

EU-critical attitudes in the context of the 2019 European elections: EU-sceptical, anti-EU, democracy-sceptical or anti-democratic?

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(translated from the German original into English by Swantje Maaßen)

Introduction

Following the European elections in May 2019, members of right-wing populist and right-wing national parties have for the first time joined together in the European Parliament to form their own parliamentary group ("Identity and Democracy"), which, with 76 seats, is the fourth largest of the seven groups in Parliament.¹⁷ On the occasion of the new formation of the European Parliament and the observation that representatives of these parties had previously campaigned during the election campaign with statements critical of the EU and the abolition of the European Parliament, a close look at the criticism of the EU and a systematic localization of the underlying attitudes seem to make sense.

As a first step, the central starting points for criticism of the democratic legitimacy of the EU are to be identified. Subsequently, the focus will be placed on the special framework conditions of the 2019 European elections and their political charge as a "directional decision" (Leggewie 2019, see Schäfer-Nerlich 2019). Finally, against this background, a proposal is presented for a differentiation of critical attitudes toward the EU, which should make it possible in practice to distinguish between EU-sceptical and anti-EU attitudes, and between generally democracy-sceptical and anti-democratic attitudes toward the European Union. In this paper, the concept of attitudes is applied to parties and thus to central actors in the political system. Attitudes, also in contrast to positions, are to be understood in this contribution as fundamental normative orientations on which election programs, party-political positions, and the political rhetoric of parties are oriented in practice.

¹⁷ Until Great Britain left the EU on 21.01.2020 and the associated redistribution of seats among the member states, this group was still the fifth largest.

The Democratization Process of the European Union

Fundamental political criticism of the European Union and its democratic foundations usually starts from the status quo and conveys the impression that the EU is a static political system without processes of self-reflection for democratic legitimation. In this contribution, the process of European integration is to be understood as an ongoing process of democratization, which can be recounted on the basis of democratic achievements, each of which is the result of the EU's examination of its democratic legitimacy (see *inter alia* Kielmansegg 2009). In view of the achievements of the EU democratization process, which is characterized above all by the continuous strengthening of the rights of the European Parliament in the legislative process, the shortcomings of the democratic legitimation of European governance can also be deduced, which at the same time represent open targets for relevant criticism of the European Union. Their starting point is the institutional architecture of the EU, which provides for a Council consisting of government representatives of the member states, in contrast with the European Parliament, which is directly elected by the citizens of the Union, as the central legislative body and which more closely models the representation within the majority of EU member states. In addition, there is the construction that in the EU, the European Commission has a monopoly on legislative initiative instead of the Parliament, and thus a supranational institution that does not represent the elected representation of the citizens of the Union can submit proposals for European legislation alone and thus plays an important role in governance in the EU multi-level system. This basic concept of the EU's institutional balance between Commission, Council, and Parliament was laid out by the governments of the member states in the founding treaties and has not been changed in its core during the democratization process. Against this backdrop, it is not surprising that the EU Parliament, which is also difficult to compare with parliaments at the national level, and the European Commission are often points of attack for criticism of the democratic legitimacy of the European Union's political action.

In the following chapter, we will first discuss the starting situation and the associated special relevance of the 2019 elections to the EU Parliament, so that we can then better understand the criticism of the EU and the attitudes underlying it.

The 2019 European Parliament elections as a decision on the direction to be taken

The elections to the European Parliament in May 2019 were already associated with a clear decision on the direction to be taken by European citizens. One explanation for the special political charge of the elections can be found in the numerous crises that shaped the 2014-2019 legislative period of the European Parliament (see Schäfer-Nerlich 2019), from which the parties standing for election drew

different conclusions for the future of the EU. In addition to the economic and social shocks triggered by the financial and debt crisis, which have accompanied the EU and its member states to this day, these crises include the so-called 'refugee crisis' and the rise of nationalism in individual member states, as well as Brexit. The European elections in 2019 can thus be placed in the context of a crisis within the EU, which was characterized by a lack of solidarity among the member states, an increase in nationalism, and the signs of disintegration.

