



Promoting *the*
Rule *of* Law Abroad

IN SEARCH OF KNOWLEDGE

Thomas Carothers

EDITOR

Promoting The Rule Of Law Abroad In Search Of Knowledge

**Michael Zurn, Andre
Nollkaemper, Randy Peerenboom**



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Promoting the Rule of Law Abroad Thomas Carothers, 2010-03-01 Over the past decade Carothers has established himself as the leading U S expert on democracy promotion He is a powerful critic not only of the nuts and bolts of democracy assistance but also of U S grand strategy overall SAIS Review Promoting the rule of law has become a major part of Western efforts to spread democracy and market economics around the world Yet although programs to foster the rule of law abroad have mushroomed well grounded knowledge about what factors ensure success and why remains scarce In Promoting the Rule of Law Abroad leading practitioners and policy oriented scholars draw on years of experience in Russia China Latin America Central and Eastern Europe the Middle East and Africa to critically assess the rationale methods and goals of rule of law policies These incisive accessible essays offer vivid portrayals and penetrating analyses of the challenges that define this vital but surprisingly little understood field Contributors include Rachel Belton Truman National Security Project Lisa Bhansali World Bank Christina Biebesheimer World Bank Thomas Carothers Carnegie Endowment Wade Channell Stephen Golub and David Mednicoff University of Massachusetts Amherst Laure H l ne Piron Overseas Development Institute Matthew Spence Yale Law School Matthew Stephenson Harvard Law School and Frank Upham NYU School of Law

PROMOTING THE RULE OF LAW ABROAD: The Problem of Knowledge Thomas Carothers, 2022 **Advancing Rule of Law in a Global Context** Heru Susetyo, Patricia Rinwigati Waagstein, Akhmad Budi Cahyono, 2020-02-25 The papers published in this proceedings volume are written by a selection of authors resulting from a call for papers for the 1st International Conference on Law and Governance in a Global Context ICLAVE originating from Indonesia and other countries This proceedings volume shall be a very valuable contribution to understand contemporary law issues in Indonesia which are not always taught in law schools These proceedings will not only serve as a useful reference for law students and academicians but also help law practitioners to understand law issues that may be encountered in Indonesia It covers selected items such as Administrative Law Constitutional Law Business Law Intellectual Property Law Criminal Law Human Rights Law Adat Law Shariah Law Judiciary Law and International Law which are all important for undergraduate and post graduate law students as well as academicians and law practitioners in the law community **Marginalized Communities and Access to Justice** Yash Ghai CBE, Jill Cottrell, 2009-12-16 Marginalized Communities and Access to Justice is a comparative study by leading researchers in the field of law and justice of the imperatives and constraints of access to justice among a number of marginalized communities A central feature of the rule of law is the equality of all before the law As part of this equality all persons have the right to the protection of their rights by the state particularly the judiciary Therefore equal access to the courts and other organs of the state concerned with the enforcement of the law is central These studies undertaken by internationally renowned scholars and practitioners examine the role of courts and similar bodies in administering the laws that pertain to the entitlements of marginalized communities and address individuals and

organisations access to institutions of justice primarily but not exclusively courts They raise broad questions about the commitment of the state to law and human rights as the principal framework for policy and executive authority as well as the impetus to law reform through litigation Offering insights into the difficulties of enforcing and indeed of the will to enforce the law this book thus engages fundamental questions about value of engagement with the formal legal system for marginalized communities **The Cambridge Companion to the Rule of Law** Jens Meierhenrich, Martin

Loughlin, 2021-08-12 The Cambridge Companion to the Rule of Law introduces students scholars and practitioners to the theory and history of the rule of law one of the most frequently invoked and least understood ideas of legal and political thought and policy practice It offers a comprehensive re assessment by leading scholars of one of the world s most cherished traditions This high profile collection provides the first global and interdisciplinary account of the histories moralities pathologies and trajectories of the rule of law Unique in conception and critical in its approach it evaluates breaks down and subverts conventional wisdom about the rule of law for the twenty first century *The Beginner's Guide to Nation-Building* James Dobbins, Seth G. Jones, Keith Crane, Beth Cole DeGrasse, 2007-02-08 Since the end of the Cold War the United States NATO the United Nations and a range of other states and nongovernmental organizations have become increasingly involved in nation building operations Nation building involves the use of armed force as part of a broader effort to promote political and economic reforms with the objective of transforming a society emerging from conflict into one at peace with itself and its neighbors This guidebook is a practical how to manual on the conduct of effective nation building It is organized around the constituent elements that make up any nation building mission military police rule of law humanitarian relief governance economic stabilization democratization and development The chapters describe how each of these components should be organized and employed how much of each is likely to be needed and the likely cost The lessons are drawn principally from 16 U S and UN led nation building operations since World War II and from a forthcoming study on European led missions In short this guidebook presents a comprehensive history of best practices in nation building and serves as an indispensable reference for the preplanning of future interventions and for contingency planning on the ground *Routledge Handbook of the Rule of Law* Michael Sevel, 2024-10-24 This Handbook provides a state of the art survey of the study of the rule of law across law the humanities and social sciences as well as insights into the practice of building the rule of law within and among states Its 28 chapters are by many of the world s leading scholars of the rule of law as well as distinguished junior scholars from a dozen countries and representing a number of academic disciplines The chapters are ordered to progress first from theory to the practice of the rule of law and second from the rule of law within to beyond the state They divide into three parts The first part examines the concept history and value of the rule of law This section considers the importance of political and intellectual history in shaping the concept over the centuries and takes novel philosophical approaches to the connection between the rule of law and other important ideals such as justice equality and civil disobedience The second part

