

DEMOCRACY IN THE EUROPEAN UNION: THE SOCIAL IDENTITY DYNAMICS OF EUROPEANIZATION

Benedict E. DeDominicis, The Catholic University of Korea

ABSTRACT

This analysis shows how the European integration drive spurs image alteration of national self and other through applying findings from social psychology. It highlights the implications of the EU constraining national polity punishments against civil society actors violating sovereignty-based norms. The EU encourages cross-border activity strategies among the multitude of private sector, interest group and social movement actors. National actors undergo inducements to justify and defend their transnational vested interests domestically and regionally. These incentives motivate European national polity actors to transcend traditional national stereotypical images of self and other when confronting negative social self-image intra-European comparisons. This study analytically outlines how, instead of engaging in the social psychology of zero-sum social competition, European integration facilitates adopting strategies emphasizing intra-European social mobility and social creativity. Social mobility includes self-identity transformation, legitimated within a framework of being so-called European. The opportunity for pursuit of a strategy of social creativity, i.e. being different but equal in social status, is supported. EU policy making institutions functionally serve to coopt national sovereignty to legitimize social deviance. These institutions accommodate nationalist values while encouraging the perception of deviance as a form of social creativity contributing to the constitution of a European great power identity ideal.

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“The great thing about living here [in Northern Ireland] is that you can be British, Irish, European all at the same time,” said Ms. Walsh, a chef. “Why are we now being forced to choose?” (Ceylan 2019, para. 26).

INTRODUCTION

The first Eurobarometer survey following the May 2019 European Parliament elections indicated the highest levels of support for national membership within the EU since 1983 at 68%. The same survey reported that 56% of EU citizen respondents stated that “their voice counts in the EU,” representing a 7% increase since March 2019. It is the highest affirmative response since the question was first asked in 2002. The European Parliament (2019a) website summarizing the findings described this “steep increase” as “even more significant for the democratic legitimacy of the EU.” The 2019 EP election turnout rate increased by 8% to 50.6% of eligible voters, i.e. the highest rate since 1994 and the first reversal in the steady decline in participation since 1979. The website highlights that “Europe’s young and first-time voters [...] drove turnout figures up: With 42% of the 16/18-24 year-old citizens voting in the European elections, their participation rate rose by 50%, compared to the youth turnout of only 28% in 2014. Similarly strong was the 34% increase in the age group of 25-39 years, rising from 35% to 47%” [*sic*] (European Parliament, 2019a, para. 1-3). This paper provides a framework for analyzing change in European attitudes particularly

evident among younger generations. Post-Cold War deepening and widening of European integration has strongly affected their formative experiences and socialization. This study thus aims to contribute to the literature on European citizenship and identity.

The paper applies findings from social psychology in the analysis of nationalism to present a framework outline for conceptualizing European integration from a social identity development perspective. Nationalism refers to patterns of individual and collective perception and behavior. These patterns derive from ingroup vs. outgroup self-identity predispositions which social actors form and reproduce, e.g. family and national identity. National self-identities are primary intensity self-identity predispositions with the ingroup focus constituting potentially vast numbers of individuals, e.g. the Chinese nation. Individuals and collectivities displaying strong national self-identity predispositions show a comparatively heightened predisposition towards stereotyping of self and other (Cottam and Cottam, 2001, 3-4).

The motivations for nationalistic behavior derive from perceived invidious comparisons of self with a politically relevant other. The channeling of those responses through legal frameworks aims to promote social identity evolution in a pan-European direction. The construction and enforcement of this legal framework paradoxically utilizes the policy capacities of prevailing European nation-state self-identification while attempting to reinforce a European identity. The EU aims to provide opportunities for individual social mobility and group self-identity evolution, i.e. social creativity, without directly threatening positive self-identification with pre-existing nation-states. It is a political dilemma confronting European integration. The European integration project is a European long-term peace strategy utilizing the power of the nation-state to create liberal economic and political incentives for strengthening a pan-European identity. British political constituencies perceiving a threat to British sovereignty from the European Union precipitated the Brexit crisis, ongoing since 2016. Brexiters tend to perceive the EU as challenging British “national sovereignty” and therefore “(democratic) accountability” (Gordon, 2016, 342).

This study critiques the European integration peace project’s functional propositions within a political psychological framework. They functionally promote de-linking the institutionalized equation of nation with state because it is a significant contextual factor promoting European inter-national conflict. The EU as a peace strategy aims operatively to transcend the national self-identity association of citizens with the legal framework of the nation-state. The tactical approach is to legitimate politically relevant social deviance that in effect progressively relegates the national sovereignty-based ethical and legal system. Social deviance is not a pejorative term (“Deviance,” 2017).

The European nation-state exists, and a European peace strategy must build upon it even as it functionally aims to transcend it. Invidious national comparisons of self and other characteristically tend to focus upon the nation-state to rectify the perceived affront through national public and foreign policy. Policy pattern behavior reflects self-identity images that emerge from social comparison. As utilized previously in DeDominicis (2018), Cottam and Cottam present a framework for conceptualizing the emotive impact and action consequences of invidious national comparisons. They outline the essential foundations of a theory of social identity political dynamics: 1) preserving a constructive self-perception is a human preoccupation; 2) an individual’s identity and self-perception gain backing from inclusion within groupings; 3) by comparing their own grouping with other groupings, individuals assess their particular groupings; 4) an affirmative judgement of an individual’s particular ingroup with other groupings substantively governs this individual’s self-image. A positive comparison provides the individual with an affirmative social self-identification with the community (2001, 90).

This paper builds upon the outline of the Cottam and Cottam (2001) social identity framework approach to nationalism. The literature review section then continues by introducing research on social deviance and group member reactions to it. It applies these findings to conceptualize the function of European integration

in legitimating social deviance, i.e. converting it into social mobility and creativity, while mitigating social competition. The data and methods section surveys a selected sample of titles and editions of EU college textbooks in terms of their critique of the so-called democratic deficit supposedly characterizing the EU. It highlights how the EU utilizes its policy making process founded on EU treaty law to institutionalize the transformation of social deviance into European social mobility and creativity.

The results and discussion section focuses on the role of the European Parliament as the only directed elected representative body in the EU. Its functions include institutionally channeling far-right national Euroscepticism into EU-level social mobility and creativity. It generates incentives to coopt this form of nationalism-based European political deviance into longer term attitudinal trends supporting European integration. The nationalist Brexit case is a high-profile case study, elements of which are critiqued using this framework. The next section includes a discussion of corporatist policy making as a political outline for responding to the worldwide conservative populist nationalist backlash. It may contribute to a political strategic response to the increasing intensity of comparative social identity polarizations arising from globalization. The conclusion addresses the role of the EU within global international relations while confronting external, populism-magnified challenges from erstwhile allies and adversaries.

LITERATURE REVIEW

Cottam and Cottam remark that if a social agent makes a communal comparison and finds the assessment of its status to be unacceptable, then the social agent commonly has three optional response strategies. Social mobility is one response: actors can at times forsake their self-identity ingroup to join the group that they perceive superlatively. In communities within which salient constituent groups are relatively penetrable, this social mobility strategy is feasible. This option produces individual rather than collective action, requiring a personal belief in the achievability of social mobility. In the US, instances are pervasive in which classes are permeable but in most cases races are not. The salience of group identity is essential regarding the likelihood of a social actor to select this strategy. The selection of this strategy is more unlikely to the extent to which persons: a) have invested emotionally into a self-identity group; b) perceive their self-identity ingroup as categorically suffering from an obvious disadvantage (2001, 92).

Another response to comparative disadvantage resulting from a negative social comparison consists of social creativity strategies. Here, actors a) select alternative dimensions for comparison. E.g., they can opt to compare group wealth instead of comparing power. Another option is to b) select another group for comparison. E.g. instead of self-comparing with residents long present in the host country, a newly arrived immigrant group member may choose to self-compare with other immigrant groups. A social creativity response may also include c) redefining the substance of the comparison from undesirable to desirable. E.g. racial minorities may reappraise positively their cultural customs heritage. The positive assessment in regard to their own group will gain enhancement for the social agent by way of each of the above three social creativity attitudes (Cottam and Cottam, 2001, 92). This collective reassessment of ingroup cultural features may occur, e.g., if those cultural features produce demonstrable material and status benefits, such as profitable trends in popular culture-based products. “Beginning in the early 1990s, hip-hop and rap music and culture, advanced by young black males, became a popular entertainment genre with multiracial appeal” (Branchik and Davis, 2018, 463).

Lastly, Cottam and Cottam highlight another response to negative social comparison to address this shortcoming consists of social competition. A prevailing perception emerges within the group actor, ethnic, racial or otherwise, that prevailing patterns of intergroup social relations are fundamentally zero-sum. This view can cause an attack on the status quo political context. Severe political conflict can emerge from social competition, e.g. insurgent and secessionist movements. The public’s assessments of the essential character of social relations among societal component groups will critically shape the selection of strategies. Actors endeavor to achieve or preserve positive social self-identity through these strategies. Especially significant

is the prevailing perception of stability and legitimacy, i.e. the degree of immutability, of the consequences that intergroup comparison is seen as generating (2001, 92-93).

Cottam and Cottam note that in terms of evoking social competition, negative intergroup comparisons are insufficient. Recognizing feasible changes to the prevailing intergroup relational connection should be achievable by ingroup adherents. Elements contributing towards the recognition of options involve 1) the perception of the injustice and illegitimacy of the differences in status; 2) a prevailing view of the status system being unstable. Both conditions are essential, and if they emerge, then the assessments turn insecure and unstable in terms of their tolerance. From the awareness of alternatives, an increase in mutual ethnocentrism intensifies concurrently with the increase in the salience of group membership and the enhancement of group self-image. The impact of political trends and events can destabilize the status quo, undermining the prevailing view that a relationship is just and legitimate. In sum, the shared identity of individuals in a salient group becomes essentially stronger and more distinct. This intensification also emerges due to the social creativity and social competition strategies themselves in response to an unacceptable comparison (Ibid.).