Finally, the special political charge of the elections to the EU Parliament and their perception as directional elections can also be explained by the fact that the European party landscape had changed significantly compared to the last election in 2014 and that after the election, associated shifts in power in the European Parliament could be expected. Two developments are particularly significant in this regard (see Ondarza 2019): First, it can be noted that the major parties, SPD and CDU (at the EU level: "Party of European Socialists" and "European People's Party") had lost confidence and were therefore also expected to lose votes at the European level for the Group of the "Progressive Alliance of Socialists and Democrats in the European Parliament" (S&D) and the Group of the "European People's Party" (EPP) — a forecast that was confirmed after the election. During the 2014-2019 legislative period, these two centre-right and centre-left factions together made up well over half of the Members of the European Parliament (405 of a total of 751 seats). From this position of power, they have been able in the past to advance their programmatic goals and personnel ambitions in the sense of a de facto grand coalition at European level, without having to rely on the support of other factions (Leggewie 2019: 5). As became apparent after the elections, both the EPP, which is still the strongest group, and the S&D Group with the second highest number of seats, suffered significant losses in votes and together no longer have the majority of seats in the European Parliament. This loss of power of the hitherto dominant political groups became clear in the failed attempt to push through one of the two top candidates (Frans Timmermans for the S&D Group and Manfred Weber for the EPP) as a candidate for the office of President of the European Commission (see inter alia Nasshoven 2019).

Secondly, in May 2019 — also as a result of renationalization tendencies in some member states (national turn) — a broad spectrum of EU-sceptical right-wing populist and right-wing national parties stood for election. This was not a novelty, since right-wing parties were already represented in three or four of the nine political groups in the European Parliament between 2014 and 2019 (see Ahrens 2018: pp. 405)¹⁸. In view of the crises in the EU, the question that arose in the run-up to the 2019

¹⁸ In the last legislative period, these were the group of "European Conservatives and Reformers" (ECR), to which the Polish "Rights and Justice" (PiS), among others, had joined, the group "Europe of Freedom and Direct Democracy" (EFDD), to which the Italian "Lega Nord" belonged among others, and the group "Europe of Nations and Freedom" (ENF). The "European People's Party" (EPP), which was the largest political group in the

elections was not whether there would be right-wing parties running, but rather what shifts in power would occur in the European Parliament if these parties were to record significant gains in votes after the elections, and what significance this would have for the formation of political groups. In the run-up to the elections in April 2019, a group of national right-wing parties, including the Italian Lega Nord, the Austrian FPÖ, and the Alternative for Germany (AfD), had already declared their intention to form a Europe-wide right-national alliance and thus to establish a separate parliamentary group in the European Parliament in the future, which could influence EU decision-making with a common anti-European agenda. The election results have shown that right-wing parties have gained seats, also because they were elected by a majority of EU citizens in Italy, France, Poland and Hungary. Although members of right-wing populist and right-wing national parties in the 9th European Parliament have founded a new parliamentary group called "Identity and Democracy" (ID), the plan to merge into a Europe-wide parliamentary group has initially failed. Due to differences in content, which oppose a merger with the "European Conservatives and Reformers" (ECR) and make it clear that despite all EU criticism, the demands and ideas of national right-wing parties can be very different, right-wing parties are currently represented in two groups in the European Parliament. Despite the fact that these two groups, which together account for only 138 (ID: 76, FCR: 62) of the 705 seats in the European Parliament, are opposed by a clear majority of parties from the center-left spectrum, they could pool their votes to prevent majorities on controversial issues in the European Parliament (Schulz 2019) and thus influence European legislation.

