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Increasing public perceived legitimacy of the European Union through the integration of psychological insights into law

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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 Postfunctional 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.