



# Rule Of Law

**Christopher May, Adam Winchester**



## Rule Of Law:

**The Rule of Law** Tom Bingham, 2011-07-07 A gem of a book Inspiring and timely Everyone should read it Independent The Rule of Law is a phrase much used but little examined The idea of the rule of law as the foundation of modern states and civilisations has recently become even more talismanic than that of democracy but what does it actually consist of In this brilliant short book Britain s former senior law lord and one of the world s most acute legal minds examines what the idea actually means He makes clear that the rule of law is not an arid legal doctrine but is the foundation of a fair and just society is a guarantee of responsible government is an important contribution to economic growth and offers the best means yet devised for securing peace and co operation He briefly examines the historical origins of the rule and then advances eight conditions which capture its essence as understood in western democracies today He also discusses the strains imposed on the rule of law by the threat and experience of international terrorism The book will be influential in many different fields and should become a key text for anyone interested in politics society and the state of our world Democracy and the Rule of Law Adam Przeworski, José María Maravall, 2003-07-21 This book addresses the question of why governments sometimes follow the law and other times choose to evade the law The traditional answer of jurists has been that laws have an autonomous causal efficacy law rules when actions follow anterior norms the relation between laws and actions is one of obedience obligation or compliance Contrary to this conception the authors defend a positive interpretation where the rule of law results from the strategic choices of relevant actors Rule of law is just one possible outcome in which political actors process their conflicts using whatever resources they can muster only when these actors seek to resolve their conflicts by recourse to la does law rule What distinguishes rule of law as an institutional equilibrium from rule by law is the distribution of power The former emerges when no one group is strong enough to dominate the others and when the many use institutions to promote their interest *Building the Rule of Law* American Bar Association. Central European and Eurasian Law Initiative, 2021 This book describes the beginnings of CEELI the obstacles it overcame the challenges it faced and the ABA leaders who built it It will then look at the practical real life on the ground influence that CEELI and its successor organization the ABA Rule of Law Initiative ROLI have had on various jurisdictions around the world and on the evolving legal and political systems in them It will also evaluate the impact that this Rule of Law movement has had on a wide range of individual lawyers and judges *The Rule of Rules* Larry Alexander, Emily Sherwin, 2001-08-06 Rules perform a moral function by restating moral principles in concrete terms so as to reduce the uncertainty error and controversy that result when individuals follow their own unconstrained moral judgment Although reason dictates that we must follow rules to avoid destructive error and controversy rules and hence laws are imperfect and reason also dictates that we ought not follow them when we believe they produce the wrong result in a particular case In *The Rule of Rules* Larry Alexander and Emily Sherwin examine this dilemma Once the importance of this moral and practical conflict is acknowledged the authors argue

authoritative rules become the central problems of jurisprudence The inevitable gap between rules and background morality cannot be bridged they claim although many contemporary jurisprudential schools of thought are misguided attempts to do so Alexander and Sherwin work through this dilemma which lies at the heart of such ongoing jurisprudential controversies as how judges should reason in deciding cases what effect should be given to legal precedent and what status if any should be accorded to legal principles In the end their rigorous discussion sheds light on such topics as the nature of interpretation the ancient dispute among legal theorists over natural law versus positivism the obligation to obey law constitutionalism and the relation between law and coercion Those interested in jurisprudence legal theory and political philosophy will benefit from the edifying discussion in **The Rule of Rules**

**The Federalist Papers** Alexander Hamilton, John Jay, James Madison, 2018-08-20 Classic Books Library presents this brand new edition of The Federalist Papers a collection of separate essays and articles compiled in 1788 by Alexander Hamilton Following the United States Declaration of Independence in 1776 the governing doctrines and policies of the States lacked cohesion The Federalist as it was previously known was constructed by American statesman Alexander Hamilton and was intended to catalyse the ratification of the United States Constitution Hamilton recruited fellow statesmen James Madison Jr and John Jay to write papers for the compendium and the three are known as some of the Founding Fathers of the United States Alexander Hamilton c 1755 1804 was an American lawyer journalist and highly influential government official He also served as a Senior Officer in the Army between 1799 1800 and founded the Federalist Party the system that governed the nation's finances His contributions to the Constitution and leadership made a significant and lasting impact on the early development of the nation of the United States

**A Citizen's Guide to the Rule of Law** Adis Nicolaidis, Kalypso Merdzanovic, 2021-04-20 In our daily lives the rule of law matters more than anything and yet remains an invisible presence We trust in the rule of law to protect us from governmental overreach mafia godfathers or the will of the majority We take the rule of law for granted often failing to recognize its demise until it is too late For under attack it is not only in the growing number of authoritarian countries around the world but in Europe too As a citizen's guide this book explains in plain language what the rule of law is why it matters and why we have to defend it The starting point is to ask why EU efforts to promote the rule of law in candidate countries have succeeded or failed and what this tells us about what is happening inside the EU The authors move on to suggest ways of strengthening the rule of law in Europe and beyond This book is a call to action in defense of the most precious human invention of all time

