The Cognitive Load of an Internal Point of View over the Rule of Law

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ABSTRACT

The Rule of Law is increasingly challenged by populist models of government that offer simple and direct solutions unencumbered by rules. The CLEAR project investigates this phenomenon through the lenses of legal philosophy and cognitive psychology, advancing the hypothesis that the Rule of Law entails a higher cognitive load than its main alternative, which we call Populist Authoritarianism. Experimental results confirm that non-experts perceive Rule of Law concepts as more abstract and harder to process, whereas legal education significantly reduces this cognitive burden. To make these values more accessible, the project has developed "legal design" guidelines grounded in empirical data and produced an animated video for high school students, in which storytelling in a relatable school setting is used to transform the concept of Rule of Law into a concrete, contextualized, and emotionally resonant experience.

Lo Stato di diritto è sempre più messo in discussione da modelli di governo populisti che offrono soluzioni semplici e dirette, non vincolate da regole. Il progetto CLEAR indaga questo fenomeno attraverso le lenti della filosofia del diritto e della psicologia cognitiva, avanzando l'ipotesi che lo Stato di diritto comporti un carico cognitivo più elevato rispetto alla sua principale alternativa, che definiamo Autoritarismo populista. I risultati sperimentali confermano che i non esperti percepiscono i concetti dello Stato di diritto come più astratti e più difficili da elaborare, mentre la formazione giuridica riduce significativamente questo onere cognitivo. Per rendere questi valori più accessibili, il progetto ha sviluppato linee guida di legal design fondate su dati empirici e ha realizzato un video animato rivolto agli studenti di liceo, nel quale, attraverso l'uso dello storytelling in un contesto scolastico familiare, il concetto di Stato di diritto viene veicolato tramite un'esperienza concreta, contestualizzata ed emotivamente coinvolgente.

KEYWORDS

Rule of law, populist authoritarianism, cognitive load, internal point of view, empirical jurisprudence

Stato di diritto, autoritarismo populista, carico cognitivo, punto di vista interno, giurisprudenza empirica

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1. *Introduction: A Battle for the Rule of Law*

We live in an era in which the idea of unbridled, threatening power seems to be conceived as the distinctive mark of leaders, and hence is assumed to be particularly attractive for the electorate, where there is any, or simply "the people", where the former is not allowed to exist. Political debates in the Western world are increasingly saturated with the idea that legal procedures, conditions, and criteria – in a word: rules – assumed before decisions are made are limits to decisional power, coming to the detriment of effective intervention in problem-solving: They are the tools of bureaucracy, they say, impairing real development, weakening the action, vision, and will of strong individuals.

Of course, such ideas are not new. It was a mark of Fascisms to sanctify action, decision, will, and leaders over rules, limits, and conditions, which were instead conceived as values of the bourgeois social model, a model seen as corrupt, unjust, and unhealthy. Central among those bourgeois values was the ideal of the Rule of Law: no one can claim to be above the law, and all are equal before the law. When the world had to recover from the ruins of the unconceivable destruction that Fascisms brought to the world – a horror that was actively sought and conceived as the natural outcome of that ideology of limitless will and action – the ideal of the Rule of Law was taken up again as a central core of the new world order, and made even more substantial at both international and national levels, giving rise to the United Nations and the constitutional democracies of continental Europe. Now, again, it is under attack. The tension between an illusion of quick solutions based on instant action, on the one hand, and an ideal of reflective, slow – at times even suboptimal, but warranted – solutions based on shared procedures, on the other hand, is emerging again. And the second, again, is losing ground.

The battle for the Rule of Law has several dimensions. Political, first of all, because problems are real, and they need to be solved, and we must find ways to ensure that the supremacy of rules does not make this impossible. Economic, because the realization of a Rule of Law has several economic consequences, most of which are positive, but some may seem detrimental for a quick and efficient enterprise. We think, however, that this battle is also cultural, a struggle between conceptions shared by groups of people: on the one hand, the idea that rules are a value, because they ensure predictability of decisions and safeguard us against the arbitrary will of those who are in power; on the other hand, the idea that rules and guarantees can be detrimental to effective action and political representation of people's will and collective values. The extent to which the Rule of Law will be reduced in the near future in Western countries will depend on which of these two conceptions will prevail among ordinary people and officials.

We side with the Rule of Law, and, given our academic positions, we want to fight the cultural battle. The main reason why we think that rules (and, of course, rights) should always be conceived as supreme, and to limit the exercise of political power in all circumstances, is that only within a shared framework of rules can pluralism of views, conceptions, and values flourish: equal treatment before the law and rule-governed decision-making are a pre-condition for the co-existence of different traditions, cultures, and values, and this is not possible if those pre-conditions are not guaranteed. Hence, we believe that defending the ideal of the Rule of Law is not equivalent to defending one political ideology among many; the Rule of Law is the framework in which the diversity of political ideologies can coexist without any one ideology dominating.

Given this background, we submitted a research project proposal in 2022 to obtain grants from the European Union and the Italian Ministry of Education and Research. We suggested that the cultural battle in favour of the Rule of Law could be fought in a pretty simple way, namely, by effectively communicating that ideal to citizens. This was an interdisciplinary proposal, in which philosophy of law and cognitive psychology were put to work together: the former to define the conceptual "building blocks" of the Rule of Law properly, and the latter to study how people in reality process those concepts. The project was titled "Concept of the Rule of Law: Empirical and Analytical Perspectives (CLEAR)". In 2023, the Ministry announced that we had received the grant, and in this paper, we present the results.

2. *Introducing the Project CLEAR*

2.1 *The Intuition: The Battle for the Rule of Law as a Battle on Cognition*

There are many ways to fight the cultural battle in defence of the Rule of Law. Normative arguments about its justification can be deployed, for example, or sociological arguments about its positive impact on the social community can be framed. These are common strategies for addressing the topic from an academic perspective and are quite effective because both can support institutional design in favour of the ideal. Our approach, by contrast, is conceptual and communicative: it starts from the intuition that the concept of the Rule of Law is complex and difficult, and that we should study how people ordinarily conceive it to improve its understanding.

Indeed, the idea of the Rule of Law seems intuitively distinct from other political ideals, such as democracy or equality. It is grounded in a metaphor (how can the law, properly speaking, "rule"?), demands a significant degree of abstraction (what exactly do we mean by this thing called "the Law"?), and asks us to embrace the merits of a domain – the legal one – that is highly technical, formalized, and dominated by experts: a realm where ordinary citizens do not find it advisable to venture without assistance. And, surprisingly enough, when you ask these experts to define the idea, countless disputes arise about which elements are more fundamental (Limitation of power? Separation of powers? Certainty of law? Formal equality before the law? Protection of fundamental rights?), and even about whether there is a common conceptual core behind it[1].

[1] This aspect has been aptly treated in the specialized English-language literature under the title of the rule of law's contestedness at least since Radin 1989. It was later developed in connection with W. B. Gallie's notion of "essentially contested concepts", by Fallon 1997. See also Gallie 1955-1956. The most popular reference, however, is Waldron 2002. Our project is connected with a subsequent question: how this contestedness might be reduced. One of the present authors has previously addressed this challenge through conceptual analysis (Kristan 2017); here, we pursue it through a combined conceptual and cognitive-empirical approach.

It is no wonder that, when it comes to communicating the idea of the Rule of Law for educational purposes, the result can easily suffer the same problems typically associated with defining the concept. Consider, for example, the videos designed by the German-American artist, author, and animator Christoph Niemann on behalf of the European Commission to answer the question, "What Is the Rule of Law?" in an intuitive manner[2]. All the videos are beautiful, of course, but the question is whether they are effective in conveying the concept. They use the analogy of sports games and show us the consequences of unfair treatment under the rules of a game, of changing the rules of a game arbitrarily, and so on. The problem, however, is that the Rule of Law is not a game. While these videos are certainly masterfully designed and even fun, by transposing the idea into a ludic environment, they fail to convey the importance and urgency of defending the Rule of Law, as they do not concretely show what it means in people's everyday lives. Metaphors are frequently employed to render abstract ideas more concrete by substituting a word or phrase denoting the object of inquiry with a term referring to a different, more tangible object that nonetheless shares a relevant similarity with the former. In the case of the aforementioned videos, however, the gameplay metaphor transposes the notion of ordinary life in a rule-based polity into a domain that not only leaves the idea equally abstract but also de-contextualizes it. Games are activities we engage in for fun; ruling the political community and ensuring our rights are much more serious problems.

The problem of defining, understanding, and communicating the concept of Rule of Law is particularly relevant because political ideologies that do not consider the Rule of Law as a value – like those based on a more or less explicit defense of authoritarianism, or populism – seem much more understandable, less technical, and more concrete. If you ask someone to understand that a decision must be taken to solve a problem, and that this can be made quickly and effectively by the leaders in power, this seems straightforward. If, on the other hand, you ask someone to understand that the decision must undergo a complex scrutiny according to pre-defined rules, because otherwise in the long run this may lead to arbitrariness and not all cases are treated alike, and hence our rights are not guaranteed... this seems to require a much more cumbersome process of complex reasoning.

The project CLEAR was born on this assumption, that we found intuitively plausible: one of the reasons why the Rule of Law falls out of relevance and importance in the understanding of citizens of Western democracies, whereas populism and authoritarian attitudes find more and more appeal, is that the first is too hard to understand correctly, whereas the second rely on cognitively easier notions. If that is true, everyone interested in fighting the cultural battle in support of the Rule of Law should find a way to make it easier to understand. And if at least part of the problem is cognitive, part of the battle we must fight must start with an analysis of cognition.

