Table of Contents

Foreword: It's the Rule of Law, Stupid!	9
Chapter 1. Saving the Rule of Law	11
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
Chapter 2. When rule of law meets EU accession	23
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
Chapter 3. Rule of Law Promotion, EU-style	35
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 rul	e
of law	47
A gospel with no sinners	47
Between nukes and lawyers	48
The Importance of Being ROLF	52
Chapter 4. The Fundamental Dilemma of EU Rule of Law	
Promotion	55
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	e
structures	69
Problem 3: Too much focus on means rather than	
ends	
Reframing the issue: The rule of law promotion dilemma.	
The "second generation" of rule of law reform	
Towards a better approach for rule of law promotion:	
the dilemma	74
Chapter 5. Taking on the rule of law dilemma by being more	
ambitious	
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	
From the laws on the books to law in action	
Chapter 6. Taking on the rule of law dilemma by being	
humbler	103
Why?	104
Contestability of interpretations	104
Diversity of national traditions	109
National autonomy	116
How?	119
Towards an ends-based approach	119
Two logics	
Chapter 7. Promoting the Rule of Law in practice: the "Livi	ng
List"	125
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
Chapter 8. Conclusion	161
References	165