Due to the outlined developments in the European party landscape and the expected shifts in power after the elections, these could also be read in the run-up to the elections as a "directional decision" (including Leggewie 2019, Schäfer-Nerlich 2019) for the future shape of the European Union between "more Europe" and "less Europe". This is all the truer as the parties have in part also explicitly positioned themselves between these two poles. Of particular interest with regard to the focus of this contribution is the election campaign of the right-wing parties and related statements, which can also be seen in the context of the democratization of the EU. Instead of analyzing individual election programs or European political campaign speeches, this contribution will present a categorization proposal that should make it possible to clearly distinguish between the EU-critical attitudes underlying these statements and, in particular, to better distinguish between EU-sceptical and anti-EU attitudes and between democracy-sceptical and anti-democratic attitudes towards the EU.

Parliament, was also included in this list because of the failure of an intra-fractional decision to continue the membership of Victor Orbán's right-wing Fidesz party.

EU-critical attitudes - a proposal for differentiation

Politically motivated statements that attack the European Union as an overall system or its sub-policies are often described in large parts of media reporting, but also in academic literature, as being fundamentally critical or skeptical of the EU. It can be observed that, especially in times of election campaigns at the EU level, the 'criticism' of the EU understood in this way is very acute and in some cases goes beyond the usual level of criticism or skepticism. "Skepticism" is a suitable collective term (see Klein 2019). However, in the literature, in addition to suggestions for internal differentiation in the form of "hard" and "soft" skepticism (Taggart/Szcerbiak 2001), there are also approaches for a conceptual sharpening, among other things by differentiating between attitudes to be rejected and hostile attitudes toward the EU (Miliopoulus 2017). In this contribution, the classification of "Euroscepticism" and "Europhobia" made by Yves Bertoncini and Nicole Koenig (2014) on the basis of their discriminatory power will be taken up and extended by subcategories of "democracy-sceptical" and "democracy-hostile" or "anti-democratic" attitudes towards the EU. In a study based on election manifestos, national manifestos, and websites of the parties running for the 2014 elections to the European Parliament, Bertoncini and Koenig (2014) have identified four main roots of Euroscepticism, developed a distinction between EU-sceptical and EU-phobic parties, and classified the parties represented in the European Parliament in the 2014-2019 legislative period according to this scheme. According to this, more than a quarter of the MEPs represented in the last European Parliament, which belong to parties that ran for election in 23 of the 28 member states, are skeptical or even opposed to the EU. For the current legislative period (2019-2024) a corresponding study has not yet been presented. However, it is to be expected that this percentage will increase due to the political framework of the elections in May 2019.

In particular, Bertoncini and Koenig have found that the common starting point for EU-sceptical and more far-reaching EU-phobic attitudes of parties is their criticism of the EU with respect to the four themes of democracy, national sovereignty, liberalization, and national identity (Bertoncini/Koenig 2014: pp. 5): The criticism of democracy at the European level is based on the fundamental questioning of the democratic legitimacy of the EU, assumes a far-reaching democratic deficit, also with reference to the construction of the EU's institutional architecture, and criticizes decision-making processes at the European level as untransparent and illegitimate. With regard to the EU institutions, the European Parliament and above all the European Commission are the focus of criticism, which is often associated with the attributes 'elitist', 'untransparent', 'opaque', 'technocratic', 'inflated' and 'costly'. A second area of criticism is the distribution of responsibilities between the EU and its member states, which is closely linked to the question of democracy and which concerns the question of national sovereignty. The lamentation of the loss of national sovereignty is just as plausible as the criticism of an alleged

overregulation and control from 'Brussels'. The third root of the EU criticism, which has clearly gained in relevance since 2008 and during the national debt and euro crisis, relates to the economy and liberalization. In particular, it focuses on the euro, financial transfers to crisis-ridden member states and the EU's strict austerity plans and their effects on national welfare states. Finally, criticism of the EU refers fourthly to national identity. Here, the principle of the EU's freedom of movement is often criticized very emotionally and blamed for the increase in migration within the EU or within individual member states. The political message is that national identity is threatened by the immigration of various ethnic and religious groups.

