

# Rule of law

The **rule of law** is a political [ideal](#) that all people and institutions within a country, state, or community are accountable to the same [laws](#), including lawmakers and leaders. [\[2\]\[3\]](#) It is sometimes stated simply as "no one is above the law". [\[4\]](#) The term **rule of law** is closely related to [constitutionalism](#) as well as [Rechtsstaat](#). It refers to a political situation, not to any specific legal rule. [\[5\]\[6\]\[7\]](#) The rule of law is defined in the [Encyclopædia Britannica](#) as "the mechanism, process, institution, practice, or norm that supports the equality of all citizens before the law, secures a nonarbitrary form of government, and more generally prevents the arbitrary use of power".[\[8\]](#)



A mosaic representing both the judicial and legislative aspects of law. The woman on the throne holds a sword to chastise the guilty and a [palm branch](#) to reward the meritorious. [Glory](#) surrounds her head, and the [aegis](#) of [Minerva](#) signifies the armor of righteousness and wisdom. [\[1\]](#)

Use of the phrase can be traced to 16th-century Britain. In the following century, Scottish theologian [Samuel Rutherford](#) employed it in arguing against the [divine right of kings](#).[\[9\]](#) [John Locke](#) wrote that freedom in society means being subject only to laws written by a legislature that apply to everyone, with a person being otherwise free from both governmental and private restrictions on his liberty. "The rule of law" was further popularized in the 19th century by British jurist [A. V. Dicey](#). However, the principle, if not the phrase itself, was recognized by ancient thinkers. [Aristotle](#) wrote: "It is more proper that law should govern than any one of the citizens: upon the same principle, if it is

# Rule Of Law Ideal Or Ideology

**John Tasioulas**



## **Rule Of Law Ideal Or Ideology:**

**The Rule of Law** Allan C. Hutchinson, Patrick Monahan, 1987-01-01 essays from a conference held at Osgoode Hall Law School York University Toronto in April 1984 Pref *Law's Rule* Gerald J. Postema, 2022 The rule of law once widely embraced and emulated now faces serious threats to its viability To answer these fundamental threats we first must return to its foundational principles This book articulates a coherent framework and foundation for thinking about the rule of law and planning strategies for building and defending it against serious challenges to its intelligibility relevance and normative force

**American Foreign Policy Ideology and the International Rule of Law** Malcolm Jorgensen, 2020-01-02 Demonstrates American legal policymakers hold competing conceptions of the international rule of law structured by foreign policy ideologies **The Cambridge Companion to the Philosophy of Law** John Tasioulas, 2020-07-02 An accessible

comprehensive and high quality companion to legal philosophy written by a stellar cast of international contributors *The Rule of Law Under Fire?* Raymond Wacks, 2021-10-21 Does the rise of populism authoritarianism and nationalism threaten the welfare of the rule of law Is this fundamental democratic ideal under siege In this timely and important book Raymond Wacks examines the philosophical roots of the rule of law and its modern often contentious interpretation He then investigates 16 potential ideological economic legal and institutional dangers to the rule of law They range from the exercise of judicial and administrative discretion and parliamentary sovereignty to the growth of globalisation the war on terror and the disquieting power of Big Tech He also considers the enactment and enforcement in several countries of Draconian measures to curtail the spread of COVID 19 which has generated fears that these emergency powers may outlive the pandemic and become a permanent feature of the legal landscape thereby impairing the rule of law Wacks identifies which issues among this extensive array pose genuine risks to the rule of law and suggests how they might be confronted to ensure its defence and preservation Judging in Good Faith Steven J. Burton, 1994-11-25 This book offers an original theory of

adjudication focused on the ethics of judging in courts of law It offers two main theses The good faith thesis defends the possibility of lawful judicial decisions even when judges have discretion The permissible discretion thesis defends the compatibility of judicial discretion and legal indeterminacy with the legitimacy of adjudication in a constitutional democracy Together these two theses oppose both conservative theories that would restrict the scope of adjudication unduly and leftist critical theories that would liberate judges from the rule of law *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 The

Arc of Due Process in American Constitutional Law E. Thomas Sullivan,Toni M. Massaro,2013-07-04 In The Arc of Due Process in American Constitutional Law Sullivan and Massaro identify the historical underpinnings of due process while describing the evolution of the American due process doctrine

**The West Versus the Rest and The Myth of Western Exceptionalism** Imad A. Moosa,2023-02-28 In this book the author attempts to debunk some myths about Western exceptionalism and to evaluate critically the characteristics that make the West superior to the Rest The author suggests that the West does not represent a homogenous group of countries and that the most common characteristic of the core Western countries is imperialism The author goes on to provide a detailed critique of the proclaimed characteristics of Western countries including democracy human rights judicial independence transparency the rule of law and exclusive contribution to science and technology A critique is presented of the views expressed by Samuel Huntington Francis Fukuyama and Niall Ferguson arguing that they do not recognize the historical fact that civilizations rise and fall It is argued that the Western economic system which is based on neoliberalism has adverse consequences for democracy morality and peace as well as inequality poverty and homelessness Written in a simple but powerful language this book is a must read for those interested in international relations and anyone interested in current affairs

