

Adis Merdzanovic, Kalypso Nicolaidis

## **A Citizen's Guide to the Rule of Law**

Why we need to fight for the most precious human invention of all time



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*ibidem*  
Verlag

## **Bibliografische Information der Deutschen Nationalbibliothek**

Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

Bibliographic information published by the Deutsche Nationalbibliothek

Die Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available in the Internet at <http://dnb.d-nb.de>.

Cover illustration: © copyright 2021 by Ari Saunders

ISBN-13: 978-3-8382-1541-9

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Printed in the EU

# Table of Contents

<b>Foreword: It's the Rule of Law, Stupid!</b> .....	<b>9</b>
<b>Chapter 1. Saving the Rule of Law</b> .....	<b>11</b>
What is the Rule of Law then? .....	12
A simple magic trick .....	12
Ask not (only) what it can do for you... ..	15
...also ask what you can do for the Rule of Law!.....	18
Coming up next .....	19
<b>Chapter 2. When rule of law meets EU accession</b> .....	<b>23</b>
The Twin Imperatives for the Western Balkans .....	23
Negotiating accession.....	23
Establishing legitimacy .....	25
What the Rule of Law is and why it matters.....	26
Going deep: Love and everyday gestures .....	28
Rule by Law and Rule of Law .....	29
“Liberal democracy” – beyond the buzzword.....	31
Fighting emperor Palpatine.....	32
What the people cannot decide.....	33
<b>Chapter 3. Rule of Law Promotion, EU-style</b> .....	<b>35</b>
Enlargement postponed or when Jean-Claude killed the mood.....	35
Reviving the relationship: the EU enlargement strategy .....	38
On the importance of being lawful.....	39
Recognise the problem and commit to solving it .....	40
Why elites don't like the rule of law .....	44

“Do as I say, not as I do” – Intra-EU problems with the rule of law .....	47
A gospel with no sinners .....	47
Between nukes and lawyers .....	48
The Importance of Being ROLF .....	52
<b>Chapter 4. The Fundamental Dilemma of EU Rule of Law</b>	
<b>Promotion</b> .....	<b>55</b>
Achieving Sustainability or Why Inconsistency Ruins Progress.....	57
Why consistency matters – and why it’s hard to achieve sometimes .....	58
Educating the Student.....	60
Promoting rule of law in the accession process.....	62
When the EU assesses the rule of law .....	64
Why rule of law promotion is more than the sum of its parts.....	66
Problem 1: Too much focus on institutions.....	67
Problem 2: Too much focus on political elites and state structures .....	69
Problem 3: Too much focus on means rather than ends.....	70
Reframing the issue: The rule of law promotion dilemma ....	71
The “second generation” of rule of law reform.....	71
Towards a better approach for rule of law promotion: the dilemma.....	74
<b>Chapter 5. Taking on the rule of law dilemma by being more ambitious</b> .....	<b>77</b>
Why?.....	78
Qui Bono .....	78
Don’t be shy!.....	79
Outsiders can be right .....	80

How? .....	83
From the laws on the books.....	84
...to the institutions of justice.....	88
...to politics and power structures... ..	89
... to, ultimately, socio-cultural realities.....	93
From the laws on the books to law in action.....	98
<b>Chapter 6. Taking on the rule of law dilemma by being humbler .....</b>	<b>103</b>
Why?.....	104
Contestability of interpretations.....	104
Diversity of national traditions.....	109
National autonomy.....	116
How? .....	119
Towards an ends-based approach.....	119
Two logics.....	121
<b>Chapter 7. Promoting the Rule of Law in practice: the “Living List” .....</b>	<b>125</b>
Conditionality revisited.....	126
Success cases? The Priebe Reports on North Macedonia and Bosnia-Herzegovina .....	129
The citizens’ “living list” .....	133
Five citizen-based principles to monitor the rule of law.....	135
The “living list” in practice.....	137
Towards a new strategy.....	157
<b>Chapter 8. Conclusion.....</b>	<b>161</b>
<b>References.....</b>	<b>165</b>





## **Foreword: It's the Rule of Law, Stupid!**

The rule of law really matters. But like oxygen, we only know it when it is missing. In fact, we hope to convince our readers in these pages that it is the most precious human invention of all time, pervading our daily lives. When we buy something in the shop, when we pay our rent, when we meet each other for a chat in a pub, or when we march in protest, we trust in the rule of law to protect us from governmental overreach, mafia godfathers, or the will of the majority in our society. As we take the rule of law for granted, we fail to see when it's under attack. And under attack it is around the world.

Indeed, the rule of law may be blatantly mocked and trampled in places far from Europe, from Hong Kong to Venezuela, or in its neighbourhood, from Ankara to Algiers. But, rule-of-lawlessness has also become a European disease.

This book is written in Europe, by two Europeans, with a focus on what is going on in Europe, both in the European Union and in countries aspiring to become members. But we hope that the book is relevant beyond Europe and beyond the challenges of EU enlargement. We will discuss developments in some specific countries in this book, but neither in detail nor in the necessary depth these cases would deserve. Our goal is to explore the rule of law and its contemporary challenges, not to discuss the intricacies of any particular circumstances of its breach.

Why is this 'a citizen's guide'? Because we explore this state of affairs from the point of view of citizens; citizens who want to understand what it is, why it is under attack, why this matters to them and what they can do about it.

If you care about freedom in our age but do not care for abstract jargon, this book is for you. While taking the issues seriously, we try to treat them with some levity so as to make concepts accessible and practicable. Throughout the book, we have added explanations of some important concepts in side boxes, which are meant as much to amuse as to explain.

We speak to rule of law newcomers as well professionals, bureaucrats, and NGO activists and NGO activists, who are already engaged in this field and have done so much to defend the rule of law. Above all, we offer this book to any citizen curious about the meaning of this seemingly technical term and perhaps, hopefully, wishing to spread the word.

The book draws in part on a 2012 publication prepared for the EU at the behest of the OECD and we are grateful to its co-author, Rachel Kleinfeld, for her contribution at the time.<sup>1</sup> Here, we have both substantially updated and broadened the initial perspective by exploring the current context which has heightened its demise, namely the rise of illiberalism and the decline of democracy in the Western Balkans and beyond. The book also assesses some positive steps taken by the EU in recent years, offers further recommendations and in doing so, hopes to empower citizens who seek to resist regression and entrench progress.

We wish to thank all our friends and colleagues with whom we have discussed these ideas in the past few years. In particular, we thank Dorian Singh for her assistance in finalising the manuscript. Adis Merdzanovic wishes to thank the Swiss National Science Foundation for supporting this research. And we wish to wholeheartedly thank the team at *ibidem*, in particular Valerie Lange, for their patience with us, their commitment to the subject, and their support throughout the publication process.

This book is dedicated to all the fighters for the rule of law, wherever they may be.

The authors  
Oxford and Zurich  
January 2021