EU-sceptical attitudes vs anti-EU attitudes - Democratic-sceptical vs anti-democratic attitudes

Bertoncini and Koenig distinguished between the sceptical and phobic or anti-EU or anti-EU attitudes of the parties by drawing conclusions from their criticism. While EU skeptics call for reforms of the EU consequently, the anti-EU stance becomes apparent as an exit strategy, i.e., through demands to leave the EU, the euro and/or the Schengen area (Bertoncini/Koenig 2014: pp. 7). The announcement of the right-wing populist party "Rassemblement National" (RN) of Marine Le Pen in its campaign program for the French presidential election campaign in 2017 that it would hold a referendum on France's withdrawal from the EU after a victory and push for a "FREXIT" can therefore be attributed to an anti-EU stance. Nevertheless, it must be noted that the RN, like Matteo Salvini's Italian right-wing populist party "Lega Nord", has held back with concrete demands for withdrawal in the 2019 European election campaign, and that these demands had not previously been included in their election programs. However, this should not suggest that these two right-wing parties have undergone a change of heart and are no longer taking an anti-EU stance. Rather, it can be assumed that the eleven European right-wing national parties, which had already joined together in the run-up to the European elections to form the alliance "European Alliance of Peoples and Nations"¹⁹, have agreed on their positioning in the election campaign and that a fundamental change in strategy has been undertaken here, which envisages fundamentally reshaping the European Union from within through coordinated action by the right-wing national parties in a joint group in the European Parliament (Bechter 2019: 10). This hidden agenda is also made clear in the AfD's European election program, in which "DEXIT", i.e., the withdrawal of the Federal Republic of Germany from the European Union, is described as the "last

¹⁹ Besides Lega Nord (Italy) and Rassemblement National (France), these include the AfD, the FPÖ, the Finnish Party (Finland), the Conservative People's Party (Estonia), Danks Folkeparti (Denmark), Sme Rodina (Slovakia), Freiheitspartei (Netherlands) and Vlaams Belang (Belgium).

option" that should only be chosen if the reform of the existing EU system cannot be realized within a reasonable period of time (AfD 2019b: 12).

In order to make this demarcation of borders more tangible and practicable and to offer further assistance in recognizing an anti-EU stance, these considerations are to be continued. For example, questioning political decisions and the political orientation of common policies at the European level, such as European migration and asylum policy, can be classified as an EU-sceptical attitude. One example is the demand formulated in the AfD's European election program for an amendment to the Schengen Agreement and the tightening of external border controls (AfD 2019b: 49).

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The political demand for a retransfer of supranational responsibilities to the national level — understood as a withdrawal from individual policy areas and an associated effort to dismantle or reduce the EU system in its current state of development — corresponds, in contrast, to an anti-EU stance. In the case of the AfD, the election manifesto shows that reforms in favor of the sovereignty of nation states are planned in a variety of policy areas in which the member states make joint decisions at the European level and which form the basic framework of the EU as we know it today. This applies to the internal market, economic and financial policy and the euro as well as foreign and security policy, justice and home affairs, migration and asylum policy and the area of the common values of the EU member states (AfD 2019b). The goal pursued through reforms of individual policy areas, but also through the reorganization of the EU's institutional architecture and the associated curtailment of the powers of the European Commission, the European Parliament and the Court of Justice of the European Union, is the creation of a "European community of sovereign states" (AfD 2019b: 7), which in fact describes the dismantling of the European Union into an intergovernmental meeting place on the basis of a basic contractual consensus between sovereign states without any binding commitment to common values (see Schäfer-Nerlich/Wessels 2019). Accordingly, party political demands on individual policy areas must be interpreted in the overall context of election programs and programmatic statements on the EU's objectives in order to ultimately expose them as hostile to the EU. The national right-wing parties, which have already clearly formulated their objectives for the future development of the EU in the run-up to the 2019 European elections with the perspective of forming a joint parliamentary group after the elections, have formed the "European

Alliance of Peoples and Nations". Starting from an anti-EU stance, these extreme right-wing parties are striving to dismantle the EU into a functional alliance of sovereign nation-states, which is reflected above all in the fundamental opposition to the transfer of further competences to supranational institutions, their demands for a transfer of competences back to the member states, and a related nationalistically motivated overemphasis on the principle of subsidiarity in the election manifestos and in the programmatic statements on the EU (see Bechter 2019).