**Ideological Conflict and the Rule of Law in Contemporary China** Samuli Seppänen,2016-10-17 This book studies ideological divisions within Chinese legal academia and their relationship to arguments about the rule of law The book describes argumentative strategies used by Chinese legal scholars to legitimize and subvert China s state sanctioned ideology It also examines Chinese efforts to invent new alternative rule of law conceptions In addition to this descriptive project the book advances a more general argument about

the rule of law phenomenon insisting that many arguments about the rule of law are better understood in terms of their intended and actual effects rather than as analytic propositions or descriptive statements To illustrate this argument the book demonstrates that various paradoxical contradictory and otherwise implausible arguments about the rule of law play an important role in Chinese debates about the rule of law Paradoxical statements about the rule of law in particular can be useful for an ideological project

Law after Modernity Sionaidh Douglas-Scott, 2013-04-30 How can we characterise law and legal theory in the twenty first century Law After Modernity argues that we live in an age after Modernity and that legal theory must take account of this fact The book presents a dynamic analysis of law which focusses on the richness and pluralism of law on its historical embeddedness its cultural contingencies as well as acknowledging contemporary law's global and transnational dimensions However Law After Modernity also warns that the complexity fragmentation pluralism and globalisation of contemporary law may all too easily perpetuate injustice In this respect the book departs from many postmodern and pluralist accounts of law Indeed it asserts that the quest for justice becomes a crucial issue for law in the era of legal pluralism and it investigates how it may be achieved The approach is fresh contextual and interdisciplinary and unusually for a legal theory work is illustrated throughout with works of art and visual representations which serve to reinforce the messages of the book

**Rights, Emergencies, and Judicial Review** Imtiaz Omar, 1996-04-24 This book makes a significant contribution to the understanding of issues of comparative constitutionalism in emergent politics Recurrent states of emergency in Malaysia Sri Lanka and Bangladesh provide the background for a comparative examination of constitutional emergency powers individual rights and judicial review This work examines the extent to which the Court in these countries has performed its expected role identifies problems in approaches to interpretation which have been adopted and suggests alternatives to constitutional interpretation and judicial review The alternatives explored are drawn from contemporary western jurisprudence including those of Ronald Dworkin and writers of the Critical Legal Studies tradition The juxtaposition of western jurisprudential development to issues of constitutionalism in the countries under survey is a bold attempt to seek some common ground in conceptualizing rights and techniques of juristic interpretation in western and eastern legal cultures The theoretical framework of the study is well perceived the arguments convincing This carefully researched work makes a valuable and scholarly contribution to the study of comparative constitutional law and jurisprudence

**The Cambridge Companion to Comparative Constitutional Law** Roger Masterman, Robert Schütze, 2019-10-03 Comparing constitutions allows us to consider the similarities and differences in forms of government as well as the normative philosophies behind constitutional choices The objective behind this Companion is to present the reader with a succinct yet wide ranging companion to a modern comparative constitutional law course

*Complicity and the Law of State Responsibility* Helmut Philipp Aust, 2011-09-01 This systematic analysis of State complicity in international law focuses on the rules of State responsibility Combining a theoretical perspective on complicity based on the concept of the

international rule of law with a thorough analysis of international practice Helmut Philipp Aust establishes what forms of support for wrongful conduct entail responsibility of complicit States and sheds light on the consequences of complicity in terms of reparation and implementation Furthermore he highlights how international law provides for varying degrees of responsibility in cases of complicity depending on whether peremptory norms have been violated or special subject areas such as the law of collective security are involved The book shows that the concept of State complicity is firmly grounded in international law and that the international rule of law may serve as a conceptual paradigm for today's international legal order

Unpacking Normativity Kenneth Einar Himma, Miodrag Jovanovic, Bojan Spaic, 2018-11-01 This book provides a new and wide ranging study of law's normativity examining conceptual descriptive and empirical dimensions of this perennial philosophical issue It also contains essays concerned with among other issues the relationship between semantic and legal normativity methodological concerns pertaining to understanding normativity normativity and legal interpretation and normativity as it pertains to transnational law The contributors come not only from the usual Anglo American and Western European community of legal theorists but also from Latin American and Eastern European communities representing a diversity of perspectives and points of view including essays from both analytic and continental methodologies With this range of topics the book will appeal to scholars in transnational law legal sociology normative legal philosophy concerned with problems of state legitimacy and practical rationality as well as those working in general jurisprudence It comprises a highly important contribution to the study of law's normativity

