

The Rule Of Law By Tom Bingham Ebooks About The Rule Of Law By Tom Bingham Or Read Online Viewer Search

In many ways, the United States' post-9/11 engagement with legal rules is puzzling. Officials in both the Bush and Obama administrations authorized numerous contentious counterterrorism policies that sparked global outrage, yet they have repeatedly insisted that their actions were lawful and legitimate. In *Plausible Legality*, Rebecca Sanders examines how the US government interpreted, reinterpreted, and manipulated legal norms and what these justificatory practices imply about the capacity of law to constrain state violence. Through case studies on the use of torture, detention, targeted killing, and surveillance, Sanders provides a detailed analysis of how policymakers use law to achieve their political objectives and situates these patterns within a broader theoretical understanding of how law operates in contemporary politics. She argues that legal culture--defined as collectively shared understandings of legal legitimacy and appropriate forms of legal practice in particular contexts--plays a significant role in shaping state practice. In the global war on terror, a national security culture of legal rationalization encouraged authorities to seek legal cover--to construct the plausible legality of human rights violations--in order to ensure impunity for wrongdoing. Looking forward, law remains vulnerable to evasion and revision. As Sanders shows, despite the efforts of human rights advocates to encourage deeper compliance, the normalization of post-9/11 policy has created space for future administrations to further erode legal norms.

From the sprawling remnants of the Soviet empire to the southern tip of Africa, attempts are underway to replace arbitrary political regimes with governments constrained by the rule of law. This ideal which subordinates the wills of individuals, social movements--and even, sometimes, democratically elected majorities--to the requirements of law, is here explored by leading legal and political thinkers. Part I of *The Rule of Law* examines the interplay of democracy and the rule of law, while Part II focusses on the centuries-old debate about the meaning of the rule of law itself. Part III takes up the constraints that rationality exercises on the rule of law. If the rule of law is desirable partly because it is rational, then departures from that rule might also be desirable in the event that they can be shown to be rational. Part IV concentrates on the limits of the rule of law, considering the tensions between liberalism and the rule of law which exist despite the fact that reasoned commitment to the rule of the law is preeminently a liberal commitment. Contributing to the volume are: Robert A. Burt (Yale University), Steven J. Burton (University of Iowa), William N. Eskridge, Jr. (Georgetown University), John Ferejohn (Stanford University), Richard Flathman (Johns Hopkins University), Gerald F. Gaus (University of Minnesota, Duluth), Jean Hampton (University of Arizona), Russell Hardin (University of Chicago), James Johnson (University of Rochester), Jack Knight (Washington University), Stephen Macedo (Harvard University), David Schmidt (Yale University), Lawrence B. Solum (Loyola Marymount University), Michael Walzer (Princeton University), Catherine Valcke (University of Toronto), and Michael P. Zuckert (Carleton College).

This is a book about the internal dimension of the rule of law in the European Union (EU). The EU is a community based on law

which adheres to and promotes a set of common values between the Member States. The preservation of these values (such as legality, legal certainty, prohibition of arbitrariness, respect for fundamental rights) is pivotal to the success of European integration and the well-being of the individuals within it. Yet, the EU rule of law suffers from an imposter syndrome and has been the subject of criticism: ie that it is only part of the EU agenda in order to legitimise sweeping new powers and policies, and that it plays little or no role in promoting a culture of compliance for either deviant EU Institutions or for Member States. This book will examine whether the EU rule of law deserves those criticisms. It will offer an analytical guide to the EU rule of law by conceptualising it and locating it within the sources of EU law. It will then ask whether the EU is based on the rule of law - a question which is answered in the affirmative, but one which has to be considered in the context of compliance and the overall effectiveness of the EU enforcement acquis. It is argued that while the EU means well in its aim to preserve unity in an increasingly diversified Europe, the extent to which it can pave the way to a better world (based on a transnational rule of law concept akin to good governance and improvement of citizens' lives) is dependent on the commitment of all European integration stakeholders to the EU project. Through critical analysis of key concepts and measures of the rule of law, this book shows that the choice of definitions and measures affects descriptive and explanatory findings about nomocracy. It argues a constitutionalist legacy from centuries ago explains why European civilizations display higher adherence to rule of law than other countries.

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.