transitions from theoretical studies to accounts of practical exercises in building the rule of law The chapters consider the challenges of rule of law reform including the use of local intermediaries facilitating interactions between international legal aid organizations and state governments the challenges of legal translation across vastly different societies the pathways of knowledge among the powerless about the protective potential of the rule of law as well as the possible future for artificial intelligence systems in helping to reinforce rule of law principles The third part examines the rule of law from a number of perspectives within particular supranational and national states such as the European Union China Singapore and South Africa among others and concludes by considering the prospects of the rule of law beyond the state both within and among international institutions such as the United Nations as well as non territorial spaces like the world s oceans This Handbook is aimed at rule of law scholars across law the humanities and the social sciences law and development practitioners policymakers and advanced students and researchers who seek a state of the art overview of the history theory and practice of the rule of law

Institutions, Ideas and Leadership in Russian Politics Julie Newton, William Tompson, 2010-06-23 A stimulating and thought provoking collection that challenges some of the emerging conventional wisdom about contemporary Russia It examines the role of leadership institutions and ideas and the interactions among them in shaping Russia s post Soviet transformation

Military Law Review, **Culture in Law and Development** Lan Cao, 2016-05-02 The growth of international law in the post World War II era stemmed partly from the belief that universal norms would make life for the entire world s population safer more equitable and more conducive to each person s acquisition of basic material needs Starting in the sixties and seventies some scholars and activists challenged this assumption and established the school of cultural relativism a model that pays deference to local cultural traditions and favors them over international human rights norms Scholars tried to create and practice a middle ground approach between universalism and relativism whereby the most egregious violations would be prevented through assimilating only jus cogens norms into indigenous groups existing cultural traditions Such efforts at combining a few select international norms with local cultural traditions largely failed Culture in Law and Development presents a provocative new solution to the seemingly intractable problem of combining international norms with local cultural traditions by changing culture through law and development In this book Lan Cao demonstrates how the gradual expansion of customary international law CIL provides a model for changing culture in ways that protect and advance local populations The book adopts a holistic view of development and argues that cultural norms that impede the human capabilities of the poor women and other marginal groups should be changed The book reveals how a more conscious coordinated effort on such change can succeed while non violative local traditions are otherwise honored and preserved Cao proposes that cultural change does not have to constitute cultural disrespect and that local societies only benefit by a careful combination of externally wrought change and internally fostered tradition

Rule of Law Dynamics Michael Zurn, Andre Nollkaemper, Randy Peerenboom, 2012-06-18 This volume explores the various strategies mechanisms

and processes that influence rule of law dynamics across borders and the national international divide illuminating the diverse paths of influence It shows to what extent and how rule of law dynamics have changed in recent years especially at the transnational and international levels of government To explore these interactive dynamics the volume adopts an interdisciplinary approach bringing together the normative perspective of law with the analytical perspective of social sciences The volume contributes to several fields including studies of rule of law law and development and good governance democratization globalization studies neo institutionalism and judicial studies international law transnational governance and the emerging literature on judicial reforms in authoritarian regimes and comparative law Islamic African Asian Latin American legal systems

The Spirit of Democracy Larry Diamond, 2024-07-02 A neatly structured survey examines the prospects for universal democracy A refreshingly evenhanded overview of democracy s global prospects Kirkus Reviews Meticulous and gleaned from his experience Diamond is at his best when he recounts how ordinary people affect the democratic process The New York Times Book Review In 1974 nearly three quarters of all countries were dictatorships today more than half are democracies Yet recent efforts to promote democracy have stumbled and many democratic governments are faltering In this sweeping vision for advancing freedom around the world Larry Diamond a renowned sociologist at the Hoover Institution at Stanford University and coeditor of the Journal of Democracy examines how democracy progresses He demonstrates that the desire for democracy runs deep even in very poor countries and why seemingly entrenched regimes like Iran and China could become democracies within a generation Diamond urges the United States to vigorously support good governance and free civic organizations Only then will the spirit of democracy be secured Diamond is eloquent in arguing that despite the recent blunders of American democracy promoters there is still a role for the international community in helping societies that are struggling to be free Foreign Affairs

