The Rule Of Law Tom Bingham 8601200962741 Books Amazon

'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.

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.

Arguing that good legal reasoning remains the best device by which we can ensure that judicial impartiality, the rule of law, and social trust and peace are preserved, Thomas F. Burke and Lief H. Carter present an accessible and lively text that analyzes the politics of the judicial process. Looking at the larger social and institutional contexts that affect the rule of law - including religious beliefs and media coverage of the courts - Reason in Law uses cases ripped from the headlines to illustrate its theory in real-world practice.

Despite persistent criticism from a variety of different perspectives including natural law, legal realism and socio-legal studies, legal positivism remains as an enduring theory of law. The essays contained in this volume represent the most balanced responses toward legal positivism and although largely sympathetic, the essays do not fail to criticize elements of the tradition wherever appropriate.

Democracies are in danger. Around the world, a rising wave of populist leaders threatens to erode the core structures of democratic self rule. In the United States, the election of Donald Trump marked a decisive turning point for many. What kind of president calls the news media the "enemy of the American people," or sees a moral equivalence between violent neo-Nazi protesters in paramilitary formation and residents of a college town defending the racial and ethnic diversity of their homes? Yet, whatever our concerns about the current president, we can be assured that the Constitution offers safeguards to protect against lasting damage--or can we? How to Save a Constitutional Democracy mounts an urgent argument that we can no longer afford to be complacent. Drawing on a rich array of other countries' experiences with democratic backsliding, Tom Ginsburg and Aziz Z. Huq show how constitutional rules can either hinder or hasten the decline of democratic institutions. The checks and balances of the

federal government, a robust civil society and media, and individual rights--such as those enshrined in the First Amendment--do not necessarily succeed as bulwarks against democratic decline. Rather, Ginsburg and Huq contend, the sobering reality for the United States is that, to a much greater extent than is commonly realized, the Constitution's design makes democratic erosion more, not less, likely. Its structural rigidity has had the unforeseen consequence of empowering the Supreme Court to fill in some details--often with doctrines that ultimately facilitate rather than inhibit the infringement of rights. Even the bright spots in the Constitution--the First Amendment, for example--may have perverse consequences in the hands of a deft communicator, who can degrade the public sphere by wielding hateful language that would be banned in many other democracies. But we--and the rest of the world--can do better. The authors conclude by laying out practical steps for how laws and constitutional design can play a more positive role in managing the risk of democratic decline.
This interdisciplinary volume addresses the special challenges that middle-income countries confront from both a theoretical and a practical perspective.
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 became a vital weapon in ordinary people's fight for justice?

This volume showcases the most recent research by East Asian legal specialists from all over the world on the future of the legal and judicial landscape in East Asia and renewed respect for the rule of law in the 21st century.

This insightful book investigates the historical, political, and legal foundations of the Chinese perspectives on the rule of law and the international rule of law. Building upon an understanding of the rule of law as an 'essentially contested concept', this book analyses the interactions between the development of the rule of law within China and the Chinese contribution to the international rule of law, more particularly in the areas of global trade and security governance.

Provides an intra-Asia comparative perspective of authoritarian legality, with a focus on formation, development, transition and post-transition stages.

Fifty years on from its original publication, HLA Hart's The Concept of Law is widely recognized as the most important work of legal philosophy published in the twentieth century, and remains the starting point for most students coming to the subject for the first time. In this third edition, Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy, clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work.

Tom Bingham was among the most influential judges of the twentieth century, having occupied in succession the most senior judicial offices, Master of the Rolls, Lord Chief Justice and Senior Law Lord, before retiring in 2008, at which point he devoted himself to the teaching of Human Rights Law, until his death in September 2010. His judicial and academic work has deeply influenced the development of the law in a period of substantial legal change. In particular his role in establishing the new UK Supreme Court, and his views on the rule of law and judicial independence left a profound mark on UK constitutional law. He was also instrumental in championing the academic and judicial use of comparative law, through his judicial work and involvement with the British Institute of International and Comparative Law. This volume collects around fifty essays from colleagues and those influenced by Lord Bingham, from across academia and legal practice. The essays survey Lord Bingham's pivotal role in the transformations that took place in the legal system during his career.

A classic resource in the modern study of the anthropology of law, this book is now widely available again in an updated and expanded edition. There are many societies that survive in a remarkably orderly fashion without the help of judges, law courts and policemen. They are small in scale and have relatively simple technologies, lacking those centralized agencies which we associate with legal systems; yet early anthropologists did not hesitate to name “law,” along with kinship, politics and religion, as one of the facets of their subject. Simon Roberts contends, however, that legal

theory has become too closely identified with our own arrangements in western societies to be of much help in cross-cultural studies of order. But conversely, by looking at the ways in which other societies keep order and solve disputes, he sheds valuable light on the contemporary debates about order in our own society, in a straightforward text which will be accessible to the general reader and anthropologist alike. Now in its Second Edition with a new Foreword and Afterword by the author, this renowned introduction to the anthropology of law is part of the Classics of Law & Society Series from Quid Pro Books.