Social Status, Deviance and Nationalism

Status comparison is “context dependent” (Alexandre, Waldzus and Wenzel, 2016, 476). Alexandre et al. state that “[o]verall, our findings suggest that it may be beneficial to encourage groups involved in undesired but pervasive intergroup inequalities to consider the normative-comparative context to be complex and multifaceted” (Ibid., 478) “...[T]his [perceptual ingroup member vs. outgroup member] dynamic is context dependent, as a complex representation of the inclusive category [e.g. being European] also reduced the reversed RIP [relative ingroup prototypicality] differences between a higher status and a lower status group for a negatively valued inclusive category” (Ibid., 476). In sum, a complex superordinate inclusive ingroup category can assist in reducing predisposition to stereotype members of lower relative status as well as higher status groups. European superordinate identity promotion via EU integration can mitigate intragroup so-called relative ingroup prototypicality in negative and positive perceptual predispositions towards subgroups. It can thereby reduce prejudices among European national majorities and minorities.

McDermott and Miller note that moral disengagement is necessary for so-called vigilante justice. The latter focuses on punishing a transgressor engaging in social deviance for violating a deep social norm, e.g. punishing violently a person engaged in the act of child molestation. For less affective disruptions of social norms, vigilante justice is modified as well. E.g. in response to violating gender role stereotypes only civil society social sanctions are employed against the violator. Tendencies towards vigilante justice tend to be modified for those individuals who have a relatively deeper “need for cognition” making moral disengagement to permit vigilante justice more problematic. Moral disengagement to permit vigilante justice is strengthened in those who display an orientation towards legal authoritarianism (2016, 189). A function of European integration is to subsume state sovereignty as the ultimate arbiter of justice within a broader cognitive and participatory context. If the EU enforces its commitment to human rights for historically marginalized groups, then it does so within the dense, complex integration network of EU business, cultural and political relationships. Opportunities to engage in and satisfy need for cognition increase.

Traditional notions of national norms of behavior are also questioned. I.e. what the typical co-national simply assumed to be right versus wrong behavior, e.g. the right to vote is limited to national citizens, can no longer be taken for granted. E.g. EU citizens resident in another EU country may vote in elections to the European Parliament to select representatives for the EU country in which they are resident (Your Europe, 2019). Cameira and Ribeiro find evidence supporting a tendency towards perceiver self-disidentification with a valued ingroup if derogation, i.e. punishment, of an ingroup member deviant/offender is not feasible. In sum, “when deviance occurs within a valued ingroup, derogation of the deviants is the ultimate strategy

whereby members address the incident; consequently, it [derogation] cannot be replaced by *disidentification*” (2014, 245). Logically, if derogation/punishment of co-national deviant is not feasible because of EU protection, then incentives build for deemphasizing national identity ingroup self-identification.

Through integration in the European Union, prospects for social mobility and social creativity ideally should grow for individual, group and national community actors. The relative success in casting the EU as an association not being a facade for a particular European national imperial scheme is a critical precondition. Some national politically Eurosceptic parties assert that the European Union is actually in effect a screen for neoliberalism (Dostál and Hlousek, 2015, 100). The function of the German economy as the Eurozone’s keystone risks increasing the political sensitivity of this claim, reinforcing it (DeDominicis, 2018). An issue is how prevalent, relevant and intense is this perception amidst the various national communities of EU public opinion. Politically marginal actors in the Greek nation-state have perceived German policies and their alleged domestic clients in such a manner (Kitsantonis, 2017, 2019). Protests against alleged German domination of Greece were part of Greek public discourse indicating that these concerns were salient, but not sufficiently intense to cause Greece to leave the eurozone (Constantinou, 2018). The Greek authorities accommodated the so-called troika, i.e. the European Commission-European Central Bank-International Monetary Fund. Greece accepted their conditionality demands for austerity measures in return for loans to prevent a Greece sovereign debt default.

“The universalist version [of nationalism] takes the nation as a point of departure rather than a natural resting place: ‘The nation is but the starting-point of a universal mission whose ultimate goal reaches to the confines of the political world’” (Ross, 2013, p. 287, quoting Morgenthau, 1967, 323). The propagation of the perception that particular disguised national universalist intentions employing neo-colonialist tactics are driving European integration is a pitfall to avoid. The intertwining of US-led NATO and the EU plays an important, problematic role in relation to this imperative. National identity sovereignty preoccupations of self towards the other are at the core of this priority to avoid provoking nationalist resistance to perceived neo-colonial imperialism.

Russian nationalism contributes to Moscow’s suspicion regarding European Union authority regarding Ukraine in reacting to Euro-Atlantic foreign policy (Mihaylov and Sala, 2018). The EU is a confederation while the EU has at least until recently appeared in Moscow to be an international actor subservient to the will of the US (Duleba, 2016, 125). The EU responded to US president Trump’s fierce criticism of comparatively limited European NATO military spending. EU leaders emphasize developing its “strategic autonomy” through its Permanent Structured Cooperation program (Kobrinskaya (ed.) and Machavariany (ed.), 2019, 89). French President Macron has controversially called for the EU to strive towards “strategic autonomy” from the US and NATO due to the reluctance of the Trump administration to coordinate with its NATO allies (Erlanger, 2019a, para. 2). Macron has pushed to weaken trends moving towards zero-sum competition between Russia and the West. Macron supported Moscow’s re-integration into the human rights-focused Council of Europe and into the Group of 7 while refocusing on Moscow’s cooperation on Ukraine and Iran and postponing EU enlargement (Erlanger, 2019b).

McNamara recalls Charles Tilly’s dictum that in Europe “war made the state and the state made war” (McNamara, 2010, 129, quoting Tilly, 1975, 42). Nation-states have a potential power base mobilizational advantage relative to multiethnic and multinational states, i.e. non-nation-states (Cottam and Gallucci, 1978). War between nuclear powers is potentially suicidal. The European Union as a peace strategy based upon the ideal of European identity reconstruction around universalist human rights values partly reflects today’s indirect methods in great power competition. Social competition in the nuclear era has emphasized targeting polities (DeDominicis, 2019). Political appeals to targeted internal polity constituencies may be placed on a “continuum” of cosmopolitan versus nationalistic at the two poles (Helbling, 2014, 26). A task confronting the EU peace project is to contain or circumvent competitive external intervention in European

national affairs that serves to exacerbate internal intra-European social competition. E.g. US military involvement in the Ukraine civil war “inevitably” would lead to escalation of the conflict because of US-Russian competition for influence (Alexandrova-Arbatova, 2016, 39).

One leading expert, Joseph Stiglitz, openly articulated his misgivings concerning the endurance of the euro after the 2008 global financial crisis (Goodman, 2016). Berlin’s readiness to dedicate the financial reserves required to maintain sovereign debt crisis EU member states, namely Greece, inside the euro area demonstrates the criticality of the role of Germany. The eurozone’s preservation indicates the relative dormancy of nationalism within the prevailing political views among the principal governments of the predicament, namely Portugal, Spain, Ireland and Greece. I.e. the respective prevailing views within these governments does not perceive their relationship with the German polity as unjust and unstable. The degree of influence exercised by the German national community, concurrently with perceived German goals, have not produced preponderant extrapolations of a tacit yet existent German neo-colonialist scheme (Rupnik, 2016, 83). Some observers do indeed see the EU project as moving in this direction which will result in a nationalist backlash leading to a political crisis and disintegration (Coughlan, 2016).

The publicized intricacy and complexity of European Union policy-making methods purportedly promulgates the so-called democratic deficit of the EU (Kanter, 2017). This complexity shapes predominating European and individual national government prevailing views of the EU. These views consent to varying degrees of EU supervision over an EU member state’s processes of fiscal and monetary policy making. European Union political reins controlling German economic capabilities prevail sufficiently to undercut communal threat perceptions in the form of German economic power-based neo-colonialism. EU influence over the respective polity policy making processes in Greece and elsewhere enjoys a significantly higher level of tolerance than it would otherwise. Avoiding the stimulation of old-style nationalist stereotypical threat perceptions of the motivations of others requires, as its price, this same EU relative policy making process complexity. The latter’s essential nature is its authority dispersal. Avoiding the provocation of latent nationalist sentiments is a critical success of the EU integration project, and this formidable policy-making process complexity is actually a critical part of its explanation. E.g. the population of Poland suffered genocidal attacks during the Second World War. Today, western media reports do not highlight Polish fears of German neo-colonialism despite Germany being Poland’s largest source of foreign direct investment (Lankowski, 2015, 39).

The European Union’s alleged democratic deficit is a focus of debate from various definitional perspectives (Rousseau, 2014). As approached here, it stems from an alleged deficiency of policy making process transparency due to a supposed dearth of democratic answerability of European Union officeholders. The comparative issue is the source of this discernment of supposedly greater political comprehensibility and representative responsibility in nation-states. This examination emphasizes the propensity of the national public audience to associate the governmental organization at the summit of the self-governing nation-state as symbolizing the sovereign national public (Cottam and Cottam, 2001, 2). A neo-Gramscian framework analysis would highlight the evolving strategies that nation-state authorities utilize to generate obedience to their hegemony by lower socio-economic classes (Herman, 2012). The populace in such nation-states inclines to recognize the power of the ruling elite as epitomizing and exercising the sovereignty of the nation. The so-called democratic deficit of the EU will not be superseded until European nationhood emerges, i.e. a predominant self-identification with an EU demos is attained in the distant future, if at all.

Maier states, “demoi are made, not born” (2017, 35). The disintegration of the Soviet Union and socialist Yugoslavia demonstrate the limitations to which demoi may be created through brutally coercive modernization. For a European demos to emerge, the intensity of this pan-European self-identification would surpass the presently dominant individual EU national public community self-identifications. Perception of a democratic deficit within the European Union would prevail and yet be fortuitous until that distant time. Avoiding arousal of generally latent but potentially intense suspicions that the European

integration project is a pretense for the neo-colonial tactical goals of a specific nation-state or band of states is a careful necessity. The political circumstances that risk provoking such latent sentiments are unique to each member state, but the Brexit referendum demonstrated that they may not stay latent. The form and intensity of nationalist provocation depends upon the idiosyncratic historical, self-perceptual context of each national community. E.g. politically prevailing British public perceptions of British modern national sovereignty assertion are not characterized by recognition of recent catastrophic and ignominious sovereignty defeat (Edgerton, 2020). The twentieth century history of German, French and Italian national sovereignty self-assertion has not been so venerable.