Globalisation, Populism, Pandemics and the Law Findlay, Mark, 2021-07-31 Advocating a style of law and a role for legal agency which returns to its essential humanist ideology and represents public spiritedness this unique book confronts the myths surrounding globalisation advancing the role for law as a change agent unburdened from its current market functionality

Rebuilding the State Institutions Juan Antonio Le Clercq, Jose Pablo Abreu Sacramento, 2019-11-29 Contemporary Mexico faces a complex crisis of violence and insecurity with high levels of impunity and the lack of an effective rule of law These weaknesses in the rule of law are multidimensional and involve elements of institutional design the specific content of the laws particularities of political competition and a culture of legality in a country with severe social inequalities This book discusses necessary institutional and legal reforms to develop the rule of law in a context of democratic social and economic transformations The chapters are organized to address 1 The concept of the rule of law and its measurement 2 The fragility of the rule of law in Mexico 3 Structural reforms and implementation challenges 4 Social exclusion and the culture of legality The book addresses decision makers civil servants consultants scholars lecturers and students focusing on public policy rule of law sociology of

law legislative studies and practice impunity and areas of political philosophy The book presents an interdisciplinary and integrated approach for understanding the rule of law in Mexico taking into account national particularities the regional context and global comparisons Chapters discuss recent institutional reforms in Mexico from a critical point of view and explore possible next steps to achieve effective implementation This book addresses the links between a weak rule of law and social phenomena like insecurity violence corruption and democratic deficits

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends

Lawyers and the Rule of Law in an Era of Globalization Yves Dezalay, Bryant Garth, 2011-01-30 First published in 2011 Routledge is an imprint of Taylor Francis an informa company

Governance and Democracy in the Asia-Pacific Stephen McCarthy, Mark R. Thompson, 2020-03-17 This book explores the theoretical and empirical relationship between democracy and governance in the Asia Pacific region Examining a variety of country cases and themes addressing the theoretical tension between governance and democracy it illuminates how this impacts political and civil societies across the region Analysing the character structure and current trajectories of polities in the Asia Pacific democratic or otherwise this book demonstrates that the role of civil society political society and governance has significantly differed in practice from what has been

commonly assumed within the international community The book includes both theoretical investigations tracing the modern development of the concepts of governance development and democratization as well as regional and country specific observations of major issues presenting comprehensive country level studies of China Singapore Thailand Cambodia the Philippines Myanmar Fiji and the Solomon Islands Presenting fascinating insight into non democratic governance civil society and the rule of law in illiberal contexts Governance and Democracy in the Asia Pacific will prove to be of great use to students and scholars of Asian politics and society as well as international and comparative politics Laws and Societies in Global Contexts Eve Darian-Smith, 2013-01-31 This text promotes a more global sociolegal perspective that engages with multiple laws and societies and diverse sociolegal systems based on very different historical and cultural traditions interacting on multiple local national and global levels The approach to global legal pluralism seeks to provide a framework for envisioning new global governance regimes that move beyond state based solutions to deal with trenchant transnational challenges

Collected Courses of the Xiamen Academy of International Law, Volume 3 (2010) The Xiamen Academy of International Law, 2011-06-22 The Collected Courses of the Xiamen Academy of International Law contain the Summer Courses taught at the Xiamen Academy of International Law by highly qualified international legal professionals The Third Volume of the Series contains the following articles New Trends of International Law in the Era of Globalization Stephan Hobe Tradition versus Harmonization in the Recent Reforms of Contract Law Ole Lando Constitutional Functions and Constitutional Problems of International Economic Law in the 21st Century Ernst Ulrich Petersmann International Law A System of Relationships Malcolm N Shaw QC The International Law of Watercourses New Dimensions Patricia Wouters The Xiamen Academy of International Law aims to promote academic exchanges among legal communities across the globe encourage examination of major international issues and by so doing seek ways to improve the possibilities for world peace and international cooperation It seeks to achieve this aim by providing the highest level of education to individuals particularly those from Asian countries interested in the development and use of international law persons such as young lecturers in international law diplomats practitioners of transnational law government officials in charge of foreign affairs and officials of international organizations

Strengthening the Rule of Law through the UN Security Council Jeremy Farrall, Hilary Charlesworth, 2016-04-14 The UN Security Council formally acknowledged an obligation to promote justice and the rule of law in 2003 This volume examines the extent to which the Council has honoured this commitment when exercising its powers under the UN Charter to maintain international peace and security It discusses both how the concept of the rule of law regulates or influences Security Council activity and how the Council has in turn shaped the notion of the rule of law It explores in particular how this relationship has affected the Security Council's three most prominent tools for the maintenance of international peace and security peacekeeping sanctions and force In doing so this volume identifies strategies for better promotion of the rule of law by the Security Council This book will be of interest to scholars and

students of international law international relations international development and peacekeeping

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