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' is increasingly regarded as integral to liberal democracy, and its significance is frequently discussed by lawyers, academics, politicians and the media. But the meaning of the phrase is not always clear. What does 'the rule of law' mean exactly? And why is it so important to the democratic state and, above all, its citizens? In *Understanding the Rule of Law*, former president of the Dutch Supreme Court Geert Corstens paints a lively and accessible portrait of the rule of law in practice. The focus is on the role of the courts, where the tensions in a democratic state governed by the rule of law are often discussed and resolved. Using landmark judgments, Geert Corstens explains what judges do and why their work is valuable. What do minimum sentences and prisoners' voting rights have to do with each other? Why is there no easy answer to the question of whether a paedophile organisation should be banned? Why is it no joke when the Italian politician Silvio Berlusconi calls the judiciary 'the cancer of democracy'? *Understanding the Rule of Law* provides the answers to these and many other questions, and is essential reading for anyone interested in the state of democracy today.

What is the nature of law as a form of social order? What bearing do values like justice, human rights, and the rule of law have on law? Which values should law serve, and what limits must it respect in serving them? Are we always morally bound to obey the law? What are the philosophical problems that arise in specific areas of law, from criminal and tort law to contract law and public international law? The book provides an accessible, comprehensive, and high quality introduction to the major themes of legal philosophy written by a stellar international cast of contributors, including John Finnis, Martha Nussbaum, Fred Schauer, Onora O'Neill and Antony Duff. The volume is an exceptional teaching tool that provides a critical introduction to cutting-edge work in the philosophy of law.

The laws now enforced throughout the world are almost all modelled on systems developed in Europe in the eighteenth and nineteenth centuries. During two hundred years of colonial rule, Europeans exported their laws everywhere they could. But they weren't filling a void: in many places, they displaced traditions that were already ancient when Vasco Da Gama first arrived in India. Even the Romans were inspired by earlier precedents. Where, then, did it all begin? And what has law been and done over the course of human history? In *The Rule of Laws*, pioneering anthropologist Fernanda Pirie traces the development of the world's great legal systems - Chinese, Indian, Roman, and Islamic - and the innumerable smaller traditions they inspired. At the heart of the story is a paradox: how did the pronouncements of the powerful become a vital weapon in ordinary people's fight for justice?

From ancient Mesopotamia to today, the epic story of how humans have used laws to forge civilizations. Rulers throughout history have used laws to impose order. But laws were not simply instruments of power and social control. They also offered ordinary people a way to express their diverse visions for a better world. In *The Rule of Laws*, Oxford scholar Fernanda Pirie traces the rise and fall of the sophisticated legal systems underpinning ancient empires and religious traditions, while also showing how common people—tribal assemblies, merchants, farmers—called on laws to define their communities, regulate trade, and build civilizations. Although legal principles originating in Western Europe now seem to dominate the globe, the variety of the world's laws has long been almost as great as the variety of its societies. What truly unites human beings, Pirie argues, is our very faith that laws can produce justice, combat oppression, and create order from chaos.

Download File PDF The Rule Of Law By Tom Bingham Ebooks About The Rule Of Law By Tom Bingham Or Read Online Viewer Search

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.

Notes an increase in court cases that are resulting in significant settlements, including those involving HMOs and the tobacco industry, warning readers about the increasing power of class-action lawyers and the public's vulnerability to them. Reprint. 15,000 first printing.

This volume compares the different conceptions of the rule of law that have developed in different legal cultures. It describes the social purposes and practical applications of the rule of law and how it might be improved in the varied circumstances.

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*.

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.

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.

What is the rule of law? Why does it matter? How well does America conform to the rule of law? And why do Americans, who profess such respect for the law, complain so often about our legal system? Drawing upon extensive experience in

law, government service, teaching, and research, Boston University law school dean Ronald Cass offers a welcome contribution to the ongoing public discussion on law and society. After opening his discussion with chapters on the rule of law in American society, Cass turns to the hard case of its application to the president of the United States. Through this prism Cass examines the behavior of judges who may not always act according to a "perfect model." They may not always be perfectly constrained by law or achieve perfect justice through law. That, however, is the wrong thing to ask. Instead, says Cass, "looking at the ordinary case -- and asking not whether the decision advances particular aspirations for society, but whether it conforms to basic aspects of legal authority -- produces a more law-governed view of America judging." In fact, this book provides a much-needed corrective to criticism of the American legal system raised all too frequently by members of the academy and by politicians. Rather than concentrating on relatively minor inconsistencies in the law and slight departures from the ideal of perfectly constrained decision making, Cass argues that the energies of his fellow scholars could be better spent on more serious defects in the legal system. With a special section on the 2000 presidential election, including the Florida recount and Supreme Court decision, *The Rule of Law in America* offers a timely look at a subject of interest to legal scholars and general readers alike..