2.2 *The Objective: To Understand the Cognitive Load of the Rule of Law and Reduce It*

A central notion for understanding the project is cognitive load: the effort required by the human mind to carry out a cognitive task, e.g., understanding a concept. In this context, we specifically refer to cognitive load as it relates to language comprehension and representation. When designing CLEAR, we realized that our basic intuition, as described above, could be framed by using that central notion: the general hypothesis, then, became that the idea of the Rule of Law may require a heavier cognitive load on the part of ordinary citizens than that needed by alternative, more authoritarian and populist models of organization of political authority. The main advantage of this reformulation, in our view, was that cognitive psychology provides methods for measuring

[2] The videos can be found here: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/what-rule-law_en#want-to-learn-more-watch-our-series-of-six-animations. The reader may also check Niemann's personal website at https://www.christophniemann.com/about/.

cognitive load; hence, ultimately, our intuition could be subjected to experimental investigation. We reasoned that if participants in an experimental study exhibited a heavier cognitive load when processing the concept of the Rule of Law than when processing the concepts of authoritarianism or populism, we would conclude that our intuition had been empirically supported. But this was not enough. Our aim was not only to demonstrate the cognitive complexity involved in understanding the Rule of Law, but also to identify at least some of the reasons for this complexity, so as to reduce it. Hence, we had to frame our experiments accordingly.

Formulated in this way, the research question and the methodological problems involved in building the experiments were distinctly psychological, with cognitive sciences being the domain in which they had to be addressed. However, legal philosophy could not be avoided when addressing the research question properly. What did we mean by the Rule of Law, and how could we single out the proper conceptual components of the notion? These questions had to be addressed to set up the experiments effectively. Moreover, we were assuming that there is a relevant alternative to the Rule of Law, which is less cognitively demanding, a model of organization of political authority that could be taken to be its opposite, its denial. But how could we frame this alternative, and how should one proceed to single out a set of conceptual elements that capture some of its most significant features? These questions require a significant amount of conceptual analysis, a task typically reserved for legal and political philosophers. So CLEAR could not but be a strongly interdisciplinary project.

Finally, as mentioned, we wanted the project to be significant in the cultural battle in defence of the Rule of Law; hence, we assumed that the empirical results obtained from the experiments could be used to improve the communication of the ideal to ordinary citizens. Was this a reliable assumption? Could we translate the experimental data into guidelines for an improved communication of the Rule of Law? This is a practical question, very much connected with that field of study that aims at conveying legal content more effectively and that is known as "legal design". Could we imagine a legal design of the idea of the Rule of Law drawing inspiration from our experimental data?

Hence, to summarize, CLEAR was designed as a research project with three objectives, each connected with the task of answering a few distinctive research questions: one theoretical, one experimental, and one practical.

1. *The first objective,* which was *legal philosophical,* was to identify some conceptual elements of the Rule of Law and of an alternative model, a model that had to be both theoretically grounded and relevant for the contemporary political dynamics. We did not aim at identifying the conceptual core of the Rule of Law and its alternative, but rather to build a theoretically grounded hypothesis about some of the conceptual elements that could be taken to be representative of the two models while also admitting an experimental treatment. Of course, this required a significant degree of simplification. Here, the relevant research questions were:

    a. Which concepts can convey the idea of the Rule of Law while being sufficiently simple to be treated experimentally?

    b. Which model of organization of political authority is incompatible with the Rule of Law, yet presents itself as a viable alternative in the contemporary political arena? What are the main features of this model?

    c. Which concepts can convey the idea of the alternative model while being sufficiently simple to be treated experimentally?

2. *The second objective,* which was *experimental and cognitive-psychological*, was to empirically determine whether the cognitive load experienced by participants when processing the conceptual

elements of the Rule of Law is greater than the cognitive load experienced when the same participants process the conceptual elements of the alternative political model. There was a kind of circularity between the research questions under (1) and those that we planned to address in order to fulfill this second objective, but it was a virtuous circularity: the experimental protocols set boundaries for our theoretical research, and they also had to be able to test our original conjecture. In this way, even though we knew that the conceptual elements identified in order to be empirically testable would have provided us only with a simplified version of the two models, still, they would have been sufficient to test our hypothesis. Here, the relevant research questions were:

a. Can we identify experimental paradigms that accurately and reliably measure and compare cognitive load, and if so, what are they?

b. Can we turn the conceptual elements of the Rule of Law and its alternative model into experimental materials that can be used within the experimental paradigms without significant explanatory loss, and if so, what are these materials?

3. *The third objective,* which was *practical-operational,* was to derive recommendations and guidelines from these experimental measures to improve the communication of the Rule of Law. Here, the relevant research questions were:

a. Can we develop experimental protocols that not only measure cognitive load, but that can also give insights into the reasons why cognitive load is heavier or lighter, so as to be the ground for practical recommendations about how to relieve that load? If so, what are these protocols?

b. What legal design recommendations and guidelines can be derived from these experimental insights to better communicate the concept of the Rule of Law to citizens?

We had two years of research to answer these questions. Before we turn to discuss how we addressed the main theoretical and methodological problems, let us present a summary review of the current state of research on the Rule of Law.

2.3 *The State of the Art: The Rule of Law Studies before CLEAR*

Ever since the expression "the Rule of Law" received its canonical articulation in late nineteenth-century English constitutional thought – most notably by A. V. Dicey[3] – it has been predominantly used to denote a set of requirements, principles, or institutional features that legal systems are said to instantiate to a greater or lesser extent. This mode of presentation should not obscure the fact that the ideas underlying the expression are much older, tracing back at least to Aristotle's reflections on law and reason in politics, to medieval conceptions of legality and limits on power, and to early modern constitutionalism. Yet from Dicey's own formulation through later elaborations, the Rule of Law has largely been approached in enumerative terms, often in the form of what is described as a "laundry list" of components[4].

While these lists differ in content, emphasis, and directions of fit, they share a common structure: the Rule of Law is treated as a complex ideal decomposable into distinct elements, each of which can be specified, interpreted, and assessed independently. Comparable enumerative ap-

[3] Dicey 1885.

[4] The expression is Waldron's (Waldron 2011, 3 ff.).

proaches have also developed outside the English-speaking world, around cognate concepts such as *Rechtsstaat* and *État de droit*, among others, which emerged within different constitutional and intellectual traditions, but display strikingly similar patterns of conceptualisation[5]. The literature that has grown around these traditions is vast and methodologically diverse, encompassing work across law, philosophy, and the social sciences. Rather than offering an exhaustive survey[6], this section of our paper reconstructs the state of the art by identifying and reconnecting the main distinctions that structure contemporary Rule-of-Law research, with the aim of bringing into view their underlying assumptions, their points of convergence and divergence, and the different *analytical*, *doctrinal*, and *empirical* questions they are designed to address.

The proliferation of enumerative accounts has not resulted in a single dominant list of Rule-of-Law requirements[7]. On the contrary, it has given rise to a series of recurrent internal distinctions that structure the literature. Most prominently, lists of Rule-of-Law components are often divided between *formal* and *substantive conceptions*[8], depending on whether they restrict themselves to procedural and institutional qualities of law or incorporate requirements concerning the content of legal norms[9]. Note that this formal/substantive divide is not a dichotomy. Indeed, it is often presented interchangeably as the opposition between *thin* and *thick conceptions*[10], which turns on the extent to which the Rule of Law is understood either independently of, or in conjunction with, broader moral and political values such as democracy, fundamental rights, or social justice. A further distinction is usefully drawn between *classical* and *institutional conceptions*[11]: the former are centred on constitutional constraints on public power, whereas the latter emphasise the effective functioning of legal institutions and the practical operation of law in both public and private relations[12].

While classical conceptions fit with the bulk of analytical and doctrinal approaches in the literature, institutional conceptions have proven particularly congenial to empirical operationalisation. They underpin a large body of work concerned with the measurement of the Rule-of-Law compliance through indexes, scorecards, and checklists that translate institutional performance – such as judicial independence, procedural efficiency, enforcement capacity, or legal certainty – into observable and comparable variables. The empirical approaches employed in this context have themselves diversified, ranging from large-scale data analysis with computational techniques to survey-based and experimental designs, often used in combination. This strand of research is closely associated with efforts to *promote the Rule of Law*, especially in transnational processes of integration and economic development. At the same time, it has generated an extensive *critical literature*[13], which interrogates not only the conceptual assumptions, normative commitments, and practical consequences of Rule-of-Law measurement, but also the very idea and practice of its promotion. More

[5] See at least Hayek 1955 and Carré de Malberg 1920. Heuschling 2002 offers a comparison of the three traditions.

[6] The following references, selected for illustrative purposes, attest to the diversity of the literature produced over the past fifty years alone: Kriegel 1979; Shklar 1987; Radin 1989; Laporta 2007; Nader, Mattei 2008; Pfersmann 2001, 53-78; Taekema 2021; Postema 2023; Rundle 2023; Waldron 2023; Tuori 2024, 589-614; Valentini 2025; Kristan 2026.

[7] The number of requirements notably varies from three to as far as eighteen (see, e.g., Waldron 2023, 14; Krygier 2019, 748).

[8] Most notably, Craig 1997. For a pushback to this framing, see Shklar 1987, 22 distinction between Aristotelian and Montesquieuan conceptions, and Waldron's cross-cutting emphasis of a proceduralist conceptualisation in, e.g., Waldron 2023.

[9] See, e.g., Fuller 1964 or Raz 1979 for formal conceptions, and Dworkin 1978 or Pavel 2021 for substantive ones.

[10] See Craig 1997, but contrast with Tamanaha 2004, 91, who treats the formal and the substantive as broad categories that each encompass thinner and thicker conceptions.

[11] Auersperger Matić 2019.

[12] See Krygier 2023 or King 2024 for the extension of the rule-of-law requirements to horizontal relations between private actors.

[13] In addition to Nader, Mattei 2008, see at least Meierhenrich, Loughlin 2021 for critiques from conservatives, feminists, critical legal studies, critical race theory, among others.

recently, empirical approaches have also been mobilised in studies of *erosion, capture, and destruction* of the Rule of Law, where the same instruments that serve promotional purposes are redeployed to diagnose systemic decline and assess the vulnerability of legal orders under populist or authoritarian pressures.

