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Cristina Dallara, Daniela Piana



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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 Getting to the Rule of Law James E. Fleming, 2011-09-01 The rule of law has been celebrated as an unqualified human good yet there is considerable disagreement about what the ideal of the rule of law requires When people clamor for the preservation or extension of the rule of law are they advocating a substantive conception of the rule of law respecting private property and promoting liberty a formal conception emphasizing an inner morality of law or a procedural conception stressing the right to be heard by an impartial tribunal and to make arguments about what the law is When are exertions of executive power outside the law justified on the ground that they may be necessary to maintain or restore the conditions for the rule of law in emergency circumstances such as defending against terrorist attacks In Getting to the Rule of Law a group of contributors from a variety of disciplines address many of the theoretical legal political and moral issues raised by such questions and examine practical applications on the ground in the United States and around the world This timely interdisciplinary volume examines the ideal of the rule of law questions when if ever executive power outside the law is justified to maintain or restore the rule of law and explores the prospects for and perils of building the rule of law after military interventions Rules of Law GMSEED, 2023-08-23 It can now be stated with a high degree of confidence that the UK legal system is not fit for purpose as it consistently fails to protect the innocent law abiding citizen A significant majority of the British people have lost faith with their legal system and have complete contempt for this institution that they fund and allow themselves to be governed by The UK s legal system is a sham much like the rest of it s other broken public sector services of the NHS education transportation migration A broken legal system for Broken Britain This book summaries 50 rules of how UK law is observed functioning or should I say not functioning From rules 1 Innocent until proven guilty 2 Beyond reasonable doubt through to rules 49 The long term goal of the law is to incarcerate no one and 50 The law is an ass **The Rule of Law** , 2016 **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

China's Long March Toward Rule of Law Randall Peerenboom, 2002-09-26 China has enjoyed considerable economic growth in recent years in spite of an immature albeit rapidly developing legal system a system whose nature evolution and path of development have been poorly understood by scholars Drawing on his legal and business experience in China as well as his academic background in the field Peerenboom provides a detailed analysis of China s legal reforms He argues that China is in transition from rule by law to a version of rule of law though most likely not a liberal democratic version as found in economically advanced countries in the West Maintaining that law plays a key role in China s economic growth Peerenboom assesses reform proposals and makes his own recommendations In addition to students and scholars of Chinese law political science sociology and economics this will interest business professionals policy advisors and governmental and non governmental agencies as well as comparative legal scholars and philosophers

International Rule of Law and Professional Ethics Vesselin Popovski, 2016-05-23 This book examines an interesting and relatively understudied area of the evolution of the international rule of law and the role of professional ethics The rule of law has been gradually developed and promoted at the national level over centuries however at the international level it has only recently received more in rhetoric than in implementation support from a macro perspective developments of international rules and institutions and from a micro perspective ethical codes independence and unbiasedness of professionals working in international organizations and tribunals The book offers analysis and recommends policies to strengthen the rule of law at international level to meet a major global governance demand in ensuring equity justice stability and consistency in international affairs

Magna Carta, Religion and the Rule of Law Robin Griffith-Jones, Mark Hill, 2015-04-23 Jurists historians and theologians from five faiths and three continents examine the importance of Magna Carta s religious foundations

The Rule of Law in the United Nations Security Council Decision-Making Process Sherif Elgebeily, 2017-03-31 The UN Security Council is entrusted under the UN Charter with primary responsibility for the maintenance and restoration of the international peace it is the only body with the power to authorise military intervention legally and impose international sanctions where it decides However its decision making process has hitherto been obscure and allegations of political bias have been made against the Security Council in its responses to potential international

threats Despite the rule of law featuring on the Security Council's agenda for over a decade and a UN General Assembly declaration in 2012 establishing that the rule of law should apply internally to the UN the Security Council has yet to formulate or incorporate a rule of law framework that would govern its decision making process This book explains the necessity of a rule of law framework for the Security Council before analysing existing literature and UN documents on the domestic and international rule of law in search of concepts suitable for transposition to the arena of the Security Council It emerges with eight core components which form a bespoke rule of law framework for the Security Council Against this framework the Security Council's decision making process since the end of the Cold War is meticulously evaluated illustrating explicitly where and how the rule of law has been undermined or neglected in its behaviour Ultimately the book concludes that the Security Council and other bodies are unwilling or unable adequately to regulate the decision making process against a suitable rule of law framework and argues that there exists a need for the external regulation of Council practice and judicial review of its decisions

The International Rule of Law Denise Wohlwend, 2021-05-28 This insightful book offers an in depth examination of whether and if so how and to what degree contemporary international law can and should conform to and develop the rule of law principle Motivated by the neglect of conceptual and normative theorizing of the international rule of law within contemporary international legal scholarship Denise Wohlwend analyses the moral and legal principle of the rule of law in the international legal order

The Rule of Law in Afghanistan Whit Mason, 2011-04-14 How despite the enormous investment of blood and treasure has the West's ten year intervention left Afghanistan so lawless and insecure The answer is more insidious than any conspiracy for it begins with a profound lack of understanding of the rule of law the very thing that most dramatically separates Western societies from the benighted ones in which they increasingly intervene This volume of essays argues that the rule of law is not a set of institutions that can be exported lock stock and barrel to lawless lands but a state of affairs under which ordinary people and officials of the state itself feel it makes sense to act within the law Where such a state of affairs is absent as in Afghanistan today brute force not law will continue to rule

