimiteit te behouden en vergroten. Dit is mogelijk binnen het juridische kader van de EU, hoewel mogelijkheden worden begrensd door kernprincipes en -waarden van het EU-recht, die niet overschreden mogen worden om de stabiliteit, autonomie, en coherentie van de rechtsorde van de EU te bewaken. Dit proefschrift beoogt interdisciplinaire discussies en onderzoek te inspireren door enkele mogelijkheden tot juridische integratie voor te stellen. Hoewel de voorgestelde mogelijkheden bepaalde voorbehouden hebben en niet uitputtend zijn, bieden ze concrete suggesties om empirische inzichten toe te passen in het EU-recht om waargenomen legitimiteit van de EU te verhogen.

Curriculum Vitae

Eva Grosfeld (Oosterhout, the Netherlands, 1995) has an academic background spanning multiple disciplines. She earned a Bachelor of Arts degree in Language and Culture Studies (2016) and a Bachelor of Science degree in Psychology (2018) from Utrecht University. She then pursued a Research Master's degree in Social and Health Psychology at Utrecht University, graduating *cum laude* and as the top student of her cohort (2020).

During most of her studies, Eva worked as a research assistant at the department of Social, Health, and Organizational Psychology. She also completed the Leadership Honours Programme and was chair of the student section of Utrecht University's Honours Council.

In 2020, she began her PhD research, which is characterized by its interdisciplinarity, at the Europa Institute at Leiden Law School of Leiden University, while remaining affiliated with Utrecht University as a guest researcher in the Organisational Behaviour research group. She also conducted a research visit to the Political Science department of Stockholm University from April to June 2022. Together with two fellow PhD students, Eva received a seed money grant from the Kurt Lewin Institute to study the relation between perceived judicial activism and trust in the judiciary.

Eva is dedicated to evidence-based policy and law. She currently works as an advisor at the Dutch Tax Administration, where she focuses on ensuring that policy is informed by research and grounded in scientific and behavioural insights.

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2024 and 2025

- MI-414 E. Hutten, *Belastingprofessionals onder maatschappelijke druk: Een Nederlandse casestudie naar reacties op BEPS*, (diss. Leiden), Amsterdam: Ipskamp Printing 2024
- MI-415 R. Stolk, *Procederende belangenorganisatie in de polder. Een interdisciplinair perspectief op de toegang tot de rechter*, (diss. Leiden), Zutphen: Uitgeverij Paris 2024
- MI-416 A. Sarris, *International law and governance of the Arctic in an era of climate change*, (diss. Leiden), Amsterdam: Ipskamp Printing 2024, ISBN 978 94 6473 382 2
- MI-417 F. Heitmüller, *Combatting tax avoidance, the OECD way? The impact of the BEPS Project on developing and emerging countries' approach to international tax avoidance*, (diss. Leiden), Amsterdam: Ipskamp Printing 2024
- MI-418 F.I. Kartikasari, *Mining and environmental protection in Indonesia: Regulatory pitfalls*, (diss. Leiden), Amsterdam: Ipskamp Printing 2024, ISBN 978 94 6473 462 1
- MI-419 S.H. Starrenburg, *Striking a balance between local and global interests. Communities and cultural heritage protection in public international law*, (diss. Leiden), Amsterdam: Ipskamp Printing 2024
- MI-420 D. Stefoudi, *Legal and policy aspects of space big data. Legal implications of the use of large amounts of space data – Regulatory solutions and policy recommendations* (diss. Leiden), Amsterdam: Ipskamp Printing 2024, ISBN 978 94 6473 479 9
- MI-421 S. Pouloupoulou, *Towards the establishment of a new International Humanitarian Law compliance mechanism. Lessons learned from monitoring systems within the International Humanitarian and Human Rights Law frameworks*, (diss. Leiden), Amsterdam: Ipskamp Printing 2024
- MI-422 M. Aalbers, *De werking van algemene belangenafwegingen in het Europese staatssteunrecht. Tussen verbod en verenigbaarheid?*, (diss. Leiden), Amsterdam: Ipskamp Printing 2024
- MI-423 J.M. Elbers, *Reward Systems in Prison*, (diss. Leiden), Alblasterdam: Ridderprint 2024
- MI-424 Z. Tian, *Legal Aspects of Active Debris Removal (ADR): Regulation of ADR under International Space Law and the Way Forward for Legal Development*, (diss. Leiden), Amsterdam: Ipskamp Printing 2024
- MI-425 J.P. Cnossen, *Wisselwerking tussen gemeen en bijzonder materieel strafrecht. Een analyse en waardering in het licht van de beginselen van codificatie, schuld en legaliteit*, (diss. Leiden), Den Haag: Boom 2024, ISBN 978 94 6212 967 2, ISBN 978 94 0011 466 1 (e-book)
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Since the 1990s, the expansion and deepening of European integration have increasingly challenged the perceived legitimacy of the European Union (EU) among its citizens. Events like Brexit and the rise of nationalist and Eurosceptic parties highlight this trend. Yet, public perceived legitimacy is crucial for the EU to address pressing societal challenges effectively.

This dissertation adopts an interdisciplinary approach, combining social psychology and EU law, to explore how the EU's perceived legitimacy can be increased. The empirical research, based on seven studies involving nearly four thousand EU citizens, investigates the psychological factors shaping public perceptions of EU legitimacy, with a focus on social identity and moral values. It also evaluates the effectiveness of potential legitimization strategies. The legal analysis then examines how these psychological insights can be integrated into the EU's legal framework, offering concrete recommendations that balance respect for national identities with the EU's core principles and values. These proposals aim to spark debate and inspire further interdisciplinary research.

In summary, this dissertation provides an evidence-based roadmap for increasing the EU's public perceived legitimacy, demonstrating how psychological insights can inform legal strategies to foster legitimacy and ensure the EU's future resilience and effectiveness.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'The Progression of EU Law: Accommodating Change and Upholding Values'.