

Book The Rule Of Law Tom Bingham

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..

This book explores the development of both the civil law conception of the Legal State and the common law conception of the Rule of Law. It examines the philosophical and historical background of both concepts, as well as the problem of the interrelation between the two doctrines. The book brings together twenty-five leading scholars from around the world and provides both general and specific jurisdictional perspectives of the issue in both contemporary and historical settings. The Rule of Law is a legal doctrine the meaning of which can only be fully appreciated in the context of both the common law and the European civil law tradition of the Legal State (*Rechtsstaat*). The Rule of Law and the Legal State are fundamental safeguards of human dignity and of the legitimacy of the state and the authority of state prescriptions.

First published in 1999, this volume is a series of essays on the countries of Central Europe. The essays explore the post-1989 establishment of the rule of

law and civil society. It brings together analysis and perceptions from social scientists, political scientists and lawyers, seeking through particular issues to explore the similarities and differences between different countries. While other books have explored the changes in former Soviet Block countries since 1989, the book's distinctiveness lies in three qualities: its concentration on Central Europe a concept explored in the book; giving fuller attention to the Czech Republic and Slovakia than other post-communist studies often do; providing perceptions of scholars from different disciplines.

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 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.

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.

'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.

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.

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 economist&

This book challenges the idea that the Rule of Law is still a universal European value given its relatively rapid deterioration in Hungary and Poland, and the apparent inability of the European institutions to adequately address the illiberalization of these Member States. The book begins from the general presumption that the Rule of Law, since its emergence, has been a universal European value, a political ideal and legal conception. It also acknowledges that the EU has been struggling in the area of value enforcement, even if the necessary mechanisms are

available and, given an innovative outlook and more political commitment, could be successfully used. The authors appreciate the different approaches toward the Rule of Law, both as a concept and as a measurable indicator, and while addressing the core question of the volume, widely rely on them. Ultimately, the book provides a snapshot of how the Rule of Law ideal has been dismantled and offers a theory of the Rule of Law in illiberal constitutionalism. It discusses why voters keep illiberal populist leaders in power when they are undeniably acting contrary to the Rule of Law ideal. The book will be of interest to academics and researchers engaged with the foundational questions of constitutionalism. The structure and nature of the subject matter covered ensure that the book will be a useful addition for comparative and national constitutional law classes. It will also appeal to legal practitioners wondering about the boundaries of the Rule of Law.

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.

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

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

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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.

WARNING: This book contains material that may be offensive to some readers. It is an instructional guide covering tactical actions and capabilities which should only be executed in last-resort survival situations. & ; & ; This book was written for non-military readers who believe in self-reliance and wish to develop advanced, just-in-case capabilities for themselves and their families. It leads the reader through progressively more complex preparations and activities. & ; & ; Written by Joe Nobody, author of the bestselling HOLDING YOUR GROUND series of books, this work addresses skills that may be necessary to survive if a breakdown of society or government should occur. & ; & ; The work covers topics such as camouflage, breaching, hiding, stalking, looting, scavenging, infiltration and disguise. The book includes numerous examples, special equipment, exercises and instructional text on how to plan, equip and execute these actions in a potentially hostile, post-SHTF environment. It takes the reader through various scenarios and provides guidance should TEOTWAWKI occur and extreme measures are required to survive.

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*.

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. -

Scholars have generally assumed that authoritarianism and rule of law are mutually incompatible. Convinced that free markets and rule of law must tip authoritarian societies in a liberal direction, nearly all studies of law and contemporary politics have neglected that improbable coupling: authoritarian rule of law. Through a focus on Singapore, this book presents an analysis of authoritarian legalism. It shows how prosperity, public discourse, and a rigorous observance of legal procedure have enabled a reconfigured rule of law such that liberal form encases illiberal content. Institutions and process at the bedrock of rule of law and liberal democracy become tools to constrain dissent while augmenting discretionary political power - even as the national and international legitimacy of the state is secured. This book offers a valuable

and original contribution to understanding the complexities of law, language and legitimacy in our time.

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

This book studies the practical experience and theoretical development of rule of law in

China, and provides fundamental theory for the construction of rule of law in contemporary China. The author examines the rule of law by exploring the entire legal system, and highlighting various aspects including the legislation, law enforcement and supervision systems. Readers will also discover the author's strong opinions on scientific legislation, legal government, judicial reform, and the culture of rule of law. This highly readable book will appeal to both general readers and researchers interested in rule of law in China.

What did the president know? And when did she know it? For the members of SEAL Team Six, it was a rare mission ordered by the president, monitored in real time from the Situation Room. The Houthi rebels in Yemen had captured an American journalist and a member of the Saudi royal family. Their executions were scheduled for Easter Sunday. The SEAL team would break them out. But when the mission results in spectacular failure, the finger-pointing goes all the way to the top. Did the president play political games with the lives of U.S. service members? Paige Chambers, a determined young lawyer, has a very personal reason for wanting to know the answer. The case she files will polarize the nation and test the resiliency of the Constitution. The stakes are huge, the alliances shaky, and she will be left to wonder if the saying on the Supreme Court building still holds true. Equal justice under law. It makes a nice motto. But will it work when one of the most powerful people on the planet is also a defendant? 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.

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. 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 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.

This clear and systematic introduction to the philosophy of law attempts to answer some important questions about the nature of law and its relationship to social norms and moral standards.