“'What About Law?' succeeds where so many legal guidebooks fail ... [it] skilfully demystifies the law and ably proves its argument. The law is, indeed, all around us - and this book will whet your appetite to find out how and why.” – Alex Wade, The Times (of the previous edition) Law is one of the few subjects that the school leaver, choosing a degree course, will have very little real understanding of. This book comes to the rescue by clearly setting out what a prospective law student can expect and why a student should choose to study law. This new edition is updated to reflect the reality of studying law today, highlighting changes due to Brexit and reforms to constitutional law. The book covers the compulsory subjects every law student has to study: contract, criminal, property and trusts law, and brings them up to date. With a clear core structure and approach it takes a case from each of these subjects to illustrate legal issues and methodology. The writing style is accessible and has the audience – novices to law –

firmly in mind. What About Law? shows how the study of law can be fun, intellectually stimulating and challenging. It introduces prospective students to the legal system, legal reasoning, critical thinking and argument. Written by a team of experienced teachers, this book should be read by every student about to embark on the study of law.

This thought-provoking book addresses the legal questions raised by areas of limited statehood, in which the State lacks the ability to exercise the full depth of its governmental authority. Featuring original contributions written by renowned international scholars, chapters investigate key issues arising at the junction between both domestic and international rule of law and areas of limited statehood, as well as the alternative modes of governance that develop therein.

Building on extensive fieldwork in China and Indonesia, Hurst offers a valuable comparison of legal systems in practice.

A SUNDAY TIMES BESTSELLER In the past few decades, legislatures throughout the world have suffered from gridlock. In democracies, laws and policies are just as soon unpicked as made. It seems that Congress and Parliaments cannot forge progress or consensus. Moreover, courts often overturn decisions made by elected representatives. In the absence of effective politicians, many turn to the courts to solve political and moral questions. Rulings from the Supreme Courts in the United States and United Kingdom, or the

European court in Strasbourg may seem to end the debate but the division and debate does not subside. In fact, the absence of democratic accountability leads to radicalisation. Judicial overreach cannot make up for the shortcomings of politicians. This is especially acute in the field of human rights. For instance, who should decide on abortion or prisoners' rights to vote, elected politicians or appointed judges? Expanding on arguments first laid out in the 2019 Reith Lectures, Jonathan Sumption argues that the time has come to return some problems to the politicians.

Building on a series of ESRC funded seminars, this edited collection of expert papers by academics and practitioners is concerned with access to civil and administrative justice in constitutional democracies, where, for the past decade governments have reassessed their priorities for funding legal services: embracing 'new technologies' that reconfigure the delivery and very concept of legal services; cutting legal aid budgets; and introducing putative cost-cutting measures for the administration of courts, tribunals and established systems for the delivery of legal advice and assistance. Without underplaying the future potential of technological innovation, or the need for a fair and rational system for the prioritisation and funding of legal services, the book questions whether the absolutist approach to the dictates of austerity and the promise of new

technologies that have driven the Coalition Government's policy, can be squared with obligations to protect the fundamental right of access to justice, in the unwritten constitution of the United Kingdom.

Governments across the globe have begun evolving from lumbering bureaucracies into smaller, more agile special jurisdictions - common-interest developments, special economic zones, and proprietary cites. Private providers increasingly deliver services that political authorities formerly monopolized, inspiring greater competition and efficiency, to the satisfaction of citizens-qua-consumers. These trends suggest that new networks of special jurisdictions will soon surpass nation states in the same way that networked computers replaced mainframes. In this groundbreaking work, Tom W. Bell describes the quiet revolution transforming governments from the bottom up, inside-out, worldwide, and how it will fulfill its potential to bring more freedom, peace, and prosperity to people everywhere.

'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

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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.

People obey the law if they believe it's legitimate, not because they fear punishment--this is the startling conclusion of Tom Tyler's classic study. Tyler suggests that lawmakers and law enforcers would do much better to make legal systems worthy of respect than to try to instill fear of punishment. He finds that people obey law primarily because they believe in respecting legitimate authority. In his fascinating new afterword, Tyler brings his book up to date by reporting on new research into the relative importance of legal legitimacy and deterrence, and reflects on changes in his own thinking since his book was first published.

Scholars have generally assumed that courts in authoritarian states are pawns of their regimes, upholding the interests of governing elites and frustrating the efforts of their opponents. As a result, nearly all studies in comparative judicial politics have focused on democratic and democratizing countries. This volume brings together leading scholars in comparative judicial politics to consider the causes and consequences of judicial empowerment in authoritarian states. It demonstrates the wide range of governance tasks that courts perform, as well as

the way in which courts can serve as critical sites of contention both among the ruling elite and between regimes and their citizens. Drawing on empirical and theoretical insights from every major region of the world, this volume advances our understanding of judicial politics in authoritarian regimes.

In this book, a distinguished international group of legal theorists re-examine legal positivism as a prescriptive political theory and consider its implications for the constitutionally defined roles of legislatures and courts. The issues are illustrated with recent developments in Australian constitutional law.