*The Rule of Law in the Real World* Paul Gowder, 2016-02-09 A pathbreaking theoretical and empirical study proposing social equality as a measure of the rule of law

**Freedom and the Rule of Law** Anthony Arthur Peacock, 2010-01-01 Freedom and the Rule of Law takes a critical look at the historical beginnings of law in the United States and how that history has influenced current trends regarding law and freedom Anthony Peacock has compiled articles that examine the relationship between freedom and the rule of law in America The rule of law is fundamental to all liberal constitutional regimes whose

political orders recognize the equal natural rights of all      *Handbook on the Rule of Law* Christopher May, Adam Winchester, 2018-08-31 The discussion of the norm of the rule of law has broken out of the confines of jurisprudence and is of growing interest to many non legal researchers A range of issues are explored in this volume that will help non specialists with an interest in the rule of law develop a nuanced understanding of its character and political implications It is explicitly aimed at those who know the rule of law is important and while having little legal background would like to know more about the norm      **The Rule of Law** Christopher May, 2014 For too long the rule of law has been assumed as opposed to rigorously interrogated Christopher May's excellent study not only draws attention to this oversight but also lucidly demonstrates how and why the rule of law has achieved the status of common sense of global politics For anyone interested in the legalization of global politics as well as its social political and ideological consequences this superb book is essential reading Susanne Soederberg Queen's University Canada This timely book explores the complexities of the rule of law a well used but perhaps less well understood term to explain why it is so often appealed to in discussions of global politics Ranging from capacity building and the role of the World Bank to the discourse of lawyers and jurisprudential critiques it seeks to introduce non lawyers to the important and complex political economy of the rule of law In accessible terms Christopher May argues that we can no longer merely use the idea of the rule of law without question but rather must appreciate its multifaceted and contested character if we are to begin to understand how and why it is now seen as a good thing across the political spectrum He expertly examines the problems encountered by rule of law programmes in post conflict and developing countries as well as presenting the range of contested meanings of the term The author also considers the possibility of establishing a pluralistic account of the rule of law and investigates the plausibility of an international rule of law By building on and extending debates in socio legal studies about the social role of law and dealing with issues largely absent from international political economy this book will be of great interest to socio legal scholars and political economists It also presents an overarching analysis of the manner in which politics and law interact that will be of great value to political scientists and development economists Contents Preface Introduction The Rule of Law as the Common Sense of Global Politics 1 The Rule of Law as Social Imaginary A Methodological Interlude How I Do Global Political Economy 2 Defining the Rule of Law Between Thick and Thin Conceptions 3 The Rule of Law and the Legalization of Politics 4 Building the Rule of Law With a Political Focus 5 Building the Rule of Law With an Economic Focus 6 Global Constitutionalism The Rule of Law by Another Name 7 One Rule of Law or Many Internal and External Challenges to the Rule of Law 8 Concluding Thoughts Bibliography Index      *Opposing the Rule of Law* Nick Cheesman, 2016-05-28 The rule of law is a political ideal today endorsed and promoted worldwide Or is it In a significant contribution to the field Nick Cheesman argues that Myanmar is a country in which the rule of law is lexically present but semantically absent Charting ideas and practices from British colonial rule through military dictatorship to the present day Cheesman calls upon political and legal theory to explain how and why

institutions animated by a concern for law and order oppose the rule of law Empirically grounded in both Burmese and English sources including criminal trial records and wide ranging official documents *Opposing the Rule of Law* offers the first significant study of courts in contemporary Myanmar It sheds new light on the politics of courts during dark times and sharply illuminates the tension between the demand for law and the imperatives of order

**Enforcing the Rule of Law** Enrique Peruzzotti, Catalina Smulovitz, 2006 A compelling account of how civic and media based initiatives have successfully fought for greater governmental accountability in the emerging democracies of Latin America

*Rule of Law, Misrule of Men* Elaine Scarry, 2010-04-02 A passionate call for citizen action to uphold the rule of law when government does not This book is a passionate call for citizen action to uphold the rule of law when government does not Arguing that post 9 11 legislation and foreign policy severed the executive branch from the will of the people Elaine Scarry in *Rule of Law Misrule of Men* offers a fierce defense of the people's role as guarantor of our democracy She begins with the groundswell of local resistance to the 2001 Patriot Act when hundreds of towns cities and counties passed resolutions refusing compliance with the information gathering the act demanded showing that citizens can take action against laws that undermine the rights of citizens and noncitizens alike Scarry once described in the New York Times Sunday Magazine as known for her unflinching investigations of war torture and pain then turns to the conduct of the Iraqi occupation arguing that the Bush administration led the country onto treacherous moral terrain violating the Geneva Conventions and the armed forces own most fundamental standards She warns of the damage done to democracy when military personnel must choose between their own codes of warfare and the illegal orders of their civilian superiors If our military leaders uphold the rule of law when civilian leaders do not might we come to prefer them Finally reviewing what we know now about the Bush administration's crimes Scarry insists that prosecution whether local national or international is essential to restoring the rule of law and she shows how a brave town in Vermont has taken up the challenge Throughout the book Scarry finds hope in moments where citizens withheld their consent to grievous crimes finding creative ways to stand by their patriotism