<i>Basic assumption</i>	Continuation of the EU	Dismantling or dissolution of the EU
<i>Alignment of criticism</i>	directed against individual political decisions and the orientation of EU policies and/or against the design of its democratic constitution	directed against the EU as an overall system, its subsystems and/or its democratic liberal constitution
	constructive	destructive
<i>Differentiation of criticism with regard to the attitude towards the EU</i>	EU-sceptical	anti-EU
<i>Differentiation of criticism with regard to the attitude toward the democratic constitution of the EU</i>	democracy-sceptical	Anti-democratic

Table 1 Differentiation of EU criticism

This distinction according to Bertoincini and Koenig can also be used as a basis for further considerations of anti-democratic attitudes. Finally, with respect to the criticism that parties have levelled at democracy in the European Union, a red line can be drawn between EU-sceptical and anti-EU attitudes. Since the focus here is on attitudes toward the understanding of democracy anchored in the EU as a form of rule and life, the terms "democracy-skeptical" and "anti-democratic" will be used here (see Figure 1). Criticism of the political and democratic legitimacy of the EU cannot therefore necessarily be attributed to an anti-democratic and thus anti-democratic attitude. As long as politically motivated criticism and the associated demands for reforms of the EU's institutional architecture are still in harmony with the democratic principles of the EU anchored in Part II of the EU Treaty (Art. 9-12 TEU), which stipulates, among other things, that the functioning of the Union is based on

representative democracy (Art. 10, para. 1 TEU) and that all citizens have the right to participate in the democratic life of the Union (Art. 10, para. 3 TEU)²⁰, this still corresponds to a skeptical attitude toward democracy. However, there are borderline cases. For example, the demand of the AfD in its election manifesto for the 2019 European elections to abolish the European Parliament and return legislative competence to the institutions of the member states (AfD 2019b: 12) is to be understood as an attack on the democratically constituted EU and its understanding of democracy laid down in Article 10 TEU and can therefore be attributed to an anti-democratic attitude towards the EU. In contrast, the demand formulated in the AfD's previous key motion on the European election program for 2019 to transform the European Parliament into a European Assembly of a maximum of 100 delegates appointed from the member states, who are to be elected by the national parliaments in proportion to the strength of their parliamentary groups (AfD 2019a: 8), can at first glance still be classified as "sceptical of democracy". Thus, it can be argued that the principle of representative democracy, which constitutes the democratic constitution of the EU, can still be assessed as upheld even if Europe-wide elections are abolished and elected parliamentarians from the member states are sent in their place. As a convincing counter-argument, however, the EU's understanding of democracy can be cited in Article 10(2) TEU, since citizens are directly represented in the European Parliament at the Union level. Direct elections to the European Parliament are thus a central element of the democratic constitution of the EU and cannot be abolished in the course of institutional reform.

Provided that democracy is understood not only as a formal principle of collective decision-making but also as a way of life, the Charter of Fundamental Rights of the European Union, which came into force together with the Treaty of Lisbon in 2007, can be used as a further contractual starting point for drawing a line between sceptical democratic and anti-democratic attitudes toward the EU.²¹ According to this, anti-democratic attitudes also contradict basic principles such as freedom, equality, (ambiguity) tolerance and pluralism, which characterize democratic societies. According to this understanding of democracy, pluralism is particularly important as a structural element of the free and legal order (Fraenkel 1964) and as a resource for legitimacy. Pluralism thus becomes the normative reference point for freedom and diversity of individual opinions, interests and life plans (de Nève 2015: 46). In this respect, the Charter of Fundamental Rights of the European Union, which contains more than 50

²⁰ In addition to respect for human dignity, freedom, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, Article 2 TEU also lists democracy as one of the values "common to all Member States in a society characterised by pluralism, non-discrimination, tolerance, justice, solidarity and equality between men and women" (Article 2(2) TEU).