Opportunities to achieve social mobility and creativity constitute the substance of individual and collective self-determination. Social competition arises from the failure to provide such. European identity reconstruction is an outcome of a functional political strategy of regional social creativity and mobility opportunity creation. It may incorporate EU component member state national defense or expansion aspirations towards challenges external to the EU. “European citizenship can be perceived as an ideal of solidarity and union of European peoples and of a more inclusive form of political and social membership in Europe” (Ivic, 2016, 6-7). Long term European identity reconstruction ultimately consists of culture creation. ““Culture” is neither a descriptive generality of what some group does nor the extrasomatic systematicity of the social milieu; culture is that which is cultivated, the stories, myths, symbols, rituals, and stylized actions and interpretations the group uses to make sense of what they are doing, what they have done, and what they should do” (Batteau, 2000, 727). Creating a European demos implies creating an internalized European culture. This culture in the long term would prevail in shared self-identity cultural community loyalty intensity among the modal EU citizenry if forced to choose among their multiple self-identities in a political conflict. Social identity dynamics involving deviance, competition, creativity and mobility constitute the processes by which this culture may or may not be created.

The reconstruction of European regional identity mandates the construction and encouragement of social creativity opportunities. I.e. the construction of Europe is a project to which all heretofore sovereign national groups autonomously choose to contribute. An authoritative element in Germany’s favor for perceived social primacy is its economic preeminence while other national groups play their role. Some social creativity compensation is available to southern European nation-states through providing EU frontier defense and leisure consumption opportunities. Eastern European EU member states bordering Russia play a similar security role. France controls continental Europe’s nuclear military force. The essence of social creativity strategy requires the perception of oneself and the other as different but equivalent in status within the regional European community. European identity community reinforcement means generating supportive political circumstances to permit adequately extensive opportunities for social actors to achieve social creativity and mobility to arise. Recourse to social creativity, mobility or competition strategies is “context dependent” (Wohlforth, 2008, 36). Creating the suitable circumstances associates with reconstructing this European identity which heretofore had been relatively ambiguous (Ellemers, Spears and Doosje, 2002, 164). This reconstruction occurs through the European integration political project. A functional purpose is to escape or avoid the intensification of intra-European national social competition.

Unlike a sovereign state, the EU may not claim the right ultimately to enforce its sovereignty because of its commitment to liberalism, i.e. avoiding authority dependence upon coercion as a key control device. The USSR paid verbal homages to national member community self-determination. Cottam and Cottam (2001) note that a disproportionate source of the leadership personnel for the bureaucratic control apparatus for this coercive regime was the Russian national community. Other Soviet national groups viewed Russia as comprising the de facto core cultural community of the late Soviet state. Russian self-identifiers tended to view the Soviet Communist state as exploiting Russian resources to subsidize other national groups (214-17). The EU in contrast should continue as a confederal project. This constraint exists outside of circumstances when the EU received restricted specialized authority within a specific policy field, signifying emerging functional EU sovereignty in that field (Story and Saltmarsh, 2011). This authorization

may indicate de facto European Union federal sovereignty limiting an individual member state's collectively perceived policy option range, e.g. regarding the boundaries of fiscal policy (Spiegel, 2014). In antitrust, trade policy and eurozone monetary policy, the EU member states have agreed, ultimately by liberal intergovernmental treaty law, to give EU institutions sole formal legal policy making authority (Pleșea-Crețan, 2015, 29).

The EU “shares competence,” i.e. shares formal legal policy making authority, with the EU member state governments in other policy areas, and has no competency in others (O'Halloran et al., 2018, 93, Peterson and Sbragia, 2018, 107). De facto confederalism predominates in EU relations with its member state governments regarding other policy fields (McCormick, 2015). While satisfying this prerequisite, the reconstruction of European self-identity can credibly be undertaken to encourage social creativity and mobility.

In responding to social deviance, disidentification with the ingroup is more likely to happen if the ingroup is unable to derogate the deviant, i.e. administer punishment. If the EU protects traditionally marginalized and negatively stereotyped groups, such as gender and ethnic minorities, then it undermines attitudinal predispositions towards nationalistic behavior. Derogated minorities can form lobby groups and political parties. Their identification had been national and subject to national sovereignty. The pooling of sovereignty in the EU, i.e. the de facto relegation of sovereignty, blurs the distinction between ingroup and outgroup. The deviant cannot be so-readily formally or informally punished by the nation-state majority. The reaction according to the above findings will be for the modal national citizen to experience greater social psychological incentives to marginalize the intensity of their self-identification with the nation. The perceived political arena context is no longer limited to the sovereign nation. As policy making authority shifts increasingly visibly to the EU level, ingroup derogation of deviance may increasingly become marginalized as well.

Punishing/derogating is intrinsic to nationalistic behavior and national identity reinforcement. If it cannot be applied, then the utility of nationalism declines. Reinforcing a sovereign, primary terminal self-identity community is a product of incentives upon individuals to achieve collectively social creativity and to engage in social competition and social mobility. They do so in a global context that until recently in Europe has been typically intensely conflictual. The nation is a support for the actor that seeks an ingroup in order to access resources including security. Deviance is punished because the group needs to remain cohesive to access effectively the resources for the actors within it. To be European means to shift the ingroup formation to a new ingroup within a globalizing world context. The smaller national groups benefit disproportionately from it.

Pan-EU transformative human rights-focused policies and organizations will at times face the imperative to justify their integration drive in terms of national self-determination as a human right. E.g. European integration has arguably encouraged the Catalan and Scottish devolutionary national self-determination social movements (Calzada, 2017). National self-determination may become less intense as national identity groups pool sovereignty to achieve national objectives against certain perceived challenges. E.g. threats to social democracy from neoliberal globalization may help drive EU integration. These national decisions to “pool sovereignty” would need to incorporate guarantees against perceived domination by other European national groups (Pellerin-Carlin, 2014, 82). Global sustainable development is another objective in which member states agree to cede sovereignty in particular policy areas, i.e. “pooling of sovereignty,” to pursue common goals and aims (Szarka, 2012, 32).

The paradox of exploitation of national sovereignty with the ultimate functional objective to expedite its relegation is epitomized in the EU enlargement process. State effectiveness is necessary to implement the transformative effects of EU accession across most areas of foreign and domestic policy. Latent, but still salient nationalism must be harnessed and assuaged; the Brexit trauma illustrates this political paradox. “As

a result of the growing nationalization of EU Enlargement Policy, the role of the national parliaments of the Member States has also grown. Though, it is important to notice that this is a trend that has coincided with the increased role of national parliaments in creating EU public policies in general” (Mišćević and Mrak, 2017, 194). National social movements target the authorities in their focus on social justice at minimum to change policy and prevailing societal norms and values more broadly (Armstrong and Bernstein, 2008). They can aim to alter prevailing societal conceptions of normal rules and roles of different actors. European social movements seek in effect to legitimate and institutionalize certain types of social deviance by transforming it into European social creativity.

Tarrow (2011) notes that left and right social movements are creatures of the modern era and they are accompaniments to the rise of the modern state (6). Social movements as forms of sustained, contentious politics emerge to challenge the status quo to institutionalize policy change and, ultimately, perceptual and attitudinal change within society (see Figure 1 below). European integration channels participatory social action into a European regional framework. It serves ultimately to reduce the salience and intensity of collective orientation towards traditional, institutionalized nation-state sovereignty. Through this legitimation function with an orientation towards universal values such as human rights and climate protection, EU institutions convert politically relevant social deviance into social creativity. Efforts at reconstruction of European identity via European integration implies this attempt to institutionalize this dynamic legitimation function as a mechanism by which this reconstruction may occur.

This functional strategy’s relative political effectiveness, including the resistance it may help generate, are closely related issues. The success of the Brexit referendum, as well as the rise of conservative populism in Hungary and Poland and elsewhere illustrates the reactive capacity of conservative nationalism. Conservative populist nationalism in Poland and Hungary follows the cooptation by western European leaders and their post-Communist east European clients of nationalism within a liberal framework. The post-1989 slogan prevalent throughout the post-Communist nations of eastern Europe to “return to Europe” via accession to the European Union epitomizes this tactic (Pirro, 2014, 603). The frustration of these euphoric expectations and other disillusionments among certain nationalist constituencies have contributed to the rise of nationalism-driven conservative populism in Europe (Schmemmann, 2019).

After EU accession, these European political cooptation incentives apply to surging national Eurosceptic parties themselves. E.g. the Hindu nationalist prime minister of India, Narendra Modi, in October 2019 met with a group of 27 members of the European Parliament. They were permitted to visit the Muslim-majority Kashmir region of India, which Modi placed under federal government direct rule through martial law. 22 of the MEPs belonged to national “anti-immigration” ... “far-right populist parties” ... “with histories of anti-Muslim rhetoric” (Abi-Habib, 2019, para. 1 and 3). These MEPs, from Eurosceptic parties including Alternative for Germany, Poland’s Law and Justice Party and France’s National Rally, by virtue of their EU official positions acquire global authority status.