*The Rule of Law and the Separation of Powers* Richard Bellamy, 2017-07-05 The rule of law is frequently invoked in political debate yet rarely defined with any precision Some employ it as a synonym for democracy others for the subordination of the legislature to a written constitution and its judicial guardians It has been seen as obedience to the duly recognised government a form of governing through formal and general rule like laws and the rule of principle Given this diversity of view it is perhaps unsurprising that certain scholars have regarded the concept as no more than a self congratulatory rhetorical device This collection of eighteen key essays from jurists political theorists and public law political scientists aims to explore the role law plays in the political system The introduction evaluates their arguments The first eleven essays identify the standard features associated with the rule of law These are held to derive less from any characteristics of law per se than from a style of legislating and judging that gives equal consideration to all citizens The next seven essays then explore how different ways of separating and

dispersing power contribute to this democratic style of rule by forcing politicians and judges alike to treat people as equals and regard none as above the law

**The Rule of Law in the Wake of Clinton** Cato Institute, 2000 Includes essays by Fred Thompson C Boyden Gray Theodore B Olson and David Horowitz

**Money and the Rule of Law** Peter J. Boettke, Alexander William Salter, Daniel J. Smith, 2021-06-03 Contemporary monetary institutions are flawed at a foundational level The reigning paradigm in monetary policy holds up constrained discretion as the preferred operating framework for central banks But no matter how smart or well intentioned are central bankers discretionary policy contains information and incentive problems that make macroeconomic stability systematically unlikely Furthermore central bank discretion implicitly violates the basic jurisprudential norms of liberal democracy Drawing on a wide body of scholarship this volume presents a novel argument in favor of embedding monetary institutions into a rule of law framework The authors argue for general predictable rules to provide a sturdier foundation for economic growth and prosperity A rule of law approach to monetary policy would remedy the flaws that resulted in misguided monetary responses to the 2007 8 financial crisis and the COVID 19 pandemic Understanding the case for true monetary rules is the first step toward creating more stable monetary institutions

**The Rule of Law in Europe** María Elósegui, Alina Miron, Iulia Motoc, 2021-04-20 This book discusses the nature of the challenges that have confronted European democracies in recent years In the past decade the rule of law in Europe has been put under strain by both external and internal factors The term illiberal democracies is sometimes used to describe the rise of a phenomenon in which the fundamental values of the European legal order as enshrined in the European Convention of Human Rights and in the Charter of Fundamental Rights of the European Union are called into question The preservation of the independence of the judiciary of the freedom of expression and the protection of journalists are among the values under threat But these challenges are also present within the older democracies in which emergency regimes have become more common As the European Union s sanctions regime shows striking a balance between security and the rule of law of which fundamental rights are an intrinsic part is a constant challenge Focusing on the European courts responses to these threats the book discusses how courts could provide the ultimate line of defense The acid test of the rule of law might indeed be how it safeguards the judicial guarantees designed to protect core European values beyond the discretion of government

**The Rule of Law** John Lescroart, 2022-08-23 Dismas Hardy knows something is amiss with his trusted secretary Phyllis Her out of character behavior and sudden disappearances concern Hardy especially when he learns that her convict brother a man who had served twenty five years in prison for armed robbery and attempted murder has just been released Things take a shocking turn with Phyllis is suddenly arrested at work for allegedly being an accessory to the murder of Hector Valdez a coyote who d been smuggling women into this country from El Salvador and Mexico That is until recently when he was shot to death on the very same day that Phyllis first disappeared from work The connection between Phyllis her brother and Hector s murder is not something Dismas can easily understand but if his

cherished colleague has any chance of going free he needs to put all the pieces together and fast

**Rule of Law, Legitimate Governance & Development in the Pacific** Iutisone Salevao, 2005 Using the rule of law as a framework this book recasts Western theories of law good governance and development in a Pacific perspective

**The Rule of Law in the United States** Paul Gowder, 2023-06-15 What is the American rule of law Is it a paradigm case of the strong constitutionalism concept of the rule of law or has it fallen short of its rule of law ambitions This open access book traces the promise and paradox of the American rule of law in three interwoven ways It focuses on explicating the ideals of the American rule of law by asking how do we interpret its history and the goals of its constitutional framers to see the rule of law ambitions its foundational institutions express It considers those constitutional institutions as inextricable from the problem of race in the United States and the tensions between the rule of law as a protector of property rights and the rule of law as a restrictor on arbitrary power and a guarantor of legal equality In that context it explores the distinctive role of Black liberation movements in developing the American rule of law Finally it considers the extent to which the American rule of law is compromised at its frontiers and the extent that those compromises undermine legal protections Americans enjoy in the interior It asks how America reflects the legal contradictions of capitalism and empire outside its borders and the impact of those contradictions on its external goals The eBook editions of this book are available open access under a CC BY NC ND 4.0 licence on [www.bloomsburycollections.com](http://www.bloomsburycollections.com) Open access was funded by Northwestern University Pritzker School of Law and the Northwestern Open Access Fund provided by Northwestern University Libraries



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