A striking new analysis of Myanmar's court system, revealing how the rule of law is 'lexically present but semantically absent'.

"Enhancing the Rule of Law through the International Court of Justice", edited by Giorgio Gaja and Jenny Grote Stoutenburg, explores the current and possible future contribution of the International Court of Justice to the rule of law in the international community.

Global Perspectives on the Rule of Law is a collection of original research on the rule of law from a panel of leading economists, political scientists, legal scholars, sociologists and historians. The chapters critically analyze the meaning and foundations of the rule of law and its relationship to economic and democratic development, challenging many of the underlying assumptions guiding the burgeoning field of rule of law development. The combination of jurisprudential, quantitative, historical/comparative, and theoretical analyses seeks to chart a new course in scholarship on the rule of law: the volume as a whole takes seriously the role of law in pursuing global justice, while confronting the complexity of instituting the rule of law and delivering its promised benefits. Written for scholars, practitioners, and policy-makers, *Global Perspectives on the Rule of Law* offers a unique combination of jurisprudential and empirical research that will be provocative and relevant to those who are attempting to understand and advance the rule of law globally. The chapters progress from broad questions regarding current rule of development efforts and the concept of rule of law to more specific issues pertaining to economic and democratic development. Specific countries, such as China, India, and

seventeenth century England and the Netherlands, serve as case studies in some chapters, while broad global surveys feature in other chapters. Indeed, this impressive scope of research ushers in the next generation of scholarship in this area.

So commonplace has the term rule of law become that few recognize its source as Dicey's *Introduction to the Study of the Law of the Constitution*. Cosgrove examines the life and career of Dicey, the most influential constitutional authority of late Victorian and Edwardian Britain, showing how his critical and intellectual powers were accompanied by a simplicity of character and wit. Dicey's contribution to the history of law is described as is his place in Victorian society. Originally published 1980. A UNC Press Enduring Edition -- UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print. These editions are published unaltered from the original, and are presented in affordable paperback formats, bringing readers both historical and cultural value.

"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-Hélène Piron (Overseas Development Institute), Matthew Spence (Yale Law School), Matthew Stephenson (Harvard Law School), and Frank Upham (NYU School of Law).

INSTANT NEW YORK TIMES BESTSELLER In "master of the legal thriller" (Chicago Sun-Times) John Lescroart's electrifying new novel, attorney Dismas Hardy is called to defend the least likely suspect of his career: his longtime, trusted assistant who is suddenly being charged as an accessory to murder. 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 when 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. Proving that he is truly “one of the best thriller writers to come down the pike” (USA TODAY), John Lescroart crafts yet another whip-smart, engrossing novel filled with shocking twists and turns that will keep you on your toes until the very last page.

In *The Rule of Law in the Real World*, Paul Gowder defends a new conception of the rule of law as the coordinated control of power and demonstrates that the rule of law, thus understood, creates and preserves social equality in a state. In a highly engaging, interdisciplinary text that moves seamlessly from theory to reality, using examples ranging from Ancient Greece through the present, Gowder sheds light on how societies have achieved the rule of law, how they have sustained it in the face of political upheaval, and how it may be measured and developed in the future. *The Rule of Law in the Real World* is an essential work for scholars, students, policymakers, and anyone else who believes the rule of law is critical to the proper functioning of society.

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.

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

Download File PDF The Rule Of Law By Tom Bingham Ebooks About The Rule Of Law By Tom Bingham Or Read Online Viewer Search

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 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.

'What's wonderful about this book is that it's not a law book; it's for everybody. It explains, clearly, simply, powerfully, to a lay audience what the rule of law means and how important it is to everybody in modern society. Everyone should read this book' SHAMI CHAKRABARTI 'The Rule of Law' is a phrase much used but little examined. 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 it is not an arid legal doctrine but the foundation of a fair and just society, a guarantee of responsible government, and an important contributor to economic growth. Tom Bingham examines the historical origins of the rule of law, advances eight conditions which capture its essence as understood in western democracies today - and explains why the rule of law offers the best means yet devised for securing peace and co-operation. 'Beautifully written . . . the book of the year that I am likely to read again and again' CHRIS PATTEN 'So compelling that its contents spill on to the page like a musical score' CONOR GEARTY, OBSERVER 'This closely argued and very readable work serves as a lucid restatement of the importance of the rule of law' GIDEON RACHMAN, FINANCIAL TIMES, BOOKS OF THE YEAR