This diversity of lists, classificatory schemes, and considerations of measurement has, in turn, prompted a second-order literature concerned not primarily with the content of the Rule of Law and its compliance, but with what kind of concept the Rule of Law itself is and what kinds of disagreement it generates. Here, debates arise over whether the Rule of Law should be understood as an essentially contested concept or as a concept admitting of a shared core with peripheral variation[14]; whether disagreements concern the content of the concept or the scope of its application; and whether such disagreements are best characterised as descriptive, evaluative, or normative. These meta-conceptual discussions do not replace particular accounts of the Rule of Law, but rather reflect and systematise the persistent plurality of ways in which its components are identified, organised, appraised, or deployed across different contexts.

Like first-order literature, meta-conceptual discussions also track the distinction between analytical perspectives and empirical investigations. Although analytical approaches clearly prevail, empirical work at the meta-conceptual level is no longer confined to indirect inference or illustrative case studies. Recent research has begun to investigate empirically how the Rule of Law itself is understood, valued, and traded off by non-experts, thereby transforming questions traditionally addressed through conceptual analysis into objects of empirical inquiry. Consistent with the diversification mentioned above in first-order empirical legal studies, this line of research likewise benefits from a combination of text-as-data (i.e., computational) approaches and experimental design. Survey-based conjoint designs, in particular, have been used to examine which elements citizens associate with the Rule of Law, how they prioritise its components, and under what conditions they are willing to sacrifice them[15]. This emerging strand shows that disagreements about the Rule of Law are not only theoretical or doctrinal, but are also manifested at the level of attitudes, preferences, and behavioural trade-offs. What remained unexplored, however, is the cognitive dimension underlying these patterns: the effort required to process Rule-of-Law concepts, the sources of their relative difficulty, and the extent to which such cognitive burdens help explain the comparative appeal of simpler, more immediate alternatives. It is this gap – at the intersection of conceptual analysis and empirical investigation into cognitive processing – that the CLEAR project was designed to address.

3. *Theoretical and Methodological Issues*

3.1 *Defining the Rule of Law and Its Antithesis… and the Role of Legal Expertise*

Answering Research Question (1a) ("Can a single set of concepts be identified that are at least necessary, if not sufficient, to understand the idea of Rule of Law?") was not easy. The idea of the Rule of Law can be conceived in very different ways, as we have just seen in the previous section.

Despite this diversity, we shared the intuition that some conceptual elements could be taken to be common to the different conceptions. To support this intuition, we adopted a straightforward approach. We invited legal and political philosophers who have expertise on the topic, during seminars and congresses we organized, to provide tentative lists of the conceptual elements they considered essential to articulating the idea of the Rule of Law[16]. We also recorded video inter-

[14] See at least Burgess 2017 and the references from our footnote 1 above.

[15] Engst, Gschwend 2021. Gutmann et al. 2025.

[16] Here is the list of seminars and congresses with dates and locations: Carmen Pavel, "Taking Hamlet Out of the

views with leading scholars and collected what we regarded as particularly authoritative responses concerning the central features of the Rule of Law[17]. In addition, we conducted a free-listing anonymous survey in Italian and Spanish with over 100 participants, both with and without legal expertise[18], asking them to name the principal elements they associate with the Rule of Law. This allowed us to identify a set of elements that were mentioned most frequently. We then compared these results with the intuitions shared within our research group. Consequently, we chose to complement the empirical data with our group's theoretical understanding of the Rule of Law by incorporating a few additional concepts that we considered necessary and relevant, even if they were not among the most frequently cited.

Our experimental paradigms required us to translate concepts into concise terms and expressions, which were presented to participants before they performed a task (see § 3.1 below). Hence, the common conceptual elements that we found to be sufficiently shared had to be compressed into a list of terms and expressions that was adequately expressive of the Rule of Law and at the same time sufficiently short to be examined by a single participant, along with the one devoted to the alternative model, in a reasonable amount of time (not more than 30-45 minutes)[19]. Ultimately, we determined that a list of ten key terms and expressions related to the Rule of Law could effectively convey the concept: this was our answer to Research Question (1a). Here is the list of the ten words and expressions in Italian, along with their English translation:

Play: In Defense of a Substantive Conception of the Rule of Law", held online on January 22, 2024; Donald Bello Hutt, "Rule of Law and Political Representation", held at the University of Bologna on February 2, 2024; M. Victoria Kristan, "Violations of the Rule of Law: A Typology" (in Italian), held online on March 22, 2024; "Knowing the Rule of Law", a congress held in Italian at the University in Bologna on April 10, 2024 (speakers: Corrado Roversi, Marco Brigaglia, Andrej Kristan, José Juan Moreso, Marco Goldoni, Anna Maria Borghi, Luisa Lugli); "Rule of Law in the Light of Celano's Legal Theory", a congress held in Italian, English, Spanish at the University of Genoa on June 19-22, 2024 (speakers: Michel Troper, Leonardo García Jaramillo, Giuseppe Rocché, Matija Žgur, Mauricio Maldonado, María Beatriz Arriagada, José Juan Moreso, Miguel Fernández); Giuseppe Martinico, Leonardo Pierdominici, Corrado Caruso, "Aspect of Legal Sovereigntism" (in Italian), held online on September 5, 2024; Michael Sevel, "The Values of the Rule of Law", held online on November 18, 2024; Deniz Tokmak, "The Erosion of the Rule of Law: Lessons from Turkey's Shift to Hyper-Presidentialism", held online on December 11, 2024; "Experiences of Crisis. A Historical Survey of the Crisis of the Rule of Law", a congress held in Italian at the University of Palermo on January 16-17, 2025 (speakers: Marco Brigaglia, Corrado Roversi, Andrej Kristan, Mariano Croce, Giovanni Bisogni, Graziella Romeo, Mario Varvaro, Pierangelo Buongiorno, Monica de Simone, José Juan Moreso, Victoria Inostroza, Aldo Schiavello).

17 The interviewed scholars were: Brian Bix (University of Minnesota), Matthias Klatt (University of Graz), Pablo Navarro (CONICET, Argentina), M. Victoria Kristan (University of Bologna), Michelangelo Bovero (University of Torino), and Pierluigi Chiassoni (University of Genova). All received the same set of questions, namely: "What are, in your opinion, the most important elements of the Rule of Law? Not necessarily a complete list, but the most important in both an ethical-political sense and a structural sense"; "What are, in the current context, the main lines of 'crisis', 'fractures', 'fragility' of the Rule of Law?"; and "In your opinion, in the current context, what is the model that has the best chance of emerging as an alternative to the Rule of Law? What would be the central characteristics of this model and the reasons for its success?". The interviews can be accessed here: https://www.ruleoflawclear.eu/.

18 We developed an anonymous questionnaire, which was sent to experts (n = 25) and non-experts (n = 25) in each language to test which ideas they associated with the Rule of Law and with an alternative model. The group of experts consulted included senior law students, master's and doctoral candidates, university professors, practising attorneys, judges, and judicial system employees. The non-expert participants were drawn from a wide range of both university-educated and non-university-educated professions. The instructions for the participants were first to think of the concept of the "Rule of Law", and to write all the words/expressions that come to mind in relation to this concept. Afterwards, we asked them to think of an alternative model, different from the "Rule of Law" and also write all the words/expressions that came to mind in relation to this concept. Although anonymous, it was distributed in a targeted manner to ensure diversity in terms of gender, educational level, and social class.

19 The duration of the experimental session was limited to 30-45 minutes to reduce attentional decline, fatigue effects, and motivational drop. This procedure was adopted to ensure high data quality and to comply with ethical principles of participant well-being, in line with the Declaration of Helsinki.

- *Prevedibilità* - Predictability
- *Regole* - Rules
- *Diritti* - Rights
- *Tolleranza* - Tolerance
- *Imparzialità* - Impartiality
- *Limiti* - Limits
- *Separazione dei poteri* - Separation of powers
- *Uguaglianza* - Equality
- *Tutela* - Protection
- *Garanzia* - Guarantee

We found this list to be sufficiently representative of the main conceptual components of the Rule of Law because the latter can be expressed in terms of the former: the Rule of Law is a model of organization of political power aimed at making its decisions predictable and non-arbitrary, by way of rules that are taken to be supreme and counter-measures like the separation of powers. According to this model, political power must be limited so as to protect and guarantee the fundamental rights of citizens. This model serves the values of tolerance, impartiality, and equality. The list of terms hence expresses in a very synthetic way, so as to admit experimental treatment, a simplified but still explanatory reconstruction of the main components of an institutional design inspired by the Rule of Law, the social expectations it is meant to meet, its grounds of legitimacy, and its core values.

Notice that most of these terms are not technical. Of course, we could have included legal principles like "presumption of innocence" or "legal certainty" in the list, but doing so would have demonstrated our hypothesis in a very trivial way. If the list of expressions used to convey the concept of Rule of Law had been a catalogue of technical notions that only legal experts could understand, we would have ended quite inevitably with the conclusion that ordinary citizens do not adequately understand them. We wanted instead to show something more profound and more fundamental: even if cast in ordinary, non-technical, and familiar language, the idea of Rule of Law is difficult to understand, more difficult than the alternatives. For this reason, we included in the list terms like limits, rules, guarantees, and protection, and, in general, all the expressions included are ordinary, non-technical expressions, even though, of course, they can bear a more technical meaning in legal language. The only possible exception to this is the idea of "separation of powers", which requires some degree of constitutional culture. This concept was mentioned quite frequently in the anonymous surveys conducted in Italy and Spain, and it appeared among the most commonly cited by respondents both with and without legal expertise. Although in the Spanish questionnaire it was mentioned more often by experts, this was not the case in the Italian responses.

