

Summaries

Justitiële verkenningen (Judicial explorations) is published four times a year by the Research and Data Centre of the Dutch Ministry of Justice and Security in cooperation with Boom juridisch. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 3, 2024) is *Rule of Law and Research*.

An empirical approach to the rule of law. Some suggestions for a new research agenda

Marc Hertogh

The rule of law is under pressure. This development not only has far-reaching political and social consequences, but it also raises questions about the way in which scholars study the rule of law. Numerous books have been written about the rule of law, but despite all these studies (mostly in law and legal theory), we have not yet been able to explain the growing trend of rule of law erosion. This contribution therefore outlines some suggestions for a new – empirical – research agenda that aims to better understand the current developments and offers concrete starting points for policies aimed at strengthening the rule of law.

Research into accessible legal assistance: a strengthening of the rule of law?

Quirine Eijkman and Esther van Eijk

Accessible legal assistance is crucial to ensuring access to justice for all and essential for the rule of law and a functioning democracy. Many people in the Netherlands, especially vulnerable and disadvantaged groups, rely on frontline legal services at a local level for access to justice. Frontline legal assistance provides information and advice, while secondary legal assistance offers procedural assistance. When people face barriers, for example due to limited language proficiency or limited digital skills, in seeking assistance from frontline professionals, they may not be referred to a lawyer or a court, and thus be limited in their access to justice. Based on recent (empirical) research on the accessibility of (frontline) legal assistance, the authors reflect on the

question how research can contribute to access to justice and the rule of law in the Netherlands.

The Europeanisation of the Rule of Law in the Netherlands

Maarten Stremmer

This article discusses the impact of European integration on the Dutch rule-of-law system. It begins by outlining the historical development of the rule of law in the Netherlands. Next, it describes how the European Convention on Human Rights (ECHR), partly through the case law of the European Court of Human Rights (ECtHR), has come to function as a safeguard for the rule of law in the Netherlands, and how European Union (EU) law, partly through the case law of the Court of Justice, has later assumed a similar role. The article then points out that the Netherlands increasingly receives advice on matters relating to the rule of law from 'Europe', including from the Venice Commission and the European Commission. Based on the foregoing, the article reflects on the fact that the rule of law in the Netherlands is no longer shaped exclusively at the national level, but through interaction between national and European authorities.

We, the living women and men of flesh and blood. Play to live

Jelle van Buuren

A recurring element in the ideas of citizens with sovereign ideas is the rejection of the Dutch rule of law. Sovereign citizens therefore believe that they do not have to comply with laws and regulations. The paradox is that sovereign citizens do abide by their own rules of law, which take shape in alternative institutions. In these alternative institutions, role-playing and a play with fiction and magic unfold, which explains part of the appeal of sovereign thought. More interdisciplinary knowledge and insight into the function of fiction, fantasy and play in sovereign circles seems useful for scientific knowledge about radical or extremist dissatisfaction with the rule of law and how this manifests itself.