

# RULE OF LAW

Law exists in a society for the purpose of regulating a civilization. It provides a binding framework to any society, for the resolution of their conflicts and help in maintaining harmony.

Rule of Law, can be interpreted in two ways: Political or philosophical but its meaning is not precise as supported by D.M. Walker. Rule of law is subjective and has more than one definition. It may mean different things to different people at different times. Rule of law can be traced back to time of Socrates, Cicero, Plato & Aristotle (philosophical view). For liberalists it means freedom for all under the law while for Marxists theorists like EP Thomson it means law represents interests of the powerful (political view).

Acceptance of a certain form of rule of law has varied nation to nation. For example, in Marxist States such as North Korea, people have been living peacefully under the 3 generation rule of the Kim family, which is nothing less than a form of dictatorship. People have accepted the government there and they believe 'rule of law' exists.

Even S 1 of the Constitutional Reform Act 2005 does not define what rule of law exactly is. For many theorists the definition is that any executive, public official or any person with authority may exercise its powers only if authorized by law. That law should not only legitimize use of power but also protect rights of the people.

Modern liberal democracies that have had a break from the past require something more than just the bare minimum form of rule of law. Believers of democracy want the 'law and government' to exhibit greater qualities. What those qualities should be has been argued by many theorists. Theorists such as Lord Bingham and Joseph Raz focus on qualities of law such as: equality before the law; clarity, stability and preciseness; independence of the judiciary and insurance of optimal performance of the judiciary. The focus seems to be on proper procedure of law, which has also been supported by the courts. (Merby v. Loughton) (Sussex Justices, Ex parte McCarthy) (Ridge v. Baldwin)

# Rule Of Law Essay

**Christopher May, Adam Winchester**



## **Rule Of Law Essay:**

*Revolution in the International Rule of Law: Essays in Honor of Don Wallace, Jr.* Borzu Sabahi, Nicholas J. Birch, Ian A. Laird, José Antonio Rivas, 2014-10-01 As the title suggests A Revolution in the International Rule of Law Essays in Honor of Don Wallace Jr is a European style Festschrift or Liber Amicorum and compiles short essays by eminent scholars and practitioners who have known Prof Wallace during his long and distinguished career as a Professor of law at Georgetown University Law Center and among others as the Chairman of the International Law Institute the U S Delegate to UNCITRAL the Legal Adviser to the USAID President of the ABA Section on International Law presiding officer of the UNIDROIT Foundation and Of Counsel to a number of prominent international law firms including Winston Strawn LLP Morgan Lewis LLP Arnold Porter LLP and Shearman Sterling LLP The primary topics covered in the book are Foreign Investment and Political Risk International Investment Law and Arbitration Unification of Private Law Commercial Law Reform Public Procurement Rule of Law and Transitional Justice International Business Law and Human Rights Legal Aspects of the United States Foreign Affairs Public International Law Separation of Powers and Terrorism Professor Wallace s friends including the co editors have submitted 45 essays including a biographical piece prepared by the editors to this volume **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 The Cambridge Companion to the Rule of Law Jens Meierhenrich, Martin Loughlin, 2021-08-12 Introduces students scholars and practitioners to the theory and history of the rule of law

**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 **Recrafting the Rule of Law** David

Dyzenhaus,1999-07-01 This collection of essays on the rule of law focuses on the traditional question whether the rule of law is necessarily the rule of moral principles the question of the legitimacy of law Essays by lawyers philosophers and political theorists illuminate and take forward both that question and debate about issues to do with the reach of the rule of law which complicate its answer The essays are divided into sections which deal first with legal orders where the rule of law is under severe stress second with the question of the value of the rule of law as a conceptual problem and third with the question of the limits of legal order Contributors Richard Abel Jody Freeman Robert Alexy Neil MacCormick Kenneth Winston Andras Sajó Alon Harel Anton Fagan Anthony Sebok Christine Sypnowich Allan Hutchinson Bill Scheuerman John MacCormick Julian Rivers Henry Richardson David Dyzenhaus *The Rule of Law During the War* Sir Robert Menzies,1917 Essays in Honour of Wang Tieya Ronald St. John MacDonald,1994-01-17 Janis *The European Convention on Human Rights and Private Law* Mateja Durovic,Cristina Poncibò,2024-11-14 In this book a team of expert contributors address challenging issues concerning the relationship between private law and the rule of law and human rights with specific focus on case studies from South Eastern Europe The book examines the broadening application of human rights to the private law fields and the resulting effects Contributors offer a truly interdisciplinary perspective drawn from comparative law civil law procedural law and public law By so doing for the first time they offer insights into the fascinating questions the region poses for private law and human rights *Arguing About Law* Aileen Kavanagh,John Oberdiek,2013-12-16 Arguing about Law introduces philosophy of law in an accessible and engaging way The reader covers a wide range of topics from general jurisprudence law the state and the individual to topics in normative legal theory as well as the theoretical foundations of public and private law In addition to including many classics Arguing About Law also includes both non traditional selections and discussion of timely topical issues like the legal dimension of the war on terror The editors provide lucid introductions to each section in which they give an overview of the debate and outline the arguments of the papers helping the student get to grips with both the classic and core arguments and emerging debates in the nature of law legality and morality the rule of law the duty to obey the law legal enforcement of sexual morality the nature of rights rights in an age of terror constitutional theory tort theory Arguing About Law is an inventive and stimulating reader for students new to philosophy of law legal theory and jurisprudence *Judicial Review and the Constitution* Christopher Forsyth,C. F. Forsyth,2000-08-04 Contains papers and comments from the conference on the Foundations of Judicial Review held in Cambridge England May 22 1999 and some previously published papers **The Pursuit of a Brave New World in International Law** Tiyanjana Maluwa,Max du Plessis,Dire Tladi,2017-01-09 The Pursuit of a Brave New World in International Law presents critical perspectives on various inter related themes in the areas of human rights international law terrorism and international criminal justice The discussions reflect the wide ranging subjects that John Dugard has engaged with over the last five decades as an international law scholar teacher and judge The essays pay homage to Professor Dugard s impressive body of