This reflection on the role of legal knowledge in understanding and interpreting the Rule of Law enabled us to refine the original hypothesis. Given that legal experts ordinarily deal with, and give specific technical interpretation of the concepts that appeared in our list, the idea emerged that perhaps legal education and practice could have been taken to reduce the cognitive load of these concepts: the more you use the concepts, the more you become accustomed to use them and process them, and perhaps you even develop a stronger emotional attachment to them. In previous articles that some of us had written on the cognitive elaboration of institutional concepts (Villani et al. 2022; Roversi et al. 2022), we had found experimentally, and discussed theoretically, the fact that legal experts indeed rate these concepts as lighter on some cognitive dimensions connected with cognitive load. Hence, we reasoned, if ordinary citizens without legal knowledge had found concepts related to the Rule of Law more difficult to process than those associated with the alternative model, perhaps this effect would have been mitigated with people having a legal education. Similar expertise effects have been demonstrated in neuroscientific studies examining electrophysiological responses to domain-specific concepts. Bechtold et al. (2019), for instance, reported that mathematics experts exhibited less negative N400 amplitudes to mathematical

words than non-experts, consistent with more efficient semantic processing in the expert group. Similarly, Troyer and Kutas (2017) observed a reduced N400 effect in Harry Potter experts relative to non-experts when participants processed Harry Potter-related language. Taken together, behavioral and neural findings converge in showing that greater expertise is associated with facilitated processing of domain-specific information. This introduced a new, crucial parameter that we intended to measure experimentally: how does the cognitive load implied in processing the concept of Rule of Law change with the increase of legal expertise? For this reason, we undertook to test three different groups of people: students in disciplines other than law, serving as non-experts, students in their first year of law studies, serving as semi-experts, and students in their fifth year of law studies, serving as experts. In Italy, students in their first year typically take the exam in Constitutional Law and Philosophy of Law after one semester, which implies that they can be assumed to have at least a basic understanding of the elements of the Rule of Law. Through this distinction, we aimed to measure the impact of legal knowledge on the understanding of the Rule of Law in a dynamic manner, from its emergence to its subsequent development.

What about the alternative model? How did we answer Research Question (1b) (Which model of organization of political authority is incompatible with the Rule of Law, yet presents itself as a viable alternative in the contemporary political arena? What are the main features of this model?)? In the several seminars and workshops that we held during the first year of CLEAR, it became apparent that some of the political concepts we initially regarded as the antithesis of the Rule of Law – such as populism, for example, or the more recent sovereigntism – in reality are not necessarily so. It is certainly possible to imagine a sovereigntist model based on national supremacy that respects the Rule of Law, and even populism, properly speaking, is more a model about the sources of legitimate power than a model about the way power must be exercised. The more we attempted to use these two as the relevant models that we had to consider as alternatives to the Rule of Law, the more the nuances and difficulties in framing the opposition became clear. However, populism and sovereigntism play a crucial role in the contemporary global political dynamics, tilting towards a disrespect of supranational law – the case of EU Law is paradigmatic, particularly when this requires member states to fulfil standards related with the Rule of Law – , hence we were not prepared to dismiss them as essential reference points for our alternative to the Rule of Law.

In defining the alternative model, we proceeded in a way not different from that adopted in the case of the Rule of Law. When asking experts in legal and political philosophy about the features of the Rule of Law, we also asked what they regarded as a radically alternative model to it. And the anonymous survey in which we asked both experts and laypeople to indicate which terms or phrases they associate with the Rule of Law also included a question about the possible features of an alternative model[20]. As it happened, when defining the list for the Rule of Law, we had to balance the outcome of the polls and direct questions to experts with the intuitions shared in the research group. If sovereigntism and populism cannot properly be taken to be the opposite of the Rule of Law, we realized that there exists a model of organization of political power that is clearly alternative to the Rule of Law, because it is precisely the model to fight against which the Rule of Law was conceived in the Seventeenth and Eighteenth centuries: this is absolutism, the idea of an unbridled sovereign power. Absolute monarchy, however, is not so relevant today, and we reasoned that we would have lost our grip on the contemporary political struggle if we had taken that as the appropriate alternative political model. The question then became: could we find a model sufficiently close to absolutism to serve as a genuine alternative to the Rule of Law, and sufficient-

[20] The question was so formulated: "Think of an alternative model, different from the 'Rule of Law'. Please write in the field below all the words/expressions that come to mind in connection with this concept. After each word/expression, press *Enter* and then write the next one. There is no right or wrong number of items to produce; what matters is to write the relevant ones without spending too much time thinking about them".

ly connected with contemporary sovereigntism and populism to be relevant as an explanatory category for contemporary political dynamics? And our final answer was: an exercise of autocratic power, based on the reclaim of the prerogatives of the sovereign State against international law, and grounded on a populist appeal to the will of the people and the good of the Nation as interpreted by the leader. We called it "Populist Authoritarianism", and we assumed that there is at least one, if not many, examples of this model available in the world, and responsible for the current deconstruction of the fundamental principles of the Rule of Law[21].

On this basis, we addressed Research Question (1c): Which concepts can convey the idea of Populist Authoritarianism while being sufficiently simple to be treated experimentally? A problem in addressing this question by asking people, "What are the features of a model alternative to the Rule of Law?" immediately emerged. Most people answered by citing negative, detrimental features of the model, like "dictatorship", "anarchy", "regime", or "abuse of power". But, of course, these are elements attributed to the alternative model only if this is considered from the point of view of their opponents. Our hypothesis required a comparison of the cognitive load involved in understanding the two models, and those terms and expressions did not describe the alternative model, but rather qualified it negatively. We wanted the terms and expressions used to convey the alternative model to the experimental participants to be descriptive of its inner mechanisms and values, just like in the case of the Rule of Law, to ensure that the effects observed were due to cognitive processing of the conceptual content of the political model rather than affective arousal. In fact, emotional content is known to modulate attention and increase processing time, acting as a confounding factor in the measurement of cognitive load. For this reason, to compare the cognitive load of the two models, we had to take the perspective of someone trying to understand the rationale behind both. Among many negative words and expressions provided to us by experts, two gave us this important insight: "shared values" and "nation, country". These words are not necessarily negative, but defenders of Populist Authoritarianism typically use them. Could we find others? We decided to deepen our investigation by examining the discourse of political leaders who advocate for models of state organization that are critical of, or explicitly reject, the traditional Rule of Law. We analyzed speeches by political figures who we consider representative of this critical stance, including Viktor Orbán, Donald Trump, Matteo Salvini, Javier Milei, and Vladimir Putin, to identify recurring terms and phrases[22]. In addition, we organized a seminar on sovereigntism entitled "Aspects of Legal Sovereigntism"[23]. During this event, participants referenced a number of theorists who advocate for sovereigntist approaches. Hence, we decided to apply our terminological analysis to the works of theorists and ideologues who promote contemporary sovereigntist models[24].

In the end, we came up with this list of terms and expressions, shared by the research group:

- *Volontà* - Will
- *Decisione* - Decision
- *Popolo* - People
- *Tradizione* - Tradition
- *Patria* - Fatherland

[21] The expression "Populist Authoritarianism" is not meant to draw a sharp conceptual distinction from models discussed in the literature under labels such as "Authoritarian Populism" or "Autocratic Legalism". It is instead employed as a broader heuristic term, intended to capture a range of related configurations of government, including those phenomena.

[22] To track the frequency and patterns of these terms, we used the AI-based textual analysis platform *Voyant Tools*: https://voyant-tools.org.

[23] As mentioned above, the seminar was held online, in Italian, on September 5, 2024. The speakers were Giuseppe Martinico, Leonardo Pierdominici, and Corrado Caruso.

[24] Somma 2021, Becchi 2018, Salvini 2024.

- *Efficacia* - Effectiveness
- *Leader* - Leader
- *Unità nazionale* - National unity
- *Ordine* - Order
- *Crisi* - Crisis

We found this list to be sufficiently representative of the main conceptual components of Populist Authoritarianism in a way that elegantly mirrored our conceptual reconstruction of the Rule of Law: clearly simplified, but still explanatorily useful for the purpose of testing our original conjecture. According to this conceptual reconstruction, Populist Authoritarianism is a model of organization of political power aimed at expressing collective will through decisions taken by leaders. According to this model, political power must be expressive of the will and interests of the people and realize them with efficacy, so as to guarantee social order and solve any crisis. This model serves the traditional values of the Fatherland and its unity.

Here, as in the Rule-of-Law list, the terms included were not technical, hence we could assume that the possible difference in cognitive load when processing the two lists would not be due to differences in familiarity with the words and expressions included, but rather to their conceptual content. And, conversely, if we had found that legal experts showed a cognitive load with the Rule-of-Law list lighter than that involved in processing this list of very basic, ordinary notions, we could have demonstrated a more significant impact of legal education, determined by a real conceptual change rather than simply a more frequent use of legal language.

In framing these two lists of terms and expressions, we encountered another significant complexity, which emerged from the contributions of comparative constitutionalists in the mentioned seminar[25]. With particular regard to contemporary sovereigntism, they argued that it is plausible to assume that supporters of this model employ some terms and expressions that are particularly relevant to the Rule-of-Law tradition, but in a sense transform their conceptual import by applying them differently. Four examples that emerged in the discussion were the concepts of democracy, freedom, identity, and power. Democracy is a value that is central to the Rule of Law. Still, it is also systematically advocated by supporters of sovereigntism, who interpret constitutional limits as subject to, not boundaries of, democratic will, and typically argue that supranational law can be detrimental to the realization of that will in sovereign countries. The same could be said about identity, which, of course, can be interpreted as constitutional identity in the sense of a realization of shared rules, principles, and values connected with the Rule of Law, but also as the traditional, national identity that sovereigntists claim to defend. Freedom can be intended as a fundamental right of individuals protected by the Rule of Law as a limit to the exercise of arbitrary political power, or as the freedom of people against boundaries and rules that are perceived to be "external" and not democratic, or also as a kind of unbridled, individual freedom that requires the elimination of the "bureaucracy" of rules. Finally, the term "power" can be used by highlighting its limits, as with "limitation of power" or "separation of powers", or by showing its effectiveness, as in "the power of the people". This is the reason why these terms – democracy, identity, freedom, and power – do not appear in the Rule-of-Law list, even though they appeared quite frequently in the questionnaires we had submitted.