**Foundations of Public Law** Martin Loughlin, 2012-09-27 Foundations of Public Law offers an account of the formation of the discipline of public law with a view to identifying its essential character explaining its particular modes of operation and specifying its unique task Building on the framework first outlined in *The Idea of Public Law* OUP 2003 the book conceives public law broadly as a type of law that comes into existence as a consequence of the secularization rationalization and positivization of the medieval idea of fundamental law Formed as a result of the changes that give birth to the modern state public law establishes the authority and legitimacy of modern governmental ordering Public law today is a universal phenomenon but its origins are European Part I of the book examines the conditions of its formation showing how much the concept borrowed from the refined debates of medieval jurists Part II then examines the nature of public law Drawing on a line of juristic inquiry that developed from the late sixteenth to the early nineteenth centuries extending from Bodin Althusius Lipsius Grotius Hobbes Spinoza Locke and Pufendorf to the later works of Montesquieu Rousseau Kant Fichte Smith and Hegel it presents an account of public law as a special type of political reason The remaining three Parts unpack the core elements of this concept state constitution and government By taking this broad approach to the subject Professor Loughlin shows how rather than being viewed as a limitation on power law is better conceived as a means by which public power is generated And by explaining the way that these core elements of state constitution and government were shaped respectively by the technological bourgeois and disciplinary revolutions of the

sixteenth century through to the nineteenth century he reveals a concept of public law of considerable ambiguity complexity and resilience

**Proportionality in EU Digital Law** Jan Czarnocki,Przemyslaw Palka,2024-10-03 This book addresses the interplay between the proportionality principle and EU digital law Does EU digital law provide a fair balance of rights and interests How does proportionality limit legislation in the digital economy How can it be used to balance competing rights and interests Diving into the dialectics of law and technology the book analyses the relevance of the proportionality principle in regulating the digital world and as a vital tool for balancing competing rights and interests The chapters analyse how conflicting rights and interests are resolved in EU digital law through the proportionality principle and critically reflect on its application They scrutinise recent EU regulatory initiatives such as the GDPR AI Act Copyright Directive DSA and more They reflect on the unique context of AI systems regulation digital marketing and data protection illuminating the application and impact of proportionality in these arenas Providing an in depth examination of legal actors and real life conflicts resolved by applying EU digital law the book explains the pivotal role of the principle of proportionality in achieving an optimal balance of rights in our digital era

*A.V. Dicey and the Common Law Constitutional Tradition* Mark D. Walters,2020-11-12 Offers a distinctive account of the rule of law and legislative sovereignty within the work of Albert Venn Dicey

**Public Law** Michael Doherty,Noel McGuirk,2022-11-24 Public Law is an ideal choice for all students looking for a comprehensive yet accessible textbook on this area of law as its clear writing style accessible tone and focus on modern case law help bring the subject to life The book covers the key institutions concepts and legal rules of the United Kingdom s constitutional system with the chapters arranged around four subjects the foundations of the constitutional system Constitutional Law Administrative Law and human rights The book s central theme is that of state power and the relationship between the state and the citizen Co authored by Michael Doherty and Noel McGuirk the third edition has been revised to reflect recent key developments in Public Law It now extensively explores in addition to several other key chapter updates the unfolding impact of Brexit the 2019 General Election changes in devolution across England Scotland and Wales and the 2020 Coronavirus Act Clearly written and easy to use Public Law enables students to fully engage with the topic and gain a profound understanding of this fundamental exciting area The Routledge Spotlights series brings a modern contemporary approach to the core law curriculum which will help students To move beyond an understanding of the law To refine and develop the key skills of problem solving evaluation and critical reasoning which are essential to assessment success To discover sources and suggestions for taking your study further By focusing on recent case law and real world examples Routledge Spotlights will help you shed light on the law understand how it operates in practice and gain a unique appreciation of the contemporary context of the subject

**Law, Labor, and Ideology in the Early American Republic** Christopher L. Tomlins,1993-04-30 This book presents a fundamental reinterpretation of law and politics in America between 1790 and 1850 the crucial period of the Republic s early growth and its movement toward industrialism It is the most detailed study yet available of the

intellectual and institutional processes that created the foundation categories framing all the basic legal relationships involving working people



## Decoding **Rule Of Law Ideal Or Ideology**: Revealing the Captivating Potential of Verbal Expression

In an era characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its ability to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Rule Of Law Ideal Or Ideology**," a mesmerizing literary creation penned with a celebrated wordsmith, readers embark on an enlightening odyssey, unraveling the intricate significance of language and its enduring effect on our lives. In this appraisal, we shall explore the book's central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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