"While the rule of law's English roots can be found in the Middle Ages, its governing doctrine rose to power during the seventeenth and eighteenth centuries. John Phillip Reid traces the concept's progress through a series of landmark events in Great Britain and North America: the trial of Charles I, the creation of the Mayflower Compact, the demand for a codification of the laws in John Winthrop's Massachusetts Bay Colony, and an attempt to harness the Puritan Lord Protector Oliver Cromwell to the rule of law by crowning him king. The American Revolution, the culmination of two centuries of political foment, marked the greater victory of rule of law." "Even as Reid tells this story, he argues that we must not take for granted what the expression "rule of law" meant. Rather, if we are to understand its nuances, we must closely examine the historical context as well as the intentions of those who invoked it as a doctrine."--BOOK JACKET.

The Rule of Law Penguin UK

"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"--

'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.

Promoting the rule of law is at the heart of the United Nations' mission. Critically evaluating rule of law initiatives from a contemporary global perspective, The International Rule of Law Movement explains which measures work and which fail, and why. It proposes better models for instituting justice and the rule of law in fragile states.

In the modern era, political leaders and scholars have declared the rule of law to be essential to democracy, a necessity for economic growth, and a crucial tool in the fight for security at home and stability abroad. The United States has spent billions attempting to catalyze rule-of-law improvements within other countries. Yet despite the importance of the goal to core foreign policy needs, and the hard work of hundreds of practitioners on the ground, the track record of successful rule-of-law promotion has been paltry. In *Advancing the Rule of Law Abroad*, Rachel Kleinfeld describes the history and current state of reform efforts and the growing movement of second-generation reformers who view the rule of law not as a collection of institutions and laws that can be built by outsiders, but as a relationship between the state and society that must be shaped by those inside the country for lasting change. Based on research in countries from Indonesia to Albania, Kleinfeld makes a compelling case for new methods of reform that can have greater chances of success. This book offers a comprehensive overview of this growing area of policy action where diplomacy and aid meet the domestic policies of other states. Its insights into the practical methods and moral complexities of supporting reform within other countries will be useful to practitioners and students alike.

In this provocative and engaging new book, Randy Barnett outlines a powerful and original theory of liberty structured by the liberal conception of justice and the rule of law. Drawing on insights from philosophy, political theory, economics, and law, he shows how this new conception of liberty can confront, and solve, the central societal problems of knowledge, interest, and power. - ;What is liberty, as opposed to license, and why is it so important? When people pursue happiness, peace, and prosperity whilst living in society, they confront pervasive problems of knowledge, interest, and power. These problems are dealt with by ensuring the liberty of the people to pursue their own ends, but addressing these problems also requires that liberty be structured by certain rights and procedures associated with the classical liberal conception of justice and the rule of law. In this controversial new work, Barnett examines the serious social problems that are

addressed by liberty and the background or 'natural' rights and 'rule of law' procedures that distinguish liberty from license. He goes on to outline the constitutional framework that is needed to protect this structure of liberty. This is the only discussion of the liberal conception of justice and the rule of law to draw upon insights from philosophy, economics, political theory, and law to describe comprehensively the vital social functions performed by adherence to these concepts. And, although the book is intended to challenge specialists, its clear and accessible prose ensure that it will be of immense value to both scholars and students working in a range of academic disciplines. -

Revision of author's thesis (doctoral)--University of Amsterdam, 2012.

A compelling account of how civic and media-based initiatives have successfully fought for greater governmental accountability in the emerging democracies of Latin America.

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.

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 law, 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. When property rights and environmental legislation clash, what side should the Rule of Law weigh in on? It is from this point that Jeremy Waldron explores the Rule of Law both from an historical perspective - considering the property theory of John Locke - and from the perspective of modern legal controversies. This critical and direct account of the relation between the Rule of Law and the protection of private property criticizes the view - associated with the 'World Bank model' of investor expectations - that a society which fails to protect property rights against legislative restriction is failing to support the Rule of Law. In this book, developed from the 2011 Hamlyn Lectures, Waldron rejects the idea that the

Download File PDF The Rule Of Law By Tom Bingham Ebooks About The Rule Of Law By Tom Bingham Or Read Online Viewer Search

Rule of Law privileges property rights over other forms of law and argues instead that the Rule of Law should endorse and applaud the use of legislation to achieve valid social objectives.

[Copyright: ac33abe7b27dab13d03c3b55e91d2720](#)