In conclusion, we formulated a list of terms and expressions that we believed conveyed the main conceptual elements of the Rule of Law, and we identified an alternative model of political organization that could be expressed through an alternative list of terms and expressions. At that point, we were ready to proceed with the studies, but two more methodological questions required

[25] We are particularly grateful to Corrado Caruso, Giuseppe Martinico, and Leonardo Pierdominici for their insightful feedback on this topic. For further details on the perspective they shared with us during CLEAR, see L. Pierdominici, *Are There Populist Constitutional Heuristics?* in this volume.

our attention. The first concerned the disciplinary status of our inquiry – namely, whether research of this kind could properly be situated within experimental jurisprudence (§ 3.2). The second concerned the possible charge of paternalism implicit in our objective of enhancing the public understanding of the Rule of Law through cognitive interventions (§ 3.3).

3.2 *Experimental Jurisprudence on the Internal Point of View?*

The first question we found relevant was whether the kind of enquiry we were about to undertake, by making experiments in collaboration with cognitive psychologists on the cognitive load of the concept of Rule of Law, can be properly situated in the field of experimental philosophy, and more in particular of experimental philosophy of law, or, as it is now called, experimental jurisprudence.

The type of research we have undertaken can be considered as falling within the field of "experimental philosophy" (Knobe, Nichols 2008), and more specifically "experimental jurisprudence" (Tobia 2022, 2025) broadly understood. This is primarily due to the composition of the group – both legal philosophers and psychologists – and the methodology adopted, which brought together typically philosophical methods – the analysis of legal concepts and the formulation of very general, speculative hypotheses about legal-political dynamics – and empirical methods – the transformation of such general, speculative hypotheses into more specific hypotheses susceptible to empirical testing on the basis of validated experimental protocols.

Understood in this broad sense, the label "experimental jurisprudence" certainly applies to our research. However, some qualifications are necessary. Most works in experimental philosophy in general, and experimental jurisprudence in particular, focus on a more specific task: conducting surveys on the intuitions that certain categories of subjects have regarding targeted philosophical problems, including, in particular, problems concerning the determination of the extension and intension of lexical concepts. The latter has become the standard modality of experimental jurisprudence: a form of conceptual analysis in which the "armchair" methods traditionally employed by legal philosophers (introspecting their understanding of the concept at issue and their intuitions about its proper application, and identifying shared understandings and intuitions based on their knowledge of the context and conversations with colleagues) are replaced with experimental methods drawn from psychology (larger number of subjects, controlled conditions, statistical processing of responses, etc.).

If understood in this narrow sense, experimental jurisprudence is not extraneous to our research. A subset of it was indeed a freelisting survey, in which we asked subjects to indicate the elements they associated with the Rule of Law (and with Populist Authoritarianism) – a piece of experimental conceptual analysis. The identification of typical elements of the Rule of Law (and of Populist Authoritarianism), however, was not aimed at providing a fully-fledged empirical reconstruction of the concept, but it was rather a preliminary step in view of a different goal: measuring the cognitive load required to process the elements associated with the Rule of Law, as a proxy of the difficulty in understanding the idea of the Rule of Law (and its merits). The question we have dealt with is therefore straightforwardly and uncontroversially empirical: not the meaning of a term and the structure of a concept, but their psychological processing.

The fact that our question was empirical does not imply that answering it cannot be relevant for legal philosophy: as said, we defend a view of our discipline that is open to contributions from the empirical sciences, and we believe that empirical research can be set up by legal philosophers in collaboration with empirical scientists to enrich the description and explanation of the referents of concepts used in philosophy of law. Indeed, this project continues a line of inquiry in which empirical methods have been employed to investigate the cognitive underpinnings of key legal-philosophical concepts.

As already mentioned, in previous studies, some of us (Corrado Roversi and Luisa Lugli) have made experiments using psycholinguistic paradigms to study H.L.A. Hart's concept of internal point of view (see in particular Roversi et al. 2022). In that enquiry, Roversi and Lugli started with

the assumption, made by Hart, that a crucial aspect of the internal point of view of legal experts and officials, in complex legal systems, is a linguistic practice involving legal concepts made possible by rules, secondary rules in particular. Hence, Roversi and Lugli believed that a proper description of this internal point of view could be enriched by an experimental analysis of how the cognitive dimensions by which legal experts process legal-institutional concepts differ from those employed by non-experts. In the end, Roversi and Lugli found experimental results that indeed supported Hart's analysis and also the distinction between an epistemic and a practical aspect of the internal point of view. In general, legal experts find legal-institutional concepts more concrete and more contextualized than non-experts, and they attach a stronger emotional valence to them. Moreover, while non-experts perceive the strong emotional valence of general social concepts like justice, punishment, or validity, they seem not to be able to transfer this valence to legal concepts like contract, Parliament, or President: experts, on the contrary, draw the emotional connection more clearly. Those of us who had framed that study saw this research on the Rule of Law as an ideal continuation of it, namely, as a sort of experimental study on the internal point of view over the Rule of Law.

3.3 *Is this Paternalism?*

The second methodological problem that lingered behind this research, and that we could not avoid considering, was the potential charge of paternalism associated with our idea of strengthening the Rule of Law by improving its understanding among citizens using cognitive-based techniques. Aren't citizens autonomous enough, one might ask, to decide what it is that they want to understand and accept? However, in the end, we found that the risk of paternalism in our case was small and that it was justified in any case. The reason why it was small is that, as it will become clear in § 6, the kind of legal design we have come up with in the light of our experimental data was conceived as having an educational purpose, and hence as a very transparent and clear kind of nudge, if any. But we also thought that this kind of support to the Rule of Law would have been justified even if it employed more opaque techniques, because, as already mentioned at the beginning, the Rule of Law is not a specific value that, if instilled into citizens, hampers their autonomy, but rather the institutional framework that makes it possible for citizens exactly to exercise their autonomy in its greater extension without limiting that of others. To defend the Rule of Law is not paternalism, but precisely the opposite: it means to protect the conditions under which no government can be paternalistic.

4. *The Experiments*

4.1 *The Experimental Paradigms and their Underlying Ratio*

Let us show now how we answered Research Question (2a), namely, the problem of identifying experimental paradigms that could reliably measure the cognitive load associated with the two models.

In psycholinguistics, conceptual complexity is often linked to the difficulty of representing the word's referent. According to the embodied cognition account (Barsalou 1999; 2008; 2009), reading or hearing a word engages neural systems similar to those used in perceiving its referent – for instance, the word cup reactivates sensorimotor patterns tied to seeing a cup. Thus, the brain appears to "relive" the experience through language. Concepts with stable sensorimotor grounding are therefore processed more efficiently, as supported by extensive empirical evidence.

To reliably assess and compare cognitive load in processing Rule of Law and Populist Authoritarianism models, we adopted two paradigms, both rooted in the psycholinguistic perspective.

The first was a rating task, in which participants evaluated each word on a 7-point Likert scale across six dimensions that measure the extent to which the concept is connected to a sensorimotor

representation – for example, the degree of abstractness/concreteness, or the ease with which the human body can physically interact with the object or entity denoted by the word or expression. The second paradigm was a semantic categorization task. Participants read each word and decided whether it referred to a concept related to the governance of a country. Crucially, they were instructed to base their decisions on factual reasoning rather than on ethical or political judgments, independent of their personal political stance.

Assuming that both paradigms aim to measure cognitive load, we selected these two distinct tasks because the first captures an explicit, subjective evaluation of specific dimensions related to cognitive load, whereas the second assesses participants' implicit behaviour (e.g., reaction times) during a task that implicitly requires access to the deeper semantics of the word. Together, these measures may provide a comprehensive assessment of the cognitive effort required to process each word. Notably, both paradigms were implemented to also examine potential differences in expertise across the selected participant groups.

4.2 *Materials*

For both paradigms, experimental stimuli consisted of 10 words from the Rule of Law domain (e.g., Uguaglianza - *Equality;* Tutela - *Protection*) and 10 words from the Populist-Authoritarianism domain (e.g., Patria - *Fatherland*; Volontà - *Will*), as identified and described in § 3.1. For the second experiment, due to the nature of the task, a control list of 20 additional words was added (e.g., Amicizia - *Friendship*; Silenzio - *Silence*).

For the rating task (Villani et al. 2019; 2022), the dimensions selected as proxies for cognitive load were: abstractness-concreteness, body-object interaction, contextual availability, familiarity, social metacognition, and valence. Alongside the analyses of participants' ratings for each word on the six dimensions, we also conducted a cluster analysis to examine how words naturally group together. This data-driven approach allows us to see which words are perceived as similar across all cognitive-load-related dimensions. Words with similar ratings tend to form clusters, which provides an additional, more visual way to confirm whether the theoretical categories – Rule of Law versus Populist-Authoritarian – are reflected in participants' perceptions. If these two types of concepts are indeed processed differently, we would expect them to appear in separate clusters.

In the second experiment, participants responded to the words of the two lists and the control list presented individually. The task required participants to decide whether each word referred to a concept related to the governance of a country.

4.3 *Hypotheses*

Given the experimental paradigms we had framed and our theoretical framework, the hypotheses behind our research were translated into the following experimental hypotheses.

1. Rating on the six cognitive dimensions.

    a. FAM: Non-experts will find the terms and expressions of the Populist-Authoritarianism list *more familiar* than those of the Rule-of-Law list, whereas the opposite will hold for experts. Here, and with all the other dimensions below, semi-experts were included to examine whether the observed pattern exhibits a gradual continuum from non-experts to experts.

    b. ABS-CNR: Non-experts will find the terms and expressions of the Populist-Authoritarianism list *more concrete* than those of the Rule-of-Law list, whereas the opposite will hold for experts.

c. CA: Non-experts will find the terms and expressions of the Populist-Authoritarianism list *more contextualizable* than those of the Rule-of-Law list, whereas the opposite will hold for experts.

d. MESO: Non-experts will find the terms and expressions of the Populist-Authoritarianism list less dependent on instructions of others to be understood (in cognitive-psychological terms, *less dependent on social metacognition*) than those of the Rule-of-Law list, whereas the opposite will hold for experts.

e. BOI: Non-experts will find the terms and expressions of the Populist-Authoritarianism list easier to interact with (in cognitive-psychological terms, *more open to body-object interaction*) than those of the Rule-of-Law list, whereas the opposite will hold for experts.

f. VAL: Non-experts will find the terms and expressions of the Populist-Authoritarianism list *having higher positive emotional valence* than those of the Rule-of-Law list, whereas the opposite will hold for experts.