A socio-political function of the European Union is to regulate punishment of intragroup, i.e. national, deviance by legitimating it, e.g. defending gender minority human rights. The intensity of national ingroup self-identification will ideally be subsumed into broader identities, i.e. European identity:

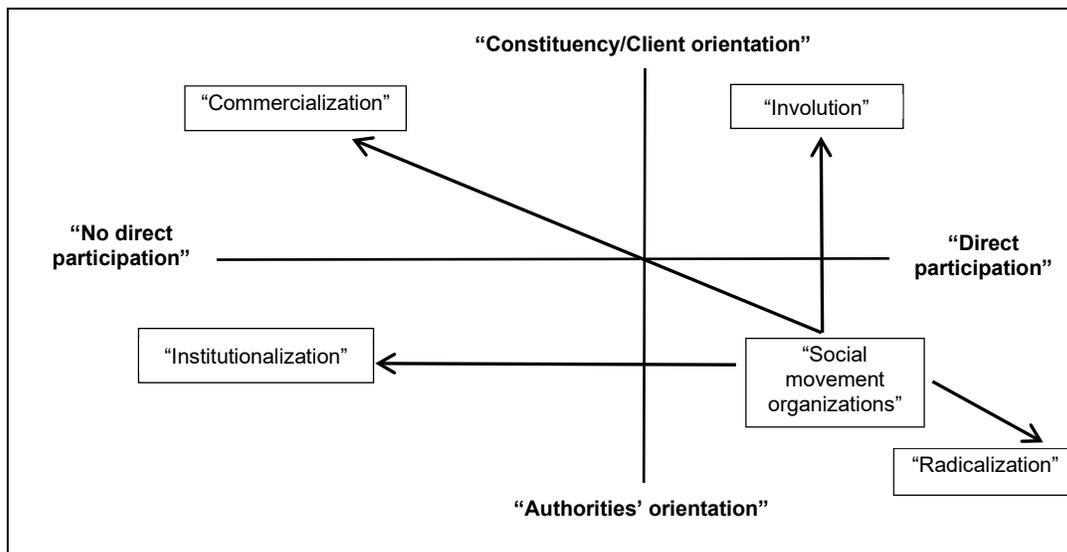
“[T]he black sheep effect consists of an apparently contradictory pattern of intergroup judgments: when targets are normative, individuals tend to evaluate in-group members better than they do out-group members, but when targets are deviant, they tend to evaluate in-group members more harshly than out-group members. That individuals derogate in-group deviants in a relatively extreme way suggests that they have an additional motive for punishing them. ..., [T]he motive is the restoration of in-group positivity (which is unnecessary when the deviant belongs to an out-group)” [sic] (Cameira and Ribeiro, 2014, 234).

Social context may make social creativity and mobility options feasible. If they are not feasible in terms of real-world positive consequences to compensate the perceiver, then the perceiver is more likely to engage to social competition while punishing perceived ingroup deviants.

In sum, Europeanization has to provide real concrete benefits minimally over the longer term if not immediately if only because of the cost to actors of challenging the status quo. Deviance becomes legitimated if a social movement succeeds in being coopted by the authorities which corresponds with new social mobility and creativity opportunities being institutionalized (see Figure 1 below). Deviance equates with challenging the authority norms upon which the authorities sit at the pinnacle of the system. Social creativity threatens the stability of the authority norms even if others view this deviance as a form of social creativity that is desirable and achievable. Norms changes are codified into law if the authorities decide that they are important for re-stabilizing the status quo. I.e. the new norm system supports strategic policy objectives within the existing system of authority norms with its hierarchical arrangements of group constituency power and influence.

In the private sector, social deviance may be acceptable via commercialization if it supports opportunities for more profit in the competitive marketplace, e.g. legalizing cannabis. A deviant social actor may relate to the superordinate context, e.g. social creativity contributes to entry into European-level social mobility. This European-level social mobility should appear potentially lucrative and beneficial to be attractive. I.e. purchasing and displaying a product enhances social status. Promoting social mobility persuades potential customers to make an unfavorable social comparison and therefore to engage in social mobility by purchasing the deviance-affirming product. E.g. a response to new social movements has been to make social creativity profitable by the marketization of rebellion into consumption products. The EU has funded alternative urban artistic movements that city authorities have incorporated into their city marketing campaigns (Ufer, 2015, 67). The artifacts of these new social movements were thereby coopted into becoming consumption vehicles for transnational social creativity and mobility. Figure 1 below summarizes the authorities' forms of impact on social movements and their leadership organizations: "commercialization," i.e. business cooptation; "involution," i.e. civil society cooptation through individual self-help integration; "institutionalization," i.e. political cooptation; and "radicalization," i.e. social competition due to coercive suppression.

Figure 1: “Trajectories of Social Movement Organizations”



Social movements evolve within their societal political context responding to the authorities' policy utilization generating positive and negative incentives. The authorities may coopt social movement symbols via commercialization converting them into vehicles for social mobility e.g. fashion trends. Cooptation focusing on involution, i.e. self-help and improvement, also converts the movement's social creativity assertion into social mobility vehicles. Cooptation of social movement leadership institutionalizes the movement as part of the establishment. Social movements that are not coopted, institutionalized or suppressed are prone to social competition, i.e. radicalization. The European Union political integration project facilitates cooptation and institutionalization of social movements to legitimate national deviance (Tarrow, 2011, 213, adapted from Kriesi, 1996).

Engaging in social creativity effectively within a societal context is one standard by which to evaluate EU political participation. Effectively means the degree to which the EU clearly becomes a reference point for assisting the actor in satisfying “human needs” (Zhang, 2013, 152). Social deviance may be conceptualized as a consequence of attempts to satisfy individual and group needs that evolve along with their societal context.

“Institutions’ effect through dictating, limiting, and enabling actions, and as such through making some actions more attractive than others, covers the direct effect. However, institutions might not only have a regulative and an interpretative effect. They may also have profound influences on the socialization and learning of regulatees and, it follows, make fundamental changes to regulatees’ basic motives. For example, historic and longitudinal studies show that changes in environmental values and norms at society level have changed not just businesses’ environmental behavior, but also the environmental values and norms of the businesses. They are profoundly more pro-environment than they were thirty years ago” [sic] (Nielsen and Parker, 2012, 450).

Actors confronting national societal penalties against deviance may gain EU assistance to engage in social mobility and creativity. European polity creation uses the European nation-state as the foundation stone for creating new institutions for achieving social creativity by transforming social deviance to facilitate its cooptation. The European Union incentivizes the “NGOization” of social movements, e.g. the LGBT movement, along with their “institutionalization” and “professionalization” within Europe (Paternotte, 2016, 398).

DATA AND METHODS

This analysis is focused on the dynamics of creating expanding notions of personal freedom and self-determination concomitantly with new identity generation through social identity dynamics. This process occurs within a regional international community characterized by nationalism and sovereignty (Cottam

and Cottam, 2001, 48-50, 53, 124-26). It requires that institutionalization of participation permit the adequate representation of the evolving motivational group values of the various EU citizenry constituencies. In addressing the so-called EU democratic deficit issue, one popular introductory edited textbook on the European Union comparatively evaluates the democratic credentials of the EU. In this edited textbook, Corbett (“Chapter 7: Democracy in the European Union”) applies the following criteria: 1) representation: do representative assemblies adopt legislation? 2) separation of powers: does the EU separate powers among the institutions of government? 3) democratic accountability: is the executive democratically accountable? 4) rights protection: does the EU guarantee fundamental rights? 5) party pluralism: do EU voters have genuine choices among competing political parties? (2018, 149).

This study critiques Corbett’s comparative analysis of the liberal democratic qualifications of the EU governance system. It applies the social and political psychological findings outlined above in the literature review section to generate this analysis. This study relies upon information available in news media of public record and on the websites of EU institutions as well as scholarly research findings for triangulation to corroborate findings.

The reasons for utilizing the evaluation criteria of Corbett (2018) for EU democracy include the propinquity of the successful Brexit referendum. The Corbett Chapter 7 text is part of a textbook with chapters by different authors currently edited by Kenealy, Peterson and Corbett. This textbook, *The European Union: How Does It Work?*, is now in its fifth edition (2018) published by Oxford University Press. This writer has used the Peterson et al. edited textbook since first assigned to teach what is today the undergraduate “EU Policy Making” course at his current institution, the Catholic University of Korea (CUK). This writer has taught this course at least once per year over ten years, utilizing initially the Peterson et al. (2008) edited third edition. The Peterson et al. edited (2018) fifth edition textbook was the most recently updated EU undergraduate textbook available for purchase for use in the Fall 2019 semester. Except for the continual editorial and content contribution of Peterson, what is today the Kenealy, Peterson and Corbett edited textbook has had different editors and chapter contributors over this time. Updated editions typically are issued approximately every 3-4 years, so this writer used another textbook published in 2017 (sixth edition) by Olsen and McCormick. This writer has also taught the CUK graduate school counterpart to this course in Fall 2012 and Fall 2013, utilizing the textbook by Nugent (2010). For the Fall 2014 graduate school course, this writer used the edited textbook by Cini and Borrigan (2013, third edition).

This writer utilized another, Zeff and Pirro edited textbook (2015) focusing on the political impact of the EU on each of the (then) 28 individual member states, *The European Union and the Member States*. It was required reading in CUK’s “European Politics and Society” undergraduate course offered annually every Spring semester since 2016. It limits its discussion of the nature of the evolving EU international organization from confederalism towards varying degrees of de facto federalism in different policy areas without an official constitution (McCormick, 2015). The Brexit referendum is discussed in the Zeff and Pirro edited textbook in regard to British internal debates over the UK’s EU membership. They resulted in an implemented campaign promise to hold an EU membership referendum by David Cameron who lead the Conservative party to victory in May 2015 British national parliamentary elections (Mather, 2015, 124-26).

Aside from passing references to Brexit in the Olsen and McCormick (2017) textbook, the Kenealy, Peterson and Corbett (2018) edited textbook explores in-depth the implications of Brexit. Chapter 10, “Brexit and the Future of the Two Unions” (Kenealy, Peterson and Corbett, 2018) includes a discussion of the potential implications for the United Kingdom. It focuses on the future status of Scotland and Northern Ireland which voted to stay in the EU in the 2016 Brexit referendum. As referenced above, Chapter 7 in the same textbook by Corbett (2018), “Democracy in the European Union,” is a substantial revision from the same titled chapter and author in the previous edition (2015). The 2018 chapter critiques the so-called democratic deficit in the European Union through a comparative focus on EU formal governance

institutions and their functioning. In the 2015 edition of chapter 7, a greater focus is on EU-level interest aggregation and representation with an emphasis on EU interest groups and lobbying in the discussion of an alleged democratic deficit. The other, older textbooks referenced above focus on lobbying and elite-driven “parliamentization” of the EU by granting more formal policy making authority to the European Parliament (Smismans, 2013, 344, Nugent, 2010).