²¹ In contrast to the Treaty of Lisbon, the Charter of Fundamental Rights, which has equal status under the Treaty, was not signed by the two member states Great Britain and Poland, which can also be interpreted as a sign of the rejection of a more far-reaching common basis of values.

articles, lists in particular freedom of the media and their plurality (Art. 11(2)) and the diversity of cultures, religions and languages (Art. 11) as fundamental rights of the EU, which are to be respected by all member states in accordance with common values. One example of political demands that can be seen as direct attacks on the EU's understanding of plurality and must therefore be weighted as anti-democratic is the "abolition of gender mainstreaming" called for in the AfD's European election program (AfD 2019b: pp. 73). With the Treaty of Amsterdam (1997/1999), the EU had made gender mainstreaming, and thus also the recognition of gender equality, a binding directive to be implemented at national level for all member states. With the associated goal of establishing gender justice in all member states, the EU has acted firmly to ensure its democracy is established as a way of life.

At this point, a distinction can be made as to whether these are party-political statements that, as in the case described above, are directly directed against the constitutional EU's understanding of plurality or whether programmatic statements and government decisions by right-wing national parties in the member states can be observed here that constitute an attack on the member states' common values defined within the framework of the EU. It is difficult to draw a clear line, because if the Hungarian ruling party "Fidesz" propagates the traditional family image at the national level and in various contexts serves homophobic, anti-Semitic or racist resentments²², this also affects the common basis of values on which the member states of the EU have jointly agreed. In the case of Hungary, moreover, systematic interventions by Victor Orbán's government in the freedom of the press, freedom of research and teaching, the protection of minorities, and the independence of the judiciary can be observed, which, since they impose restrictions on Hungary's constitutional and living democracy, can be classified as antidemocratic or anti-democratic. Finally, the fact that attacks on the consensus of values and thus also on the underlying understanding of plurality in the EU multi-level system cannot be considered on levels that are detached from one another is shown by the proceedings against Hungary and Poland, which were initiated by the European Commission on the basis of corresponding national government decisions and are still ongoing, against the rule of law, which are directed against the encroachment of these member states on fundamental rights and against the systematic violation of the values laid down in Article 2 TEU, such as democracy and the rule of law, but also respect for human dignity and the freedom and equality of all people.

²² See for example the reactions to a cola advertisement with same-sex couples:
https://www.deutschlandfunk.de/getraenkewerbung-in-ungarn-an-cola-kampagne-entzuendet-sich.1773.de.html?dram:article_id=456010 (last access: 09/21/2020).

Conclusion

In the 2019 European elections, a wide spectrum of national right-wing parties stood for election, whose representatives had advertised with statements critical of the EU, such as the abolition of the European Parliament. Based on the observation that such party-political positions are largely undifferentiatedly recorded in media coverage as "EU-critical" or "EU-skeptical", this contribution developed a categorization proposal that should make it possible to distinguish in practice and also regardless of European elections, between EU-skeptical and anti-EU attitudes and between democracy-sceptical and anti-democratic attitudes towards the European Union. This seems necessary because, due to the rise of nationalism in some member states, it can be assumed that criticism of the EU will continue to be an important component of national election campaigns and will continue to be the point of reference for right-wing populist governments in the member states to justify domestic political action that runs counter to the common values of the European Union. The classification presented here offers the following added value: On the one hand, it makes it possible to expose anti-EU and anti-democratic attitudes of parties explicitly as such and to avoid being trivialized by the collective term 'EU criticism'. On the other hand, this demarcation makes it clear that criticism of the democratic legitimacy of the EU cannot automatically be traced back to an anti-democratic attitude and therefore cannot be stigmatized as anti-EU. The debate on the democratic constitution of the European Union must continue to be conducted publicly and diversely. This is especially true since the democratization of the EU is a process that is lived and developed by the citizens of the Union both through their political participation in the EU multi-level system and through their involvement in the debate on the future of Europe.

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