2. Reaction times.

   a. Non-experts will show *faster reaction times* while processing the terms and expressions of the Populist-Authoritarianism list than in the case of the Rule-of-Law list, whereas the opposite will hold for experts. Semi-experts were included to examine whether the observed pattern exhibits a gradual continuum from non-experts to experts.

3. Cluster analysis.

   a. We did not have any specific hypothesis regarding cluster analysis, because we hoped that it could give us further hints for a proper description of the differences in the way experts, non-experts, and semi-experts conceptualize the Rule of Law and Populist Authoritarianism. However, we hoped that the analysis would support our conceptual reconstruction of the two models.

5. *Discussion of the Experimental Results*

Details about the experimental paradigms and experimental results, with averages, statistical significance, and graphs, are given in a separate, forthcoming paper[26]. Here, we will limit ourselves to discussing the results in relation to the hypotheses framed above.

Overall, we can say that our experimental data confirm the main hypothesis behind CLEAR. The cognitive dimensions that are most typically connected with cognitive load, namely, familiarity, abstractness/concreteness, and context availability, show the pattern that we expected: non-experts find the terms and expressions associated with the Rule of Law less familiar, more abstract, and less contextualizable than those of Populist Authoritarianism. In contrast, among experts, this pattern was reversed as Rule-of-Law concepts seemed to be more contextualizable, more familiar, and equally concrete as the Populist Authoritarianism ones. Moreover, non-experts show lower reaction times when processing the latter than when processing the former. On the

[26] The data, along with videos and further materials that explain our approach, will also be accessible on the website of project CLEAR at https://www.ruleoflawclear.eu and on a YouTube channel at https://www.youtube.com/@rule-of-law-clear.

other hand, experts process the Rule-of-Law list more quickly and find the terms and expressions included therein more familiar and contextualizable than those associated with Populist Authoritarianism. Semi-experts are in the middle between experts and non-experts, both in degree of familiarity with the Rule-of-Law list and with regard to reaction times, and in general – perhaps not surprisingly, given their role as students at the beginning of their university courses – they perceive feedback from others to be most significant for understanding all the terms and expressions considered. This supports our original intuition: non-experts find the terms and expressions associated with Populist Authoritarianism easier to understand than those related to the Rule of Law, but legal education reverses the trend into its opposite through a high degree of problematization and instruction from others. In the end, law experts process the terms and expressions associated with the Rule of Law with the lowest degree of cognitive load. The Rule of Law is more difficult to understand than Populist Authoritarianism, but education in law and legal matters can rebalance this disadvantage.

Note that this is not connected with the problem of justifying or embracing one of the two models: the data about emotional valence are pretty clear in this regard. All our participants – be they experts, non-experts, or semi-experts – in a sense declared their adherence to the Rule of Law by attaching a much higher positive emotional value to the terms and expressions in the associated list. Still, non-experts find them challenging to understand. We mentioned above (§ 3.2) the distinction between an epistemic and practical internal point of view, which traces back to Neil MacCormick's distinction between a "cognitively" and "volitionally" internal point of view (MacCormick 1978, 292). Here, the data show that, even when non-experts express their adoption of a practical internal point of view towards the Rule of Law, they still do not perceive themselves to be fully internal epistemically. The connection between the two starts to emerge only with legal education. This evidence can be interpreted to support Hart's insistence on the crucial role of legal officials and legal experts in adopting a full-fledged internal point of view to support the existence of a legal system. However, our results also show an interesting picture of the dynamics of cognitive load depending on legal education: while non-experts show signs of higher cognitive load when processing the Rule of Law than in the case of Populist Authoritarianism, and experts show the opposite pattern, in the case of semi-experts there is an overall increase of reaction times while the pattern moves towards that of experts. This, paired with the significant difference between perceived social meta-cognition in experts and semi-experts, provides evidence to support at least two conjectures about the epistemic internal point of view towards the Rule of Law. First, the internal point of view is the product of a process of emergence, hence its attribution is not an all-or-nothing matter: Hart's distinction between "ordinary citizens" and "legal experts and officials" must be shaded into different degrees of internality, a conclusion that confirms our previous results on institutional concepts and the internal point of view (see Roversi et al. 2022, sec. 4.2). Second, the emergence of the internal point of view is connected with a sort of epistemic caution, perhaps a glimpse of that "critical reflective attitude" which Hart assumed to be a crucial feature of the internal agent, and this caution is intertwined with epistemic delegation, a perception that we depend on others, presumably experts, to get things right. These conjectures enrich Hart's picture of the dichotomy "external vs internal point of view" in a significant way.

Intuitively, one might expect that the results regarding emotional valence and the practical internal point of view over the Rule of Law could vary depending on the political orientation of our participants. However, this conclusion is not supported by our data. Although we were unable to recruit participants from across the full political spectrum, we asked our experimental participants to express their political placement on a spectrum from left to right on a scale from 1 to 10, and we performed an analysis to determine if our data varied by this factor. The answer is no. Our results are not affected by political orientation. Interestingly, there is an effect of political orientation on the cognitive dimensions of abstractness/concreteness and emotional valence, but this holds in general, not in connection with one of the two lists in particular: participants declaring a right-wing political orientation tend to rate all terms and expressions as being more positive and more concrete.

It is important to note that these results are supported by two different experimental paradigms: that based on the ratings given by participants on different cognitive dimensions, and that based on reaction times when performing a task. The two paradigms are complementary, because ratings are, of course, dependent on biases and personal evaluations, but reaction times involve a process of elaboration that is implicit, hence not so easily accessible by the participants who perform it and by their biases in evaluation. The fact that the two paradigms confirm the same result, therefore, provides mutual support to both. Moreover, cluster analysis on the ratings given by legal experts tends to put terms and expressions in the Rule-of-Law list together, and this can be taken as an indirect support to the original formulation of that list.

The results of the cluster analysis are not straightforward to interpret, beyond the general observation that they tend to support the division of terms and expressions between the two lists for experts. What is particularly interesting, however, is that while both experts and non-experts show clearly differentiated clusters in terms of cognitive load – with no overlap – semi-experts present a different pattern. In their case, the clusters partially overlap. This suggests that semi-experts do not display a strong differentiation in the distribution of cognitive load across the terms and expressions considered. In other words, they do not distinguish as clearly between Rule-of-Law and Populist-Authoritarianism concepts along the various dimensions connected with cognitive load. This result aligns with our findings on social metacognition, which show that semi-experts experience greater uncertainty about the meaning and interpretation of the terms and, as a result, report a stronger need to rely on others than experts do – regardless of the list. Their lack of clear conceptual differentiation is also reflected in the data about reaction time: semi-experts are generally slower than experts when evaluating terms from both lists. Taken together, these patterns suggest that semi-experts may have developed a broad sense of uncertainty regarding the meaning and interpretation of these concepts.

Importantly, this heightened sense of epistemic uncertainty among semi-experts may represent a crucial anchor point for interventions aimed at reducing dogmatism and polarization (Rollwage, Fleming 2021) and, in turn, promoting the uptake of Rule-of-Law concepts. As described above, our data indicate a gradual trend: from a cognitive advantage for Populist-Authoritarianism concepts among non-experts, to an advantage for Rule-of-Law concepts among experts, with semi-experts positioned in between. Metacognition may play a mediating role in this trajectory, as increased awareness of one's knowledge gaps could reduce the conceptual rigidity observed in non-experts in favour of Populist-Authoritarianism concepts. That said, this interpretation must be treated with caution. While our analyses revealed a significant metacognitive difference between semi-experts and experts, the corresponding trend between non-experts and semi-experts – though numerically present – did not reach statistical significance. Disentangling the potential role of metacognition in shaping these patterns is therefore an important avenue for future research. If future studies confirm this role, classroom-based interventions could be developed aimed at increasing pupils´ metacognitive uncertainty about the more easily grasped Populist-Authoritarianism concepts while strengthening the more complex Rule-of-Law concepts in the process.

In general, our data strongly support the original intuition, and they do so in a way that seems relevant for our practical outcome – contributing to the cultural battle for the Rule of Law by providing elements that make this concept more accessible. Of course, our data show that legal education is strongly relevant for the education of citizens in Western constitutional democracies – at least if we intend to keep the Rule of Law as part of their necessary grammar – hence a straightforward argument could be built to support an educational reform by which all high school programmes should include an introduction to public and constitutional law, when these topics are absent, and educators should devote time and reflection on how to better include and expand as much as possible treatment of these topics in existing curricula. A way must be found to make the terms and expressions connected with the Rule of Law more familiar to everyone, and to introduce as early as possible in the education and development of democratic citizens the cautious, problematic approach that semi-experts show when they begin their legal studies.

Our data, however, can also be used to support the Rule of Law in a complementary direction. Educational interventions that upskill individuals are necessary but often require longstanding reform and a cultural shift. They may be complemented by other types of interventions that may reduce the distance between the legal approach and laypeople. Legal experts find the terms and expressions associated with the Rule of Law easier to understand because they perceive them as referring to concrete notions in a clear, perceivable context, with a stronger emotional value. When we arrived at this conclusion drawn from experimental data, we realized that a relevant question to culturally support the Rule of Law was: is it possible to communicate the elements of the Rule of Law more effectively, by making them more concrete, contextualized, and emotionally charged to citizens without dedicated legal education? Now that we knew the reasons why the cognitive load associated with the Rule of Law is higher for non-experts and lower for experts (Research Question 3a), we intended to understand whether these insights could be fruitfully used to improve the communication of the elements of the Rule of Law (Research Question 3b). Specifically, we sought to formulate guidelines for a cognitive-based legal design in support of the Rule of Law. The following section turns to what we did in CLEAR to address this problem.