This writer infers that Corbett in the Chapter 7 2018 edition is responding to UK Brexit debate claims. Corbett is tackling assertions that the EU institutionally is comparatively suppressive of liberal democratic political participation compared to national political systems in the developed democracies. The revisions to the other textbooks will likely begin to become outdated as soon as they are published. E.g. the Kenealy, Peterson and Corbett (2018) edited textbook edition reiterates that the UK would leave the EU in March 2019.

RESULTS AND DISCUSSION

Generally, checks and balances maintained through separation of powers to varying degrees between legislative, executive and judicial branches exist in a liberal democratic constitution. Corbett notes that constitutionalism requires that government powers be “checked” by distributing them among institutions and agencies. The aim is to ensure the propriety of each other’s actions and to keep them regulated within the limits the constitution has conferred on them (2018, 154).

Corbett argues that constitutionalism prevails when the rule of law predominates in government, and the law in the constitution must include provision for the fundamental rights of human beings. He outlines the separation of powers as the constitutional-political principle that different agencies should exercise different governmental functions: 1) executive decision making, i.e. the pursuit of policies, and their development through decision making in individual cases. It may include delegated rule-making for the purpose of implementation. Ministers are the decision makers; 2) legislative function, i.e. general law-making, belongs to a more broadly-based and representative legislature. All parts of the polity, all shades of opinion, and all classes and kinds of people can have representation; 3) adjudication function, i.e. application of existing rules in particular cases of dispute between citizens or between government and citizen. The separation of powers doctrine requires the establishment of a system of courts, with competent and conscientious judges independent of the executive and the legislature. They apply the law on the basis solely of what they consider to be its appropriate interpretation. Without courts to monitor disputes without being a contestant, legislative power is likely to collapse into the hands of the executive (Ibid.).

Institutionalizing European Social Deviance as Social Creativity through Human Rights Protection

Corbett reiterates to his college readership that democracy means not only rule by the majority but also protection of minorities and the rights of individuals. Governments and parliaments can be challenged in the courts for failure to respect fundamental rights. In the EU, judicial protection of fundamental rights occurs through European Court of Justice case law. The ECJ recognized this principle, and all EU member states had signed and ratified the European Convention on Human Rights as members of the Council of Europe. Therefore, the ECHR should be source of law for the ECJ. The 1992 Maastricht treaty entrenched this principle and the case law stemming from it in the EU treaty itself (2018, 159).

Corbett highlights that the 2009 Lisbon Treaty gave the EU its own Charter of Fundamental Rights. It aimed to make the ECHR more readily applicable to the EU, while also complementing them with other rights. By incorporating the Charter into the EU treaties, it more directly binds the EU institutions and the EU member states when applying EU law. The ECJ can strike down decisions or acts of the EU should they fail to respect the rights that the Charter contains. The 2009 Lisbon Treaty also provided for the EU itself to accede to the ECHR. Upon accession, plaintiffs will be able to appeal to the Council of Europe’s

European Court of Human Rights should they fail to obtain satisfaction from the European Union's European Court of Justice. It would be similar to how plaintiffs unhappy with the final judgment of a national court may seek to apply to the European Court of Human Rights. In sum, the EU's legal system will be accountable in the same fashion as the member states' respective legal systems, i.e. to the Council of Europe's European Court of Human Rights. The EU system and procedures appear appropriate in terms of prevailing standards of democratic accountability in relation to the formal criterion of respecting fundamental rights (2018, 160).

Ewing notes that the EU Charter of Fundamental Rights incorporates civil and political as well as economic and social rights (2015, 83). The latter include the right to collective bargaining at different levels of European governance to meet these rights obligations (Ibid., 86). Ewing (2015) argues that these collective bargaining rights are under assault as a consequence of EU leadership commitment to neo-liberal austerity to which he and other lawyers should be on alert to defend. EU accession to the ECHR has not yet occurred as of January 2020 (European Parliament, 2019b).

Corbett underlines that the European Convention on Human Rights (ECHR) is separate from the EU and the EU's Court of Justice. The 47 member states of the Council of Europe have signed and ratified the ECHR and are therefore parties to it. Any of the residents in them who feel that their rights, as expressed in the ECHR, have been violated by the state can appeal to Strasbourg's European Court of Human Rights. This court's judgments are binding on the state (2018, 148-49). The ECHR thus formally legitimates the politically relevant national social deviance that is to be tolerated which is ideally translated into European social creativity. Both the ECHR and the EU Charter of Fundamental Rights apply to protect the private life of individuals. The ECJ will have the responsibility to develop the application of the ECHR via the Charter as a legal instrument that is also available to private corporations but as a constraint on public authorities (Julicher, Henriques, Blai and Policastro, 2019, 24-25). Holzacker notes the "boomerang" effect, i.e. dissidents utilize international organizations to pressure their respective national governments to uphold and implement the human rights to which they have committed. Information and argumentation "ricochet" throughout the EU multilevel governance system. Civil society organizations (CSOs) exploit European multilevel governance to pressure their respective national governments to uphold their state's respective human rights commitments (2013, 2).

The institutional capabilities of the EU are limited and challenged in constraining the discriminatory, illiberal policies of conservative populist authoritarian regimes, e.g. in Hungary towards immigrants (Sarokin, 2019, 919-20). Variation exists across the EU member states regarding their respective national capacities to implement their international treaty human rights obligations. This capability inversely correlates with the frequency with which cases are brought, for example against state governments regarding allegations of torture, e.g. CIA activities at European "black sites" (Conant, 2016, 294-95). Behrmann and Yorke describe how the European Union uses its capacities as an actor in international relations to support the export of its conceptualization of the requirements of human rights law. EU support for CSOs seeking to limit and abolish the death penalty in states outside of Europe have had a notable impact. These CSOs built and developed their capacities concurrently with the development of EU human rights laws and institutions themselves (2013, 69-77).

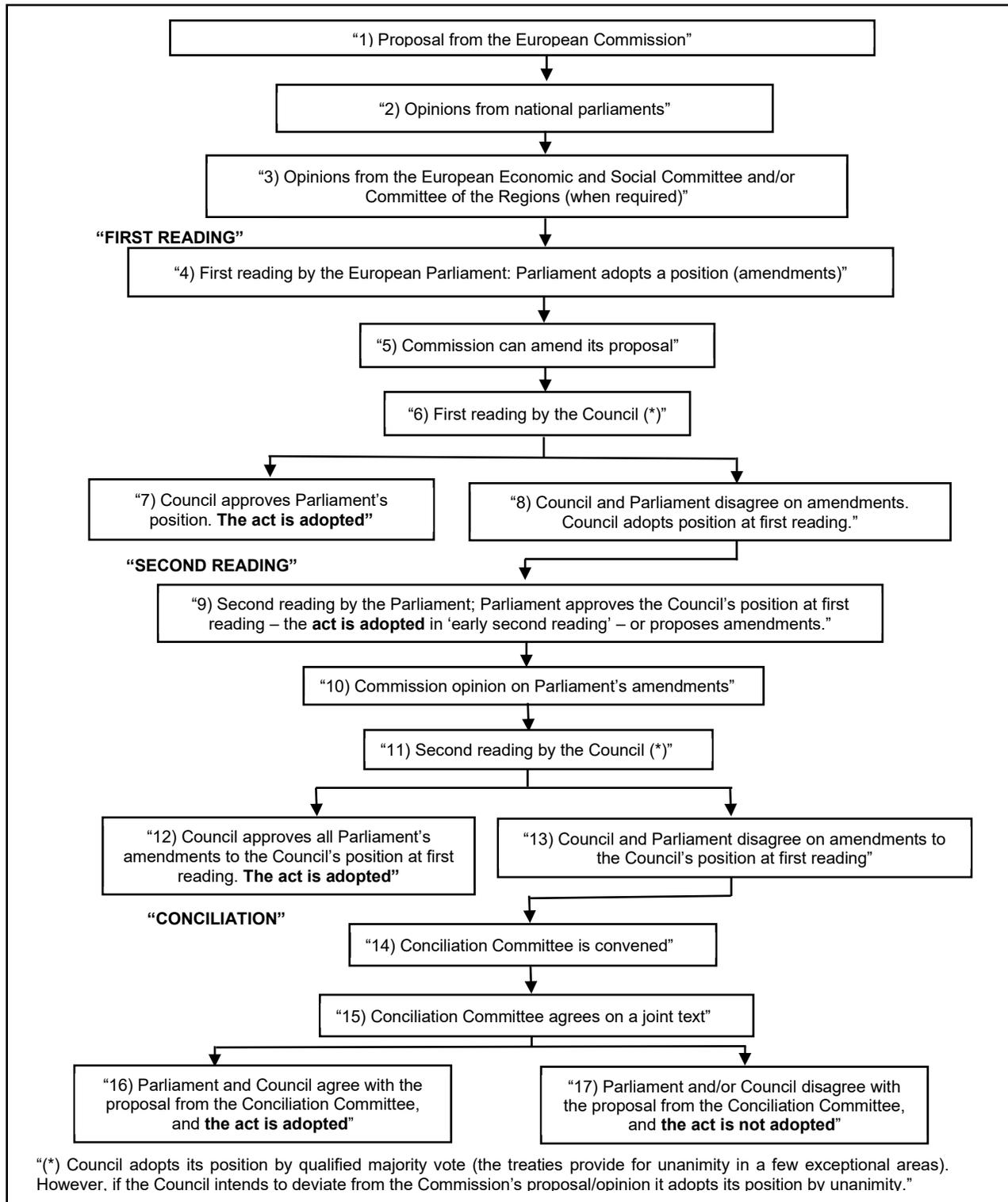
de Búrca notes that the 2016 Brexit campaign emphasized rejection of the jurisdiction of the ECJ over the UK. The EU Charter of Fundamental Rights authorized the European Union's ECJ to oversee British constitutional human rights law because the Charter's content primarily draws from the ECHR. The European Court of Human Rights had been the court of last instance to which to appeal for redress of grievances regarding alleged UK human rights violations. The expansion of ECJ jurisdiction in this sensitive area regarding British nationalism and identity added further impetus to the Brexit campaign (2018, 344-45). E.g. policing tactics in Northern Ireland had been a source of many of the cases appealed from the UK to the Strasbourg court (McEvoy, 2014).