? Human Rights ? Equality ? Free Speech ? Privacy ? The Rule of Law These five ideas are vitally important to the way of life we enjoy today. The battle to establish them in law was long and difficult, and Anthony Lester was at the heart of the thirty-year campaign that resulted in the Human Rights Act, as well as the struggle for race and gender equality that culminated in the Equality Act of 2010. Today, however, our society is at risk of becoming less equal. From Snowden's revelations about the power and reach of our own intelligence agencies to the treatment of British Muslims, our civil liberties are under threat as never before. The internet leaves our privacy in jeopardy in myriad ways, our efforts to combat extremism curtail free speech, and cuts to legal aid and interference with access to justice endanger the rule of law. A fierce argument for why we must act now to ensure the survival of the ideals that enable us to live freely, Five

Ideas to Fight For is a revealing account of what we need to protect our hard-won rights and freedoms.

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.

“One part The Da Vinci Code, one part The Name of the Rose and one part A Separate Peace . . . a smart, swift, multitextured tale that both entertains and informs.”—San Francisco Chronicle NEW YORK TIMES BESTSELLER Princeton. Good Friday, 1999. On the eve of graduation, two friends are a hairsbreadth from solving the mysteries of the Hypnerotomachia Poliphili, a Renaissance text that has baffled scholars for centuries. Famous for its hypnotic power over those who study it, the five-hundred-year-old Hypnerotomachia may finally reveal its secrets—to Tom Sullivan, whose father was obsessed with the book, and Paul Harris, whose future depends on it. As the deadline looms, research has stalled—until a vital clue is unearthed: a long-lost diary that may prove to be the key to deciphering the ancient text. But when a longtime student of the

book is murdered just hours later, a chilling cycle of deaths and revelations begins—one that will force Tom and Paul into a fiery drama, spun from a book whose power and meaning have long been misunderstood. “Profoundly erudite . . . the ultimate puzzle-book.”—The New York Times Book Review

Rule of law and constitutionalist ideals are understood by many, if not most, as necessary to create a just political order. Defying the traditional division between normative and positive theoretical approaches, this book explores how political reality on the one hand, and constitutional ideals on the other, mutually inform and influence each other. Seventeen chapters from leading international scholars cover a diverse range of topics and case studies to test the hypothesis that the best normative theories, including those regarding the role of constitutions, constitutionalism and the rule of law, conceive of the ideal and the real as mutually regulating.

Constitutions are supposed to provide an enduring structure for politics. Yet only half live more than nine years. Why is it that some constitutions endure while others do not? In The Endurance of National Constitutions Zachary Elkins, Tom Ginsburg and James Melton examine the causes of constitutional endurance from an institutional perspective. Supported by an original set of cross-national historical data, theirs is the first comprehensive study of constitutional mortality. They show that whereas constitutions are imperilled by social and political crises, certain aspects of a constitution's design can lower the risk of death substantially. Thus, to the extent that

endurance is desirable - a question that the authors also subject to scrutiny - the decisions of founders take on added importance.

What does it take to succeed as a law student? This book will show you how. Voted one of the top 6 books that all future law students should read by The Guardian's studying law website*, Letters to a Law Student is packed full of practical advice and helpful answers to the most common questions about studying law at University across every stage of taking, or thinking about taking, a law degree. Discover: · Whether reading law at University is the right thing for you; · What law students do; · How to get the best marks in exams; · Tips on coping with the challenges of studying law; · What you can do with a law degree; · The way in which qualifying as a solicitor is set to change in the future, … and much more. Nicholas J. McBride is a Fellow of Pembroke College, Cambridge. *http://www.theguardian.com/law/2012/aug/08/six-best-law-books

Many legal theorists maintain that laws are effective because we internalize them, obeying even when not compelled to do so. In a comprehensive reassessment of the role of force in law, Frederick Schauer disagrees, demonstrating that coercion, more than internalized thinking and behaving, distinguishes law from society's other rules.

Tying the Autocrat's Hands provides a comprehensive, empirical evaluation of legal reforms in contemporary China. Based on the author's extensive fieldwork and analyses of original data, the book tells a story in which foreign investors with weak political connections push for judicial empowerment in China, while Chinese investors

struggle to hold on to their privileges.

This collection represents the body of captivating literature that is engaged not only with current developments in law and politics but also with the rediscovery of traditional theories. It offers a way into an engaging and important debate that bears o

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.

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.

The study of law and politics is one of the foundation stones of the discipline of political science, and it has been one of the most productive areas of cross-fertilization between the various subfields of political science and between political science and other cognate disciplines. This Handbook provides a comprehensive survey of the field of law and politics in all its diversity, ranging from such traditional subjects as theories of jurisprudence, constitutionalism, judicial politics and law-and-society to such re-emerging subjects as comparative judicial politics, international law, and democratization. The Oxford Handbook of Law and Politics gathers together leading scholars in the field to assess key literatures shaping the discipline today and to help set the direction of research in the decade ahead.

The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered

Comments that explain each Rule's purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.

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