

POLICY BRIEF



Rule of Law under Pressure: Why Europe must look to its Citizens, Values, and Networks

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Summary

This policy brief presents the perspective of the Horizon Europe project [Networks and the Rule of Law: Uncovering Socio-Economic Outcomes \(NET-ROL\)](#), which reconceptualises the rule of law as not only a legal arrangement but a social achievement embedded in citizen networks, informal norms, and everyday socio-economic outcomes. By shifting the focus from the judiciary to the societal conditions that enable or undermine accountability, NET-ROL offers a new lens for understanding why the rule of law may be weak and how it can be defended. This brief builds on the core project conceptual framework [Networks and the Rule of Law: Conceptual Framework](#).

Context

For more than a decade, the European Union (EU) has faced a deepening rule-of-law crisis among its Member States. 2025 was no exception, according to the World Justice Project (WJP), which reports that rule-of-law ratings declined in more than two-thirds of EU Member States. Slovakia has seen a rapid erosion of the rule of law, driven by legislation challenging the primacy of EU law, as did Poland

in the past, through its politically contested judicial reforms and staffing policies, with long-term consequences. Member States such as Bulgaria and Romania continue to struggle with judicial reform, endemic corruption, and weak institutional capacity (European Commission, 2025). Hungary, most notably, stands out for the systematic erosion of judicial independence (Scheppele, 2018) and for declines across all 8 sub-factors of the WJP Rule of Law Index. Older member states have not been immune to this trend. France and Italy, which score particularly poorly on criminal justice and civil justice, respectively, continue to lag (WJP, 2025).

Why does it matter?

The EU is a highly **developed legal order** that depends on national governments and courts to apply and enforce EU law. When the rule of law fails in one country, it weakens the entire Union's legal system and the internal market's level playing field.

The rule of law is recognised as a central aspect of **enlargement negotiations**, with reforms and the strengthening of the rule of law being fundamental to the process.

Moreover, rule of law extends beyond technical—legal and market considerations, as it is also an expectation of the EU citizens.

- » 68% of EU citizens say corruption skews public procurement.
- » 72% of EU citizens believe that the EU plays an important role in upholding the rule of law in their country.
- » 89% state that it is important that all EU Member States respect the core values of the EU, including fundamental rights, the rule of law, and democracy (Eurobarometer, 2024).

The EU has recently introduced more robust instruments, most notably the Conditionality Regulation, which empowers the Union to take direct measures, such as the suspension of payments or financial corrections, against Member States found to be violating the rule of law when receiving with EU funding. However, these instruments have thus far proven only partially effective as deterrents. Their implementation has been frequently contested in the Court of Justice of the EU (CJEU), and the European Court of Auditors (2024) has warned that without genuine domestic reform, these mechanisms risk devolving into mere “box-ticking exercises”.

Citizens: the overlooked guardians?

The challenge to the rule of law in the EU and beyond takes place against a background of general lack of consensus regarding its definition, measurement, and protection (Voigt 2012; Gutmann & Voigt, 2018). The rule of law is often predominantly equated with judicial independence, overlooking the role of other key institutions such as prosecutors (e.g., Carey et al., 2022). But even more importantly, NET-ROL argues that the rule of law is not only a legal phenomenon but also a social one. We believe that understanding the weakening of the rule of law requires attention to a wider institutional and social context.

Against this background, the NET-ROL project introduces a framework in which the rule of law is fundamentally linked not only to the independence of the judiciary and the separation of powers, but also to **societal norms and values** that have evolved and formed in the course of time and may be influenced by historically stable norms and informal rules or by relatively recent political economy relationships (von Jacobi et al., 2025). We argue that such societal factors matter for understanding the rule of law and compliance, as does citizens’ **ability to defend** their rights against arbitrary state action.

We distinguish three interconnected dimensions related to the rule of law:

1. Networks: Relationships among individuals, political actors, and organisations that either enable citizen accountability or permit elite capture and rent-seeking. We distinguish between:

a. O-groups: interest groups that may weaken the rule of law to gain political or economic power, e.g., favourable regulation, public contracts, or preferential tax treatment (Olson, 1982).

b. P-groups: groups that may strengthen the rule of law by raising awareness of violations, e.g., civic and professional associations, CSOs, community groups, and local initiatives (Putnam, 1993).

2. Informal institutions: Social behaviour is shaped through unwritten norms, values, and conventions, thereby influencing the effectiveness of formal legal systems (Voigt, 2018)

3. Socio-economic outcomes: Tracking lived experiences of access to services, impartial justice, and equality of economic opportunity. By linking the rule of law to everyday fairness, it could become tangible and defensible.

Where O-groups dominate, the risk of biased law-making, selective enforcement, and misuse of public resources, including EU funds, is higher. Where P-groups are active and protected by law, they can support independent journalism, strategic litigation,

whistle-blowing, and public debates, reinforcing rule-of-law safeguards. Where formal laws contradict the informal institutions, they risk becoming “empty shells” and ineffective at upholding the rule of law. Ultimately, strong rule of law delivers improved socio-economic outcomes by replacing opportunistic behaviour with impartial, predictable standards (Williamson, 1985).

The capacity of individual citizens to coordinate their behaviour to put an effective check on government can be crucial in keeping the government within its institutional confines. (Voigt 2018)

What’s next? Challenges remain

Putting citizens, including their networks and values, back into the analysis implies understanding the broader societal context in which the weakening or strengthening of the rule of law occurs. Placing networks, their configuration, and the web of their interactions — how information, influence, and resources flow — at the centre of the investigation means NET-ROL looks at the weakening of the rule of law from a new angle. However, this is easier said than done.

We currently observe various empirical contexts in which citizens do not defend the rule of law and do not respond to violations. Citizens can defend the rule of law only if they share an understanding of what it means and what counts as a violation — such as predictable laws, impartial enforcement, independent courts, and limits on government (Weingast, 1997). In theory, citizens can defend these principles by voting out incumbents, protesting, or engaging in civil disobedience, thereby raising the political costs of violations. In practice, however, shared understanding and mobilisation **cannot be assumed**. Perceptions vary across legal traditions

and political contexts (Gutmann et al., 2025), and thus engagement varies, and reactions to executive overreach are often weak, delayed, or even non-existent.

NET-ROL therefore investigates key questions related to this perspective, such as:

- *How do informal rules, norms, and values influence behaviour with regard to the rule of law?*
- *How do networks either strengthen or undermine the rule of law?*
- *Under what conditions do citizens mobilise in defence of the rule of law? And when do they remain silent?*

We start from the perspective that the rule of law is not just a matter of legal institutions and procedures; it is a collective achievement, deeply embedded in a society’s social fabric. It lives — or erodes — in the networks that structure society. Eighty-nine per cent of EU citizens agree that EU Member States should be more united in order to face current global challenges (Eurobarometer, 2025). If Europe wants a resilient rule of law, it must invest not only in courts, but in its citizens.

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