6. *Data-informed Legal Design for the Rule of Law*

6.1 *Principles of Legal Design*

Legal design is a nascent discipline that has been variously defined, but there is agreement on the fact that it applies «a human-centred design approach to the challenges and structures of the legal system»[27] (Hagan 2020, 3). Since the law mainly deals with abstract rules and norms while design intertwines with the tangible, lived experiences of human beings, these two domains may seem very distant. However, they both share the goal of addressing complex human issues and maximizing individual outcomes within a system (Hagan 2020, 4). To do so, legal design applies a broad range of evidence-based methods and shared principles to a multitude of legal artifacts that encompass documents, products, services, policies, and laws to make them more straightforward, engaging, and user-friendly[28]. Such legal artifacts constitute material manifestations of the law's rationale, values, and ideologies and shape the interaction between the individual and the law (Koulu 2024).

One of the main Copernican turns initiated by the introduction of a human-centered perspective to the legal system is the necessity of considering the needs of all the "users" of the law beyond the traditional categories that, as mentioned earlier, are associated with it, such as lawyers, judges, and legal practitioners. The law is often incomprehensible and unusable by those who have not received dedicated training, despite the reality that *ignorantia legis non excusat*. There are many domains of life where human beings interact with legal norms without resorting to a legal practitioner (e.g., when concluding contracts or when setting one's own privacy preferences on a device) and thus need to have at least some understanding of it. In light of the data presented in these pages, effective legal communication and shared legal education acquire a renewed importance for strengthening the Rule of Law in contemporary democratic societies. This goal is in line with the proactive approach adopted by legal design as it intends to drive desirable outcomes, rather than merely addressing the consequences of failure and punishment.

The paradigm shift brought about by legal design has been caused, in part, by the central role that visual culture increasingly plays, fuelled by the digitalization of all domains of socie-

[27] Such a predominant perspective has been criticized, because of the many other conceptualizations of design and related research methods that can enrich the legal design spectrum. Discussing this issue is not the goal of this article – thus, we refer the reader to Le Gall 2021.

[28] See in this regard the *Legal Design Manifesto* (2018) (available at: https://www.legaldesignalliance.org/).

ty (Berger-Walliser et al. 2017). The visual turn has found fertile ground in legal research and practice, where the combination of words and graphical means enhances the effectiveness of legal communication, which has traditionally been text-based and devoid of visualizations. Legal design is not confined to document design and visualization, but encompasses many other tangible manifestations of the law ("legal artifacts"). However, multiple visual means can serve legal purposes, as variously explored and demonstrated by legal design scholars and practitioners (see, e.g., Rossi et al. 2019; Haapio, Passera 2021). In this contribution, we find it helpful to focus on design patterns that can communicate complex legal information to a varied audience.

Design patterns are reusable, extensible solutions to commonly occurring problems. Originating in architecture and software engineering, these patterns have been adapted to legal contexts to improve interdisciplinary communication, share best practices, and inspire innovation (Haapio, Hagan 2016). Legal design patterns have established themselves as purposeful tools to enhance the clarity, usability, and accessibility of complex legal content, such as contractual clauses and privacy terms that are often written "by lawyers for lawyers". The patterns can act as explainers, clarifying the meaning of clauses or contracts; support layering, which emphasizes key points while minimizing peripheral details; and guide layout choices to ensure content is readable, legible, and easily navigable. Patterns also facilitate navigation, helping individuals locate relevant information efficiently, and promote organizing strategies that structure content to be more practical and user-oriented (Rossi et al. 2019).

Visual representation patterns incorporate visuals to reduce cognitive load in processing complex legal information. Visual communication complements verbal text by providing an external representation of abstract relationships, disambiguating meaning rather than substituting written content. This process reduces comprehension costs through "computational offloading" (Haapio, Passera 2021), pre-processing information into meaningful models, and relieving readers from constructing associations independently. Examples include flowcharts depicting conditional workflows and comic contracts illustrating agreements through character-driven narratives for low-literacy audiences. The effectiveness of these visual techniques finds theoretical support in cognitive science. Research foundations derive from dual coding theory (Pavio 1971), which posits that human cognition operates through two functionally independent yet interacting systems: verbal memory and image memory. When words evoke corresponding images, both systems activate simultaneously, creating linked memory traces. This dual encoding enhances recall and comprehension, as imagery potentiates verbal material retention. Legal design thus optimizes cognitive processing by leveraging both linguistic and visual channels.

6.2 *Using Data to Create Legal Design Guidelines for the Rule of Law*

Legal design can meaningfully support the Rule of Law by addressing the core challenges in legal comprehension, contextualization, and engagement that CLEAR's empirical research has uncovered.

First, it enables the *concrete representation* of abstract legal concepts such as those related to the Rule of Law, thereby enhancing both understanding and memorization. Through visual communication techniques, legal design reduces cognitive load and facilitates more straightforward interpretation of legal norms.

Second, it provides *appropriate contextualization* by embedding legal information within real-world scenarios, making it more relatable and actionable for diverse audiences. This is particularly evident in the use of videos and storytelling, which situate legal content within everyday experiences and foster emotional resonance.

Third, legal design can increase the impact and memorability of legal messages by adding or *strengthening their emotional value*. This is particularly true when storytelling is employed: narrative-driven media can engage individuals not only cognitively but also affectively, encouraging reflection and ethical-legal awareness (Botes, Rossi 2024).

Fourth, to maximize these benefits, *legal design interventions must be carefully tailored*: designers

should reflect not only on *how* information is presented, but also *when*, *where*, *on which channel*, *for whom*, and *why*. Rather than merely delivering information, legal design can aim to tell stories and create opportunities for discussion and engagement.

Fifth, *the effectiveness of each intervention should be empirically evaluated*, ensuring that design choices lead to meaningful improvements in legal understanding and behavior.

Under these conditions, legal design offers a multidimensional strategy to reinforce the rule of law by making legal systems more comprehensible, contextualized, and emotionally resonant.

6.3 *The Outcome: A Video in the Educational Context*

Since its birth, the audiovisual medium has had a role in shaping our culture and our imagination across our society, affecting different fields of study. For example, the transformation of the cities during the twentieth century, and the consequent life change, has been accompanied by certain representations in movies, sometimes visionary, sometimes dystopian, that contributed to defining the image of the city as we perceive it today (Leone 2010). It is interesting to notice how the audiovisual medium has been sometimes used in technical and specific contexts, like in the urbanistic discipline, to operate analysis and to convey messages (Ciacci 2001). A similar thing can be said for cartoons. From a mere form of entertainment, they soon became an active means of cultural expression. Just to make some popular examples, *The Simpsons*[29] became capable of rendering a specific critique of a whole society, while the animated movie *Persepolis*[30], which tells the biographical story of a French-Iranian woman, touching on sensitive political issues, was awarded at the 2007 Cannes Film Festival and received universal praise from critics. Animated videos proved themselves to be a powerful tool to transmit knowledge and ideas. In recent years, video content spread all over the internet, and so did many educational projects that take advantage of the synthetic form of the animated drawing to convey complex ideas in a simple and effective way. One example is *TedEd*[31], an educational program that has a wide section of brief animated videos covering specific topics with a simple and catchy title. Another successful example is *Kurzgesagt*[32], a project that proposes longer animated videos with a unique graphic style, covering subjects from astrophysics to social problems with a specific attention to research and the involvement of scientists. These examples share one key point: they successfully manage to make complex concepts easier to understand, intercepting an audience that is sensitive to certain topics but doesn't have time and mental resources to deeply study the subject.

In an increasingly visual culture, videos are also employed in different types of legal communication as a means to enhance content accessibility, audience engagement, and comprehension. Videos can provide a concise overview of the key points within lengthy legal documents, such as privacy policies, serving as an appealing first layer of information, where more details remain available on demand (Rossi et al. 2019). By focusing on specific topics that benefit from audiovisual clarification, videos help demystify complex legal language and structures. Their format is often perceived as less time-consuming than reading full-text documents, thereby encouraging user engagement. Moreover, videos convey the tone and emotional context. Importantly, they also serve as inclusive tools, offering accessible legal information to individuals with limited literacy or unfamiliarity with legal terminology.

Storytelling in legal videos can significantly advance the Rule of Law by fostering empathy, enhancing comprehension, and encouraging engagement. Unlike traditional legal communication,

[29] The famous animated sitcom created by Matt Groening in 1989.

[30] Marjane Satrapi and Vincent Paronnaud (Satrapi, Paronnaud 2007), based on the graphic novel by Satrapi.

[31] This program is part of Ted, a non-profit focused on dissemination that developed a format for conferences. https://ed.ted.com/.

[32] German for "in a nutshell". https://kurzgesagt.org/.

which often relies on abstract and impersonal language, narrative formats allow viewers to connect emotionally and cognitively with legal content. Neurocognitive research demonstrates that when listeners engage with a story, their brain activity aligns with that of the narrator, and stronger neural synchrony leads to more effective communication (Stephens et al. 2010). This alignment enables the listener to internalize the narrative and gain insight into the lives and perspectives of others, which is essential for cultivating empathy and understanding (Neile 2009) within a pluralistic legal system. Moreover, stories act as portals to unfamiliar experiences, enabling audiences to imagine alternative realities and critically reflect on existing legal norms (Hansen 2021). By embedding legal principles within emotionally resonant and contextually rich narratives, storytelling in videos not only makes the law more accessible but also reinforces its legitimacy and relevance in everyday life, which can strengthen the foundations of the Rule of Law.

Of course, the effectiveness of videos depends on careful content selection and technical considerations, such as device compatibility, screen size, and viewing context. Accessibility should be ensured through subtitles or silent-mode display. Thus, it is essential to follow best practices in video production, including the use of interactive navigation tools, subtitles, and accessibility features, to ensure inclusivity and usability across contexts.