Rule of Law Reform and Development stands out as an important contribution. Michael Trebilcock and Ronald Daniels have produced an ambitious, comprehensive, and persuasive book that will be of interest to both rule of law practitioners and academics. . . the book's overall strengths as a near-encyclopaedic appraisal of law and development will ensure its standing as a key resource for this still rapidly evolving field. Irina Ceric, *Canadian Journal of Law and Society* This book offers a sophisticated yet pragmatic account of the proper purposes of rule of law reform, the obstacles to achieving it, and the role that the international community can play. The procedural conception of the rule of law offers an appealing alternative to both one-size-fits-all universalism on the one hand and unconstrained relativism on the other. Kevin Davis, *New York University School of Law, US* This is the book that I have been waiting for. Even though rule of law has become the new mantra in development, its meaning remains elusive and its operational content unclear. This book helps us think

systematically about it. Grounded in a procedural conceptualization of the rule of law, and supported by detailed case studies, Trebilcock and Daniels analysis lays out a theoretically sophisticated, yet practical agenda for making progress with rule-of-law reforms. Dani Rodrik, Harvard University, US This is a book on the role of legal institutions in economic development that is rich in institutional analysis and nuanced in terms of sensitivity to social, historical and political-economy issues that arise in the implementation of the rule of law. I particularly value its major focus on the need for balance between independence and accountability that afflict any rule of law reform: a balance which is missing in more one-sided accounts in the literature. I believe the book will be widely read and appreciated. Pranab Bardhan, University of California, Berkeley, US Within the law and development literature it is the most knowledgeable and comprehensive book on legal reform. I think that it will find a grateful readership among people working in development agencies, in humanitarian organizations and among scholars and students of development studies. Hans-Bernd Schäfer, University of Hamburg, Germany By identifying the key politico-economic reasons why rule-of-law reforms in developing countries have faltered and drawing out the implications for future strategy, this book is of immense importance and should be widely read. Anthony Ogus, CBE, FBA, University of Manchester, UK This important book addresses a number of key issues regarding the relationship between the rule of law and development. It presents a deep and insightful inquiry into the current orthodoxy that

the rule of law is the panacea for the world's problems. The authors chart the precarious progress of law reforms both in overall terms and in specific policy areas such as the judiciary, the police, tax administration and access to justice, among others. They accept that the rule of law is necessarily tied to the success of development, although they propose a set of procedural values to enlighten this institutional approach. The authors also recognize that states face difficulties in implementing these institutional structures and identify the probable impediments, before proposing a rethink of law reform strategies and offering some conclusions about the role of the international community in the rule of law reform. Reviewing the progress in the rule of law reform in developing countries, specifically four regions Latin America, Africa, Central and Eastern Europe, and Asia this book makes a significant contribution to the literature. It will be of great interest to scholars and advanced students, as well as practitioners in the field, including international and bilateral aid agencies working on rule of law reform projects, and international and regional non-governmental organizations.

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.

Donald Trump is eroding the rule of law! We've heard it said many times, and we can feel it in our guts. But what does "rule of law" really mean? And what happens when it breaks down? From Richard Painter, a senate candidate and law professor who served as White House chief ethics counsel under President George W. Bush, and New York Times bestselling author Peter Golenbock, *American Nero* is an in-depth exploration the rule of law—the legal bedrock on which this country was founded. Painter and Golenbock present a clear description of rule of law—arguably the single most important principle underlying our civilization. They also describe the abuses of power that have occurred throughout our nation's history. Beginning in Puritan New England with the infamous Salem Witch Trials, *American Nero* makes vivid stops at The Red Scare of the 1920s, Japanese-American internment, the McCarthy Era, and, much more recently, President Trump's attempt to violate the First Amendment by banning Muslims

from entering the US. While Trump is not the first offender, he is arguably the most blatant, and this unflinchingly honest and insightful work presents in devastating detail the ways in which our current president has trampled the rule of law with his attacks on the freedom of the press, the independence of the judiciary, and the autonomy of the justice department. This is not a book about right vs. left —instead, it is about the rule of law, a principle that transcends partisan politics, and how vital it is to the survival of our country. This book serves as a call-to-action, looking ahead to a brighter future for our country, one where citizens and officials alike protect our rights and honor their responsibilities. Timely and revealing, *American Nero* shares the lessons of history and lays the framework for returning to a society that respects the rule of law—an America that is consistent with our Founding Fathers' vision of a genuinely free nation.

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 Law*, 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.

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.

Plunder examines the dark side of the Rule of Law and explores how it has been used as a powerful political weapon by Western countries in order to legitimize plunder – the practice of violent extraction by stronger political actors victimizing weaker ones. Challenges traditionally held beliefs in the sanctity of the Rule of Law by exposing its dark side Examines the Rule of Law's relationship with 'plunder' – the practice of violent extraction by stronger political actors victimizing weaker ones – in the service of Western cultural and economic domination Provides global examples of plunder: of oil in Iraq; of ideas in the form of Western patents and intellectual property rights imposed on weaker peoples; and of liberty in the United States Dares to ask the paradoxical question – is the Rule of Law itself illegal?

This book makes the radical claim that rather than interpreting the Constitution from on high, the Court should be reflecting popular will--or the wishes of the people themselves.

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.

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 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.

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 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.

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 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.

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