In addressing European nation-state sovereign identity, Corbett notes that in 2014, the weighted bloc vote system of voting in the Council of Ministers in the EU ended. The new system to pass EU legislation now requires a double majority to approve legislation: 1) each state gets one vote, 2) each state gets a bloc vote, weighted by population. The effect is to combine within the Council the principles of bicameralism of each state being equal in one chamber, while citizens are equal in another chamber. The European Parliament also represents citizens, but even it is “digressively proportional” in that small states have more MEPs proportional to their population than do large states (2018, 152). I.e. qualified majority voting in the Council is used as part of the ordinary legislative procedure (see Figure 2 below). It requires that a legislative proposal pass in the Council with a vote representing 55% of the member states constituting 65% of the EU’s population. As of 2019, in the European Parliament, Malta had 6 MEPs for 493,000 people, i.e. 1 for every 82,167 Maltese, while Germany had 96, i.e. 1 for every 864,783 Germans. The bicameral legislative function of the Council of the EU and the European Parliament in the so-called ordinary legislative procedure is outlined below in Figure 2. The European Union thereby may plausibly seek legitimation by continuing to strive to recognize “two constituting powers, i.e. the EU citizens and the EU peoples” as “equal partners in all legislative functions” (Habermas, 2012, 344).

The ordinary legislative procedure (OLP), as its name implies, currently applies to most but not all EU legislation, which still must first be formally proposed by the European Commission. Necessary EU treaty reforms to build a genuinely “doubled” sovereign “to eliminate the existing legitimation deficits of the EU” are laid out by Habermas (2015, 554-55). Current limitations maintain the ultimate confederal nature of the EU. I.e. the member states still have ultimate oversight authority through the European Council, whose members are the heads of EU states and governments. In the OLP, the European Council is not formally engaged. The member states are represented by the specific policy area ministers of these governments meeting in the different configurations of the Council of the EU/council of ministers. In contrast to the Council which represents national governments, the European Parliament is the legislative body whose members the EU citizens elect directly to the EU. The Commission retains the right to sole power of legislative initiative. The European Parliament cannot formally introduce legislation to be debated, amended and rejected/approved.

A Commission refusal to respond positively to requests from the EP to propose desired legislation may be politically problematic for the Commission. Yet, the case of the Commission’s refusal to propose legislation to ban the importation of cloned animal products shows (below) that the Commission will not necessarily accommodate the EP. I.e. the EU member states do not agree to such legislation, so the Commission has declined to propose it. In sum, the EU is progressing towards but has not yet achieved the “double sovereign of European citizens and peoples” proposed by Habermas (2015, 554).

Figure 2: European Union’s Ordinary Legislative Procedure



This figure outlines the so-called ordinary legislative procedure (OLP) for passing most EU legislation, as it was so renamed in the 2009 Lisbon Treaty. Most EU legislation, i.e. that addressing the single market as well as most justice and home affairs issues, is considered by the European Union using the OLP. Prior to the Lisbon Treaty, it was labelled the consent procedure, i.e. the European Parliament’s consent was necessary. By renaming it the OLP, the European Union proclaims that the European Parliament is a co-equal body with the Council (from European Commission, 2012, 6). Existing limitations maintain the EU as an entity whose nation-state members are not ultimately subject to democratic EU sovereignty. Nationalist sentiment among the member state publics is a significant political source of these limitations that integration confronts.

Corbett notes that EU member states have representation in one chamber, the Council, while having the EU citizenry directly represented in another, the European Parliament. The political acceptability of EU legislative proposals can be tested both from the point of view of a majority of the member states and from the point of view of a majority of the population. Doing so is necessary because the EU is a consensual political system, not an adversarial one. High thresholds thus are a requirement to adopt any budget, policy or legislation, especially in the Council. As an international organization, the EU has an incomparably higher number of representative channels for political participation for both state and non-state actors (2018, 152). These additional political participation conduits expand opportunities for legitimating national social deviance. They allow for other institutional mechanisms for individual and collective group achievement and status acquisition, including for the national group. The incentive structure for national social dissenters/deviants to Europeanize their political activity depends upon the degree of EU institutionalization of the policy area into European-level policy making (Kröger, 2013, 597).

The necessity of accommodating nationalist sensitivities was evident in the halt to implementing the 2009 Lisbon Treaty's commitment to reducing the number of European Union commissioners. Currently (January 2020), each member state names a Commission member, i.e. twenty-eight members, a number viewed by the Lisbon Treaty drafters as unwieldy and to be reduced with the 2014 commission's mandate. The treaty called for a reduction in the size of the Commission to a number that is two-thirds of the number of member states. After Ireland rejected the draft Lisbon treaty in a 2008 referendum, the member states guaranteed to utilize a Lisbon Treaty mechanism to revise this commitment. I.e. the EU would keep the current system of one commissioner per member state. The Irish subsequently approved the Lisbon Treaty in a 2009 referendum (Valero, 2019).

Corbett notes that the EU is unique among international organizations also because it supports national parliaments in scrutinizing the participation of their respective governments in the EU's institutions. A national parliament may intervene directly itself, independently of its national government in certain situations. This capacity is explicitly recognized in the 2009 Lisbon Treaty. The Lisbon Treaty contains a Protocol "on the Application of the Principles of Subsidiarity and Proportionality." It introduces a procedure that allows a national parliament, after receiving notification that the EU is considering a legislative proposal, to respond within eight weeks. The national parliament may offer a detailed opinion as to whether the draft EU proposal fails to conform with the subsidiarity principle, i.e. that the proposal exceeds the authority of the EU. If roughly one-third of national parliaments send such reasoned opinions to Brussels, then the European Commission must review the draft legislation. The Commission must then justify its decision either to 1) maintain, 2) amend or 3) withdraw the proposal. This procedure is the so-called yellow card procedure, using a popular soccer analogy (2018, 152-53).

This 2009 Lisbon treaty innovation thus further expands the principle of subsidiarity beyond enforcement via the judiciary and Council to include direct participation by national legislatures (Hedemann-Robinson, 2017, 54). The EU's repeated affirmation of the subsidiarity policy making principle is in effect a recognition of nationalism as part of the dynamic European political landscape. Nationalism remains a dynamic, substantive force that requires immediate accommodation.

This national parliamentary input procedure can lessen incentives for the parliamentary opposition to utilize anti-EU appeals to nationalism domestically to oppose the government/executive. It is less likely to use the EU to demonize the government by portraying the government as collaborating with an alleged EU threat to national sovereignty. This point also highlights issues with the UK constitution that contributed to the Brexit crisis. The "asymmetric bicameralism" in the UK's "Westminster model" limits the House of Lords' formal legislative authority to temporarily delaying legislation (Dorey, 2008, 24). The centralization of lawmaking authority is in the government via control over the House of Commons. It lends itself to greater propensities to mobilize around threats to sovereignty because sovereignty has been so pointedly centered in the executive branch. The December 2019 UK national parliamentary elections delivered a large House

of Commons majority to the Conservative Party under Boris Johnson on a campaign platform to “get Brexit done” (Castle, 2020, para. 10). The two previous UK governments struggled to control the Commons on major Brexit legislation, leading to the December 2019 elections. The breakdown of the stable national two-party model including the rise of the UK regional agenda parties reflects Brexit’s “Europeanization” of British politics (Landler and Castle, 2019, para. 26).

Corbett outlines the EU’s ordinary legislative procedure for EU policy making in considering legislation which only the European Commission has the right to propose (see Figure 2 above). It requires both directly elected representatives in the European Parliament and indirectly elected representatives in the Council of the EU to approve the proposal by majority vote. The Council members are national ministers representing member state governments elected through national government elections. This type of approval in an international organization requires a level of parliamentary scrutiny that exists nowhere else outside of national governments. The European Parliament is today an active, dynamic actor. The EP initially was only a consultative chamber. In 1979, direct elections to the EP began. In 2009, the EP through EU treaty revisions that led to the Lisbon Treaty acquired formal equality via the so-called OLP in authority to the Council of the EU in terms of approving legislation. Public perceptions have lagged; many still see the EP as toothless (2018, 149). Yet, after the publication of Corbett (2018), the 2019 European Parliament elections reversed the steady decline in voter participation rates since 1979 (62%) (CVCE.eu, 2016). Voter turnout dramatically increased by 8% (to 50.7%) from the 2014 EP elections (42.6%) (European Parliament, 2019c).

These European public perceptions trail in the sense that people’s prevailing attitudes continue to focus on national communities for social mobility and social creativity. The other EU-focused options for achieving their values are not as traditionally apparent. Ironically the growth of the far-right Eurosceptic parties in the EU will increase European citizen attention to the European Parliament. Counterfactuals are difficult to prove, but arguably the Brexit referendum would not have occurred without the institutional platform that the EP gave to Brexiters like Nigel Farage. “He [Farage] has been elected to the European Parliament four times as a representative from Southeast England” (Landler, 2019a, para. 12). His most recent election to the EP was in May 2019. Farage “has failed seven times to win a seat in the British Parliament” while he announced would not run an eighth time in the December 12, 2019 elections (Castle, 2019, para. 6). The EU has legitimated their politically focused social deviance to incentivize transforming it into a form of social creativity at the European Union level.

Parliamentary authority through electoral legitimation stands in contrast to referenda in some EU member states for approving or rejecting EU treaties and EU membership, e.g. the June 2016 Brexit referendum (Corbett 2018, 150). Different confirmatory mechanisms reflect social attitudes regarding levels of trust towards the ruling authorities concerning social mobility and social creativity options and obstacles for the mass public. Public distrust derives in part from perceived threats to traditional national sovereign institutions for social mobility and creativity. Right as well as left European social movement leaderships fight to permit greater EU-level opportunities for actor social creativity (see Figure 1 above). I.e. Eurosceptics have a place and role and identity which the EU created for them even while they may even claim publicly to reject the EU. National reliance on referenda reflect distrust in the national elite. I.e. the latter may exploit the EU as the elite’s own social mobility and creativity vehicle with inadequate consideration of the perceptions, attitudes/fears and values of the general public.

