

## Introduction

The volume *Rule of Law: in Books, in Minds*, conceived as a special publication of the journal *Diritto and Questioni Pubbliche*, is intended to present the main scientific results of the PRIN 2022 Research Project “The Concept of the Rule of Law: Empirical and Analytical Perspectives” (CLEAR), funded by the European Union - NextGenerationEU under the National Recovery and Resilience Plan (PNRR) of the Italian Ministry of University and Research and coordinated by the University of Bologna in collaboration with the two local units of the Universities of Genova and Palermo.

The motivating hypothesis of CLEAR was that the concept of the Rule of Law is difficult to understand, particularly when compared with other, more autocratic and populist ways of organizing sovereignty, and that reducing this difficulty is an important and desirable aim in defending constitutional democracy against its enemies. Testing this hypothesis required us to answer an intricate web of research questions.

The first question is *theoretical* and twofold: what is the Rule of Law, can we identify at least a core conceptual structure for this elusive political and legal ideal? And can we identify one or a limited set of its enemies that reasonably count as alternatives to the Rule of Law and represent significant actors in the current political arena? These questions are philosophical: they require conceptual analysis in legal and political philosophy, knowledge of the history of legal and political thought, and normative perspectives on whether defending the Rule of Law is desirable and how.

The second question is *empirical*: can we reliably measure the understanding and support for the Rule of Law among ordinary people and legal experts, and can we do so in comparison with the alternative models? This is an inherently interdisciplinary question that connects philosophy of law with cognitive psychology: whether this is a question of experimental jurisprudence, of empirical philosophy of law, or simply of psychology of law was one of the methodological questions we had to address.

Finally, the third question is *practical*: is it possible to use the empirical results to reduce the difficulty of understanding the Rule of Law, for example by communicating its content more effectively? This is again an interdisciplinary question, connecting philosophy of law, cognitive psychology, and the field of design and communication studies currently known as legal design.

During CLEAR, which ran from September 2023 to February 2026, we undertook the challenging task of answering these questions: detailed descriptions of our theoretical, empirical, and practical conclusions can be found in the chapter of this volume titled “The Cognitive Load of an Internal Point of View over the Rule of Law,” as well as on the CLEAR website, which includes video presentations of the project’s hypothesis, methodology, and results, and on its YouTube Channel. The website can be found at <https://www.ruleoflawclear.eu/> and the YouTube Channel at <https://www.youtube.com/@rule-of-law-clear>. CLEAR also produced an educational video explaining the Rule of Law, available at <https://youtu.be/ahjTyouimwU>.

These results, however, would have been impossible without developing them against the background of broader collective research that involved all the members of the research group, as well as several other scholars who agreed to participate in the many workshops and congresses organized within this project. In this way, around CLEAR a community of scholars emerged who were interested in and willing to contribute to answering one or more of the project’s research questions. The outcome was a lively and challenging discussion brought forward from several different perspectives, all of which were intertwined around the main topics – a rich fresco, a witness to how scholars coming from different research interests found the project interesting. This volume purports to present the results of this wonderfully stimulating discussion.

The volume is organized into four parts.

In Part 1, titled *The Rule of Law: Structure and Challenges*, the reader will find contributions focused on the conceptual analysis of the Rule of Law and on some of the challenges it raises from the point of view of political and legal philosophy<sup>1</sup>.

Part 2, titled *The Rule of Law: Its Crisis and Its Enemies*, examines the contemporary crisis of democracy and the Rule of Law and claims to identify some of its most crucial factors. In this part, contributors also address the question of what alternatives to the Rule of Law exist and whether finding such an alternative is possible<sup>2</sup>.

In Part 3, *The Rule of Law in Minds*, after presenting the developments of the research brought forward in CLEAR, we have included contributions that, from different perspectives, address empirical research on the Rule of Law, or, more generally, the ways in which psychological questions can bear on the Rule of Law<sup>3</sup>.

Finally, Part 4, *Legal Design for the Rule of Law*, examines legal design as a tool for experimental jurisprudence, as well as the feasibility and constitutional admissibility of nudge-like design policies<sup>4</sup>.

We sincerely hope that, by reading these contributions, the reader can deepen her understanding of the Rule of Law and how theoretical, interdisciplinary, and empirical research can support it. CLEAR was, from the beginning, intended as research in defense of this ideal, which fosters pluralism and public, open deliberation. The richness, diversity, and depth of views that the scholars have contributed to this volume, we believe, constitute an important scientific contribution to this enterprise. We are very thankful to all of them and very proud of what CLEAR has been.

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<sup>1</sup> See REDONDO 2026, SCHIAVELLO 2026, GUASTINI 2026, VALENTINI 2026 and CAPRIATI 2026.

<sup>2</sup> BONGIOVANNI 2026, MAZZONE 2026, CHIASSONI 2026, KRISTAN 2026, PUPPO 2026, BISOGNI 2026, PIERDOMINICI 2026.

<sup>3</sup> ROVERSI et al. 2026, FERRER et al. 2026, SEGATTI 2026, RIZZI BRIGNOLI 2026, ROCCHÈ 2026.

<sup>4</sup> AGÜERO et al. 2026, BRESCIANI, ZULLO 2026.

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