work as both a theorist and practitioner of international law and international human rights law While some of the discussions in the volume critically examine his views as expressed in his academic writings judicial opinions and official United Nations reports others deal with subjects that have been inspired by or are related to Dugard's work Contributors are Neil Boister Trevor P Chimimba James Crawford David Dyzenhaus Christopher Greenwood Larissa van den Herik Christof Heyns Maurice Kamto Tiyanjana Maluwa Max du Plessis Thomas Probert Arnold Pronto Philippe Sands William A Schabas Ivan Shearer Hennie Strydom Mia Swart Dire Tladi Annemarieke Vermeer K nzli and Abdulqawi Yusuf

The Impact of Investment Treaty Law on Host States Mavluda Sattorova, 2018-02-08 Traditionally international investment law was conceptualised as a set of norms aiming to ensure good governance for foreign investors in exchange for their capital and know how However the more recent narratives postulate that investment treaties and investor state arbitration can lead to better governance not just for foreign investors but also for host state communities Investment treaty law can arguably foster good governance by holding host governments liable for a failure to ensure transparency stability predictability and consistency in their dealings with foreign investors The recent proliferation of such narratives in investment treaty practice arbitral awards and academic literature raises questions as to their juridical conceptual and empirical underpinnings What has propelled good governance from a set of normative ideals to enforceable treaty standards Does international investment law possess the necessary characteristics to inspire changes at the national level How do host states respond to investment treaty law The overarching objective of this monograph is to unpack existing assumptions concerning the effects of international investment law on host states By combining doctrinal empirical comparative analysis and unveiling the emerging nationally felt responses to international investment norms the book aims to facilitate a more informed understanding of the present contours and the nature of the interplay between international investment norms and national realities

**Essays in Private International Law** Peter Machin North, 1993 This work consists of nine essays in the broad field of private international law some originally delivered as lectures others written as law journal articles The author draws on his experience as a Law Commissioner in European Community negotiations in Brussels and in providing advice to the government on private international law matters Where appropriate the essays include new introductions examining major developments which have occurred since they were originally written

**Liberty and the Rule of Law** Robert L. Cunningham, 1979 Papers from a conference held in San Francisco in 1976 Includes bibliographical references and index

*We Are Better Than This* Robyn Cadwallader, 2015-10-07 *We Are Better Than This* is a collection of essays and poetry addressing the Australian government's asylum seeker policy The aims of the book are several to provide some of the information about the situation in detention camps that is being withheld by the government to correct some of the government's misrepresentations of the current situation to clarify some of the complex legal issues surrounding the right to seek asylum and to give some insight into the plight of those who are seeking asylum It is hoped that this book will better

inform people about the government's policies to support those who are unsatisfied and seeking to change the situation as well as those who are uncertain and need more easily accessible and reliable information Contributors are drawn from several areas of expertise and engagement with asylum seekers

*How to Write Law Essays and Exams* S. I. Strong, 2018

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Online Resources The book is accompanied by online resources including a case breakdown to help students with reading cases frequently asked questions and some tips on citation styles and conventions

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*Dworkin and His Critics* Justine Burley, 2008-04-15

*Dworkin and His Critics* provides an in depth analytical discussion of Ronald Dworkin's ethical legal and political philosophical writings and it includes substantial replies from Dworkin himself Includes substantial replies by Ronald Dworkin a comprehensive bibliography of his work and suggestions for further reading Contributors include Richard Arneson G A Cohen Frances Kamm Will Kymlicka Philippe van Parijs Eric Rakowski Joseph Raz and Jeremy Waldron Makes an important contribution to many on going debates over abortion euthanasia the rule of law distributive justice group rights political obligation and genetics

**How to Write Law Essays & Exams** S. I. Strong, 2014 This book provides law students with a

practical and proven method of analyzing and answering essays and exam questions Designed for students of all levels including A level university conversion and vocational courses the text teaches vital writing and analytical skills to help students in their substantive law studies      **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

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