Corbett continues that the EP still cannot initiate legislation, which is a comparative deficiency in terms of the democratic accountability for legislation that prevails in national member state parliaments. In national parliaments, representatives make promises to their constituents that they will propose and fight for legislation or oppose legislation for their benefit. The EP cannot table legislative proposals. Both the EP and the Council can make a public request to the Commission to put forward a legislative proposal that they want to see. If the Commission refuses, then the EP can make reality unpleasant for it. In most national

democracies, governments/executives propose the vast majority of legislative proposals that are introduced to the legislature (2018, 150). Still, if something is perceived by the EU member states as intolerable, the Commission will not table it. E.g. the EP has pushed the EU to ban all genetically modified organism (GMO) animal products, but the Commission simply will not propose such legislation (Andriukaitis, 2015, Greenpeace, 2017, 4). The EU abstains from attempted policy making in relatively highly sensitive national cultural issues because of the potentially intense nationalist backlash, e.g. legal abortion access as a human right (Peterson and Sbragia, 2018, 102). The Commission is unlikely to table policy proposals in issue areas that would risk intensely heightening conflict among the member states. Such issues evidently include GMO commercialization.

It is noteworthy that the pro-Brexit press highlights the removal of EU prohibitions on GMO commercial research as a benefit to the UK economy that could be pursued after Brexit. The EP lacks a critical facet of initiative capacity in this regard, which is reserved for the Commission: “The European Union is deliberately trying to delay deciding how to regulate this technology [gene editing]. The Americans, despite permitting two traits already [*sic*], are starting to promulgate stricter rules through the Food and Drug Administration. The Chinese are gung-ho but lack the depth of scientific expertise we have here. *Britain could be the world leader in plant gene editing. Scientifically, legally, reputationally and pragmatically, we are in a great position*” [emphasis added] [*sic*] (Ridley 2017, para. 14-15). Another commentator noted that “[a]ccording to the EU Charter of Fundamental Rights, human cloning should be illegal because ‘everyone has the right to respect for his or her physical and mental integrity’. The UK’s laws have to be in line with this – but only until Brexit. Fifteen years to the month since the death of Dolly the sheep in Edinburgh, it’s time to take this opportunity to reconsider the law” (McLachlan, 2018, para. 1-2).

A function of the EP is to channel and facilitate civil society actor strategies for satisfying social creativity and social mobility needs while regulating social competition on behalf of a European community. A sovereign authority must regulate social competition so that the ability to compete remains, i.e. one side’s power capability within society is not coercively erased after losing governing authority. Corbett points out that despite the historically low turnout in European Parliament elections at the time of writing, all of the main trends in EU public opinion gain representation. The European Parliament as a transnational representative legislative body serves to reinforce public awareness that most of the policy choices in Europe have political rather than national dividing lines. The different political sides on a particular policy issue are present in every EU member state. Members of the European Parliament (MEPs) come from national parties of both the left and the right, and even from parties that oppose the existence of the European Union. Frequently, European Parliament elections are scheduled within a member state in the midst of the term of office of the national government, before the next national elections. Consequently, national opposition parties and smaller parties often receive a larger share of the votes than they would receive in national elections (2018, 151).

National voters tend to use the EP elections to express their unhappiness with the governing national parties. The EP publicly illuminates the opportunities for European social mobility and social creativity by a constituency that may perceive itself as on the losing end in national political social competition. In the traditional sovereign national setting, final winners and losers are more likely to be perceived to exist. If the intensity of this competition is great, even potentially violent, then the European Union arena may serve to lessen the intensity of that competition if the perceived arena of it is expanded. From this perspective, comprehension of the role of the EU in contribution to peace in Northern Ireland, formalized by the 1998 Belfast/Good Friday Agreement, becomes evident.

John Hume a Northern Irish Catholic negotiator of the 1998 Agreement, (together with Protestant leader David Trimble), received the 1998 Noble Peace Prize. Hume has long been incapacitated due to health issues. Hume’s niece recently commented, “We had finally got the peace we wanted with the Good Friday Agreement that allowed us to be as Irish, as British or as European as we wanted to be and

there were no borders, north, south, east or west of the island ... John was so passionate about being in the European Union and recognised the importance of the EU as an example of successful conflict resolution” [sic] (Deeney, 2019, para. 6-7). [...] McGrattan states that “for Northern nationalists the 1998 Agreement created 'openness' and 'uncertainty' about the future as regards British state sovereignty over Northern Ireland, the impact of European regional politics and the potential to reframe Northern Irish nationalist ideology more specifically along liberal or post-nationalist lines” (2016, 70).

Corbett notes the importance of bicameralism typically involves different electoral methods applying for sending representatives to the two legislative houses (Corbett, 2018, 148). Bicameralism in the EU policy making process, i.e. the Council of the EU/Council of Ministers and the EP, relates to the importance of national identities and the necessity of legitimating policy outcomes. It ensures autonomous representative participation of these significant national, sub-European identity communities. It aims to protect social creativity for individuals whose primary intensity values include a national identity, i.e. allowing them to feel different but equal in status at a European level. If and when supranational identities assimilate the component national identities, then public policy preferences as expressed by each chamber should show a trend of increasing convergence over time.

Legitimated, i.e. representative, public participation by the citizenry includes affirmation of policy causation confirming and supporting the evolving values of individuals as collectively aggregated. These values include evolving self-identity validation. Citizens form action communities, including interest groups, for pursuing values, embracing shared collective group identity values. Prevailing public collective belief that significant public policy causation results from normative autonomy of the individual citizen as members of perceived action groups supports political legitimacy. Meanwhile, habitual normative participatory behavior may maintain these bicameral institutional forms and continue their significance. I.e. they remain as part of a polity’s “habitus” (Fox, 2017, 42). They continue as the relative intensity of national, sub-European identities declines. They remain salient, even as their intensity and frequency of crisis-period nationalist sovereignty assertion declines over time.

A PATH FORWARD

European-Style Corporatism, Public Policy and Social Deviance

The political struggle over legitimation of ruling authority is a central focus of this discussion and it is a political function that has been conceptualized in a variety of empirical and theoretical contexts (von Haldenwang, 2017). National conservative populism is typically portrayed as a response to rising mass public insecurity due to the consequences of globalization resulting from foreign and domestic government policy. Countering this upsurge of nationalism requires recognizing publicly the dignity status of groups (mis)perceiving threats from external and internal others, i.e. from perceived social deviance. “Populism is keenly attuned to the distribution not only of *resources* and *opportunities* but of *honor*, *respect*, and *recognition*, which may be seen as unjustly withheld from “ordinary” people and unjustly accorded to the unworthy and undeserving” [sic] (Brubaker, 2017, 363). This study proposes a focus on satisfying collective self-identity status needs and demands as critical for political legitimation. “People’s understanding of state legitimacy shapes the way people interact with the state, and such patterns of interaction will in turn shape people’s perception of the nature and sources of state legitimacy. ... Weber’s ideal type separates the emotional and rational aspects of human perception, but in real life people’s perception of state legitimacy is always a mixture of the two” (Yang and Zhao, 2015, 70).

The behavioral requisites for politically efficacious legitimation depend both upon the current political circumstantial context and the inherited cultural behavioral attitudinal expectations of the public. These expectations are a sociological product of generations of community political evolution. In Europe, corporatist models of formalized societal sectoral interest representation are a significant feature of national

history within the European regional context. “[...] [C]orporatism is a tripartite setting of public, social and private/business representations. Traditionally, interests are represented by peak organizations with extensive coverage, since they coordinate numerous associations. Due to the character of agents involved this is a centralized and formalized social bargaining” (Zabkiewicz, 2014, 11).

Note that corporatism is formally embedded in the EU’s ordinary legislative procedure for policy making through the consultative role of the European Economic and Social Committee (see figure 2 above). With the empowerment of the EP, questions have been raised about the value of the EESC, consisting of 353 representatives from EU labor and business, consumer, agricultural and other groups (Olsen and McCormick, 2017, 191-92). This study rather suggests that social democratic corporatist representation of national community interests characterizes the direction trend in which European confederalism is evolving, in part via EU bicameralism. Observers frequently portray hostility to growing social diversity due to immigration as a driving force behind nationalist right-wing populism but immigrant populations fill vital economic roles (Bird and Short, 2017).

Institutionalized corporatist patterns of policy making can enhance opportunities for social creativity within societies that have histories of relatively intense national class polarization and conflict, e.g. Europe. The organization of sectoral interests within a corporatist framework acknowledges the criticality of each component of the body politic. E.g. in the Austrian case,

“The Austria corporatist industrial relation system offers profound influence by employee representatives (trade unions and works councils) on working conditions in private and public companies (Traxler, 1995). [...] Equal treatment of employees is part of the consultation and co-determination rights of works councils” [sic] (Auer and Welte, 2007, 782).

In a Weberian ideal-typical model of corporatism proposed here, the state authorities acknowledge difference and equate it in status with other societal socio-economic class sodalities. The state authorities facilitate and encourage social creativity strategies for legitimation of policy process outcomes. To assume this legitimation function, the state authorities must already enjoy status primacy within the national polity in order to affirm “status, dignity and social connections” of sectoral constituencies (Duflo and Banerjee, 2019, para. 9). In a nation-state, representative state authorities have this legitimacy because the citizenry tends to equate the governing apparatus as representing the nation as a political authority community (Cottam and Cottam, 2001, 2). Greater governmental decisional latitude is thus a major behavioral tendency that distinguishes nation-states from non-nation-states, i.e. multiethnic and multinational states (Ibid., 156). The citizenry in nation-states tends to demonstrate more commitment and acceptance of sacrifices to pursue state policies construed as necessary to promote national security and international influence. It also implies a greater public intolerance towards state policies that could be construed as accepting loss of such influence (Ibid., 157-58).