These considerations, along with the legal design guidelines drawn from our empirical research, provided the rationale for producing within CLEAR a video about the Rule of Law for educational purposes. As said, the animated video and the use of images in general presented a further advantage that was particularly interesting for the goals of CLEAR. The results of the research indicate that low cognitive load was associated with a perception of the terms as more concrete. Therefore, we wanted to present the information in a very concrete way to try to lower cognitive load. An image can represent an abstract concept, but structurally, it is always an image of *something*. Consequently, the exercise of translating concepts into images forced us to do exactly what we aimed for: switching from an abstract plane to a concrete one.

The first step was to define the goal of the video. Our intention was to use the information gathered in the research to make a video designed to better explain the Rule of Law, so that people could learn some of its key concepts with lower cognitive load. This approach was aligned with the guidelines previously defined for the institutions and could possibly work as an example.

The next step was to define the audience of the video. Since the purpose of the video was educational, a perfect match was identified in high school students. This consideration led to the idea of explaining the Rule of Law in a school context, which is rife of marks and exams. This would have had an impact in making the abstract concepts we wanted to cover more concrete and relatable to a familiar experience, thus lowering the cognitive load of the students. Defining the context in a school also has the advantage of possibly reaching a wider audience, since many could relate the story in the video to their own school experience. It could be argued that students could represent a difficult audience, since they are often unwilling to listen to content that comes from what is perceived as authority. This may be true when the content is presented in the form of a classical lesson, but it is important to consider how the information is delivered. Starting with a human-centered design approach, we wanted to take the students' point of view, identify an area of interest, and use it to capture attention and explain the concepts. For example, we identified notes and the perception of injustice as areas of primary interest to them. Following this, we defined the title as "Do You Know How to Defend Yourself from an Unjust Note?" (translated from the Italian original: "Sai come difenderti da un voto ingiusto?").

This approach has some benefits. First, it is a question, and it directly catches people's attention. Secondly, the title does not contain any direct reference to law or politics, which could activate an immediate preconception in the audience (e.g., the assumption that this is a lesson that must be studied). This is why the term Rule of Law is not mentioned until the end of the video, since we wanted to apply a bottom-up approach that moves from concrete representations to abstract concepts: first, we define a concrete situation made of actors, problems, and solutions, then we give it a name.

The problem-solution approach is also a common and effective way to make people empa-

thize with the story, which goes as follows: a new professor takes place in the classroom, and it is immediately clear he's a peculiar type of professor. He doesn't follow clear rules, and nobody understands what criteria are used to evaluate the tests. Since he wants to be popular, he generally gives good notes to everyone, and nobody protests. However, one day, a student makes a joke, and the professor gets offended. This results in a bad note for the student on the next test. She tries to defend her test, but, since the rules were not clear, it is easy for the professor to justify the note arbitrarily. At this point, the dean arrives with the rule book, explaining that whoever makes decisions must do so according to the rules and forcing the professor to apply specific criteria that lead the student to get at least an average note.

The video also makes use of analogies to render some concepts:

- the professor and the student are sitting on opposite plates of a balance, then the rule book falls on one plate, rebalancing it;
- the professor and the student are driving on two streets crossing each other, at the end of which there are their finish lines. They need to stop at the traffic lights in order not to crash into each other, but following the lights, they manage to both reach what they want[33];
- the writing "power" tries to expand, but a few hands draw walls around to contain it, and these walls create a house in which the student, the professor, and the dean are all present.

These images, while using the metaphor as a communication technique, are to be intended more like *visual metaphors*. This is important because a metaphor could potentially lead to a drastic change of context, drifting away from the concreteness that we were looking for. In our case, the metaphor is important to explain concepts, but it doesn't take the audience to a completely different context, which is possibly difficult to relate to daily life.

Character design and irony also play a fundamental role in keeping the attention high and in making people empathize with the story. The characters in the story are not just good or evil; they are human beings who want something: the professor wants to be popular, and the student wants to be promoted. With concrete images, the video tries to explain rules as a solution to the tension between different actors who want different things. In the end, they can all work together to establish and maintain a way of organizing society that is better for everyone.

Once a storyboard and an animatic[34] had been produced, we showed this first prototype to a few high school students and gather their feedback on the clarity of the content and of the purposes of the video. Future work should assess the effectiveness of the video more thoroughly with the prospect audience, for example the young people's comprehension of the concept of Rule of Law and the recall of the associated concepts.

The final version of the animated video can be found at https://www.ruleoflawclear.eu/impact-and-application/.

7. *Conclusion*

Overall, CLEAR arrived at three significant achievements. The first achievement is *theoretical*: the project made it possible to reflect on the conceptual elements of the Rule of Law, and on whether

[33] Of course, this analogy could present some problems if the audience was very young, since they would not be accustomed to driving in a city. Nonetheless, we believe that teenagers in high school are already used to it, given that the dynamic of traffic lights is familiar even for pedestrians who have no driving experience.

[34] An animatic is a pre-production tool that brings together all the sketched scenes that compose a storyboard and puts them in succession in a video draft with a preliminary soundtrack or voiceover. This is useful to test some aspects like timing, pace, and flow before fully animating the scenes.

and how it is possible to identify a model of organization of political power that is the antithesis of the Rule of Law. We realized that some elements of the Rule of Law are a question of values, some involve structural, institutional frameworks, and others assume very basic notions, like rule, or guarantee, and protection from abuse. We saw that there is a set of political ideas that could at first sight be taken to be "the alternative" to the Rule of Law, but not all of them are; some of these ideas must be connected together to be the real alternative, and some use the same notions that supporters of the Rule of Law use in a different way. We identified authoritarianism as the real model which is opposite to the Rule of Law, and populism and sovereigntism as possible attributes that can be added to the first, while retaining their conceptual autonomy. Populism and sovereigntism can exist without authoritarianism, and hence in principle they could comply with the Rule of Law. Authoritarianism, however, seems to be sovereigntist by definition, and it is typically populist in the contemporary political arena.

The second achievement of CLEAR is certainly *experimental*: we now have data about the way in which legal experts, non-experts, and semi-experts process terms and expressions that are central to the Rule of Law and its alternative, Populist Authoritarianism. These data are gathered based on two complementary experimental paradigms and are confirmed independently of political orientation. What these data show is not trivial: Populist Authoritarianism relies on notions that are easier to understand than those connected with the Rule of Law, and we need legal education to foster an attitude of problematization and reliance on others aimed at understanding and internalizing the proper elements of the Rule of Law. Moreover, on more technical jurisprudential grounds, these data provide further support to an experimental reconstruction of the internal point of view of legal experts, confirming previous findings according to which a crucial part of the epistemic internal point of view is the capacity to contextualize the relevant legal notions, thus making them more concrete and familiar. A new, original element that these data introduce for general jurisprudence is an experimental support to the distinction between practical and epistemic internal point of view, and to the idea that the former can be adopted without the capacity to adopt the latter.

The data also open a significant space for CLEAR's third *practical* achievement, namely, the construction of guidelines for a cognitive-based legal design in support of the Rule of Law. An important objective of this design, according to the data we gathered, is to make the crucial conceptual components of the Rule of Law more accessible, engaging, and rooted in a lived experience by putting them in a concrete and well-known context. This means avoiding abstract proclamations and showing their real consequences on the ordinary life of specific users of the law (in our example: students).

Of course, these achievements should not be taken as the final word on these matters: CLEAR leaves open several further questions and avenues for research. It could be asked, for example, whether the complexity of the Rule of Law can be studied under different experimental paradigms, thus showing further important aspects of the overall phenomenon. Perhaps the Rule of Law is more difficult to understand because it introduces a logic of indirect, mediated action rather than of straightforward achievement of a result? Or perhaps it is more difficult to understand because a logic of negation governs it (you *cannot* do this because there are limits, rules....) rather than a logic of affirmation (you *can* do this, you *can* achieve this directly and straightforwardly...)? Could these conjectures be supported on theoretical and experimental grounds? And could they lead to an even more effective legal design in support of the Rule of Law?

Further, the examination on psycholinguistic grounds of "the alternative" to the Rule of Law as a model that must be understood in its ratio, debatable as it may be, rather than only as the blurred logical cluster of all kinds of negative evaluations, is a promising line of research that seems to align well with findings from evolutionary psychology which show that authoritarianism may be a psychological tendency that is deeply rooted in evolution (Claessens et al. 2020) and biology (Lewis, Bates 2014). More specifically, it has been suggested that the tendency for authoritarianism is closely linked to the evolution of cooperative behaviour in humans: since cooperation

requires social conformity, this evolutionary adaptation may have predisposed humans to align with established social structures and to minimize perceived threats to group cohesion (Osborne et al. 2023). In addition, such a predisposition toward conformity may, in turn, contribute to reduced critical evaluation of new information and greater cognitive inflexibility (Van Hiel, Pandelaere, Duriez 2004). Empirical studies support this hypothesis, showing that individuals with stronger authoritarian inclinations often demonstrate lower cognitive flexibility and rely on less demanding cognitive strategies for processing information. Taken together, this research suggests that authoritarianism is not merely a collection of negative traits but rather a fundamental human tendency with deep evolutionary roots and, thus, deserves attention as such.

We hope that these avenues will be explored in the future. CLEAR was a wonderful and stimulating journey for us all, and most of all a meaningful one. As said, we believe the Rule of Law is under serious threat today, and its relevance is no longer as clear-cut as it once was, in comparison to the appeal of political models and paradigms that rely on force and make arbitrary, yet swift and visible, decisions. We also believe that it is a duty of intellectuals and academics to explain this ideal and to defend it with all means. It is the Rule of Law that limits the arbitrariness of power and opens the space of reasons in the political and legal arena. It has been the most wonderful and outstanding achievement of Western European legal culture in the last four centuries. In the face of bullies or even utter criminals who are currently acting in the international arena and claiming the right to do as they please simply because they possess brute power, let us all stand in defense of that ideal.

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