Rule of Law for Nature Christina Voigt, 2013-11-21 Questions the doctrinal construction of environmental law and looks for innovative legal approaches to ecological sustainability

Building the Rule of Law in China Weidong Ji, 2017-12-12 After thirty years of Mao era 1949-1979 which was struggle based the Communist Party of China has begun to change its position as a pioneering revolutionary party evolving into a universal ruling party that transcends class interests Meanwhile administrative and judicial reforms oriented toward a more efficient serving government and the rule of law have been actively carried out As the earliest work on constructive jurisprudence of new proceduralism in China this book elucidates some of the most critical problems in the process of constructing a legal order and realizing institutional innovation in China democracy fair and reasonable procedure interpretation techniques cognitive ability of legislation position and function of the jurist group and professional ethics etc Besides it expounds five pairs of

contradictions in the modernization process of Chinese legal system namely substantial and procedural justice moral and legal debates formal and reflective rationality the major responsibility on bureaucrats and lawyers and the motivation of public welfare and profit and explores appropriate approaches to combine the different factors Scholars and students in Chinese legal and social transformation studies will be attracted by this book Furthermore it will help different civilizations conduct rational dialogues on justice and order

The Rule of Law in China United States. Congressional-Executive Commission on China,2003

The Rule of Law Aziz Z. Huq, Frank and Bernice J Greenberg Professor of Law Aziz Z Huq,2024 This very short introduction sets out the origins and development of an English language debate centered around the phrase rule of law It aims is to explore the distinctive ethical contribution offered by various thinkers to this specific phrase first theorized by the English scholar A V Dicey while largely setting aside how the same questions are framed and resolved in other traditions The book opens by canvassing the classical and early modern sources upon which Dicey and his successors explicitly drew It then explores the idea of Dicey who it flags as the first self conscious theorist of the rule of law It then recounts his immediate successors These include a heterogenous range of thinkers such as Friedrich Hayek Lon Fuller Ronald Dworkin and Tom Bingham With this genealogy in hand the book then reflects the important question of why the rule of law in some version or other persists that is why do actors with the power to cast aside the rule of law not do so The book next turns to the ways in which the term rule of law has diffused across borders making it a geopolitical phenomenon Specifically the phrase was taken toward the end of the twentieth century across borders by actors as diverse as the World Bank Singapore and the Chinese Communist Party Finally the book closes by examining the way that the rule of law tradition can be challenged both as a matter of theory and practice

Investment Protection Standards and the Rule of Law August Reinisch, Stephan W. Schill,2023 This edited volume explores the connection between the rule of law and substantive standards of treatment in international investment agreements It also analyses to what extent these standards of treatment can be understood as positive expressions of the rule of law

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

dispensing 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 *Networking the Rule of Law* Cristina Dallara, Daniela Piana, 2016-04-22 Judicial networks have proved effective in influencing recent judicial policies enacted by both old and new EU member states However this influence has not been standard This volume seeks to improve our understanding of how networks function as well as the extent they matter in the governance of a constitutional democracy The authors examine the judicial function of networks the way they cross the legal and territorial borders that confine the jurisdiction of the domestic institutions and whether or not they are independent of the capacity and the leadership of their members A highly salient issue in contemporary law and politics judicial networks are now qualified actors of governance With the aim to understand how to what extent and with what consequences networks interact with hierarchical institutions that still exist within the States this book is essential reading for legal experts policy makers engaged in promoting the rule of law members of the judicial networks in the EU and extra EU countries as well as academics and students Law, Liberty, and the Rule of Law Imer B. Flores, Kenneth E. Himma, 2012-09-28 In recent years there has been a substantial increase in concern for the rule of law Not only have there been a multitude of articles and books on the essence nature scope and limitation of the law but citizens elected officials law enforcement officers and the judiciary have all been actively engaged in this debate Thus the concept of the rule of law is as multifaceted and contested as it s ever been and this book explores the essence of that concept including its core principles its rules and the necessity of defining or even redefining the basic concept Law Liberty and the Rule of Law offers timely and unique insights on numerous themes relevant to the rule of law It discusses in detail the proper scope and limitations of adjudication and legislation including the challenges not only of limiting legislative and executive power via judicial review but also of restraining active judicial lawmaking while simultaneously guaranteeing an independent judiciary interested in maintaining a balance of power It also addresses the relationship not only between the rule of law human rights and separation of powers but also the rule of law constitutionalism and democracy Ethics and Integrity in the Rule of Law and International Law Emmanuel Nartey, 2023-05-03 This book examines the ethics and integrity approach to modelling the rule of law and the international law process by investigating different factors that influence legal and governance systems in society It explores the foundations of the rule of law and international law and how to overcome the undesirable deficiencies in our legal and governance systems The approach of this book is carefully designed to briefly demonstrate how including ethics and integrity when dealing with the rule of law and international law could lead to effective legal and governance systems This book argues that the rule of law does not stand alone ethics and integrity are the lifeblood of all legal rules and governance systems This book is of special interest to academics and researchers within the fields of law social Justice and philosophy

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