The growth of conservative national populism arguably reflects in part a crisis of democratic legitimacy of nation-state authority amidst the rise of economic globalization. “Concepts of populism define it awkwardly as a form of complex collective simplification of the world in terms of causes, consequences and solutions to problems that are in some sense real but reduced or misrepresented ... Crises of legitimacy are occurring at all scales of government and governance” (Morgan, 2017, 533-34). The so-called elite view of public policy making that Danziger describes (2007, 242-45) resonates with the imperial stereotype of the authorities that Cottam and Cottam describe as a legacy of colonialism (2001, 111-14). The elite paradigm views the governing apparatus as a disguise obscuring the true authorities manipulating government officials. The ruling authorities inadvertently or intentionally propagate this view through securing plausible deniability for policy initiatives by obscuring their political patrons. They utilize nontransparent means such as dark money contributions to their political campaigns and social media disinformation operations. Imperial stereotype images are used to mobilize populations against perceived common conspiratorial

threats. Populists mobilize conservative mass public opinion utilizing in effect the globalizing capitalism imperial stereotype as they portray more or less obscured threats to national sovereignty (DeDominicis, 2019).

Corporatism can be one means by which to combat the propagation of disinformation within society, i.e. so-called fake news, by institutionalizing greater transparency in public policy making. Two observers portray recent EU austerity-driven national budget frameworks as having weakened national trade unions. These conditionality agreements did so by “maneuvering them into corporatist deals with few benefits or excluding them from policy making altogether” (della Porta and Parks, 2018, 92). They thereby undercut perceived opportunities for European democratic political participation to satisfy social mobility and creativity needs. In contrast, this study emphasizes the potential for corporatist concertation of societal interests to facilitate social mobility and creativity among constituencies perceiving a threat from globalization. It can lessen the perception of threat from global capitalism and capitalists that helps fuel conservative populist nationalism.

The 2020 US presidential election campaign now underway highlights a corporatist principle, sectoral bargaining, to strengthen US labor’s support for the Democratic Party:

“Perhaps the most ambitious proposal is an idea known as sectoral bargaining, in which workers would bargain with employers on an industrywide basis rather than employer by employer. Sectoral bargaining, which is common in Europe [emphasis added], would make it possible to increase wages and benefits for millions of workers in relatively short order, even for those who aren’t union members. It would also give employers an incentive to create better-paying jobs because doing so would no longer bestow a major cost advantage on competitors” (Scheiber, 2019, para. 5).

The ability of the EU authorities to facilitate corporatist social creativity legitimation of EU policy making process outputs is a topic for further research. A prominent framework for analyzing European Union policy making is liberal intergovernmentalism, emphasizing EU interstate but intra-European diplomatic bargaining within “multilateral contexts:”

“At the core of this theoretical construct lies the axiomatic idea that the decision-making and regulatory processes at intergovernmental level are shaped by the continuous interaction (or socialization) between political, economic and administrative elites, occurring in multilateral contexts. This phenomenon generates ‘internalized norms’ which slowly determine new decision-making paradigms in the national governments of partner countries” [sic] (Purza, 2018, 258)

The EU promotes pan-European behavioral attitudes by legitimating deviance challenging sovereignty on a European regional level while displaying in effect intra-European corporatist policy making patterns. Morgan (2017) highlights the European Commission’s advocacy of the “Common Consolidated Corporate Tax Base” to counteract multinational corporate national tax avoidance. It may be one part of a remedy to European populism. The CCCTB would institute a unitary tax across the EU, which ironically is currently politically problematic in part because of national “sovereignty arguments” resisting “tax harmonization” (548).

In describing the model of political economic development in continental Europe in the modern era, Prasad uses an implicit corporatist framework (2019). She advocates this framework in promoting the opportunities for US development within the framework of the proposed “Green New Deal” in 2019 by US Democratic party figures:

“To move from vision to reality, the Green New Deal coalition must include business groups, manufacturers, farmers and unions, and reformers need to genuinely listen to and respond to their concerns [emphasis added]. They need to focus on solving problems such as the decline in productivity and work force participation, by using the revenue from a carbon tax to create jobs in energy efficiency and renewable energy, and by using higher taxes on capital gains to fund infrastructure, education, and research and development” (2019, para. 15).

Corporatism is never used as a term here, but clearly, the corporatist concertation of societal constituencies through the mediating leadership of state authorities is implied. This corporatist approach is necessary “to make it the new reality of the American economy, rather than a temporary attempt swept away by conservative populism” (Ibid., para. 14). One commentator condemned US presidential candidate senator Elizabeth Warren’s policy platforms for their apparent heavy borrowing from European corporatist models of societal interest concertation (Rattner, 2019).

Political potential for corporatist consensus-building arguably is increasing through the rise of the judiciary in the public policy making process in developed states. From this perspective, the focus of conservative populist nationalists in Poland and Hungary targeting their respective national judiciary systems can be understood (Novak and Kingsley, 2018). The judiciary has been portrayed as a repository of values challenging sovereignty, as articulated in the *opinio juris* doctrine (Olson, 2000). The issue of sovereignty of British courts was an elite debate focus among nationalists favoring Brexit, i.e. the European Court of Justice should not have authority over United Kingdom courts. Most of the British public has been disengaged from the complexity of the policy debates surrounding this issue (Gill, 2018). The British courts had been major obstacles to Brexit efforts under pro-Brexit UK Conservative governments (Landler, 2019b).

One media report notes that the number of court cases in which the US executive branch has been a plaintiff or defendant has exponentially increased under the Trump administration. Accelerating a trend that began under the Nixon administration, new areas heretofore with no judicial precedent have become subjects of court proceedings. E.g. US federal courts are ruling on the heretofore legally dormant emoluments clause in the US Constitution. This trend reflects the increasing intensity of polarization of American society and the attendant unwillingness or inability of elected officials to be responsible for resolving societal conflicts (Baker, 2019).

CONCLUSION

The European Union received the 2012 Nobel Peace Prize for its apparent contribution to peace in Europe (Zeff and Pirro, 2015, 2). The objective of this study has been to highlight political psychological dynamics relevant to existing policy tendencies which help determine the effectiveness of the European Union as a peace strategy. This study utilized the analytical framework of Cottam and Cottam (2001) for conceptualizing nationalism in terms of social identity theory, focusing on social competition, mobility and creativity. This theoretical approach conceptualizes nationalism as a political psychological and collective behavioral phenomenon in response to invidious social comparisons of self with other. Nationalism in certain contextual circumstances drives foreign and domestic policy. The paper utilized this approach to critique the EU institutional framework to regulate social competition. It legitimates politically relevant social deviance through politically incentivizing its transformation into European social creativity and mobility. The paper utilizes evidence from the scholarly literature and news reports of record. This study concentrated on the impacts of EU institutions regarding intensification or lessening of the salience and intensity of nationalist collective behavior patterns among national communities of Europe.

Insights into national identity conflict emerge from applying findings from social psychology regarding social competition, mobility and creativity. An imperative for conflict resolution is to avoid the political

dynamic that propagates a perception of zero-sum social competition among national communities. European integration provides substantial opportunities for those with more formal education to obtain social mobility. The member states must provide the legal capacities to reconstruct European identity. By providing an extensive scope of evaluation criteria by which to obtain a positive self-image, the European Union assists national self-identifiers to engage in social creativity. E.g. Germany attains unsurpassed European economic growth. Italy stands out in providing European regional border security and luxury leisure opportunities and consumption items. Social mobility and creativity inducements are implemented.

Berlin and Paris were embarrassingly ineffective among the EU member states in opposing the hapless 2003 US-led invasion of Iraq. The EU's Common Foreign and Security Policy (CFSP) and Common Security and Defense Policy (CSDP) have continued to be subsidiary to and reliant on NATO and the US (Macleod, 2004, 380, Chappell and Petrov, 2014, 6, 19-20). Social competition leads to the eruption of widespread violence in a disintegrating multiethnic or multinational state's collapsing security environment. Creation of an autonomous EU capability to intercede using the necessary reserves to promote social security, mobility and creativity in these non-nation-states is an ongoing challenge. Brexit together with the US Trump administration's disparagement of NATO could create another watershed for the evolution of EU CSDP intervention capacities. E.g. the EU conceivably could be called on to place policing forces in Ireland amidst Brexit, possibly in partnership with NATO, while Britain will remain in NATO. The US Trump administration's verbal antagonism towards NATO and the EU make continued reliance on US leadership problematic, while US leadership may intensify intra-European conflict with Moscow.

Further investigation should focus on EU CSDP incremental neo-functional organizational spill-over regarding the development of CSDP constituent capabilities to reinforce the peace strategy of the EU (Gavrilescu, 2004, Osica, 2010, 93, Erlanger, 2017). These capacities would mobilize EU reserves for the establishment of the security bases for protecting national social deviance while promoting European social mobility and social creativity opportunities. The EU would do so for all mobilized national groups, and Europeans have a history of engaging in such behavior at the national level through corporatist public policy making attitudes. These capabilities would expand and develop concomitantly in both the European Union and the communities targeted for intervention. To rephrase, an EU peace strategy should effectively encourage European solutions thwarting national social competition among aroused national group constituencies' prevailing perceptions and behavior. Thus, the European Union may aspire to acquire the capability to become a more efficacious security actor in a multipolar nuclear world environment.

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BIOGRAPHY

Benedict E. DeDominicis, Ph.D. (University of Pittsburgh, BA Ohio State) is an associate professor of political science at the Catholic University of Korea in the International Studies Department. He was on the faculty at the American University in Bulgaria in the Political Science and European Studies Department,

1994-2009. He has published in *Review of Business & Finance Case Studies*, *The International Journal of Interdisciplinary Global Studies*, *The International Journal of Interdisciplinary Organizational Studies*, *Organizational Cultures: An International Journal*, *The International Journal of Interdisciplinary Civic and Political Studies*, *The International Journal of Pedagogy and Curriculum* and *The Global Journal of Business Research*. He can be reached at the Catholic University of Korea, International Studies Department, K206, 43 Jibong-ro, Bucheon-si, Gyeonggi-do 14662, Republic of Korea.