

On The Rule Of Law History Politics Theory

Rule of law

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The essence of the rule of law is that all people and institutions within a political body are subject to the same laws. This concept is sometimes stated simply as "no one is above the law" or "all are equal before the law". According to Encyclopædia Britannica, it is defined as "the mechanism, process, institution, practice, or norm that supports the equality of all citizens before the law, secures a nonarbitrary form of government, and more generally prevents the arbitrary use of power."

Legal scholars have expanded the basic rule of law concept to encompass, first and foremost, a requirement that laws apply equally to everyone. "Formalists" add that the laws must be stable, accessible and clear. More recently, "substantivists" expand the concept to include rights, such as human rights, and...

Rule according to higher law

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The rule according to a higher law is a philosophical concept that no law may be enforced by the government unless it conforms with certain universal principles (written or unwritten) of fairness, morality, and justice. Thus, the rule according to a higher law may serve as a practical legal criterion to qualify the instances of political or economical decision-making, when a government, even though acting in conformity with clearly defined and properly enacted law, still produces results which many observers find unfair or unjust.

History of political thought

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The history of political thought encompasses the chronology and the substantive and methodological changes of human political thought. The study of the history of political thought represents an intersection of various academic disciplines, such as philosophy, law, history and political science.

Many histories of Western political thought trace its origins to ancient Greece (specifically to Athenian democracy and Ancient Greek philosophy). The political philosophy of thinkers such as Socrates, Plato, and Aristotle are traditionally elevated as exceptionally important and influential in such works.

Non-Western traditions and histories of political thought have, by comparison, often been underrepresented in academic research. Such non-Western traditions of political thought have been identified...

Rule of law in Singapore

ISBN 978-0-521-81649-6. Brian Z. Tamanaha (2004), "Formal Theories", On the Rule of Law: History, Politics, Theory, Cambridge: Cambridge University Press, pp. 91–101

The rule of law in Singapore has been the topic of considerable disagreement and debate, in particular, as a result of differing conceptions of the doctrine.

These conceptions of the rule of law can generally be divided into two categories: the "thin", or formal, conception; and the "thick", or substantive, conception. The thin conception, often associated with the legal scholars Albert Venn Dicey and Joseph Raz, advocates the view that the rule of law is fulfilled by adhering to formal procedures and requirements, such as the stipulations that all laws be prospective, clear, stable, constitutionally enacted, and that the parties to legal disputes are treated equally and without bias on the part of judges. While advocates of the thin conception do not dismiss the importance of the content...

Libertarian theories of law

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The defining characteristics of libertarian legal theory are its insistence that the amount of governmental intervention should be kept to a minimum and the primary functions of law should be enforcement of contracts and social order, though social order is often seen as a desirable side effect of a free market rather than a philosophical necessity.

Historically, the Austrian economist Friedrich Hayek is the most important libertarian legal theorist. Another important predecessor was Lysander Spooner, a 19th-century American individualist anarchist and lawyer. John Locke was also an influence on libertarian legal theory (see Two Treatises of Government).

Ideas range from anarcho-capitalism to a minimal state...

International legal theories

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International legal theory, or theories of international law, comprise a variety of theoretical and methodological approaches used to explain and analyse the content, formation and effectiveness of international law and institutions and to suggest improvements. Some approaches center on the question of compliance: why states follow international norms in the absence of a coercive power that ensures compliance. Other approaches focus on the problem of the formation of international rules: why states voluntarily adopt international legal norms, that limit their freedom of action, in the absence of a world legislature (centralized legislature, court with compulsory jurisdiction, or an executive with enforcement powers). Other perspectives are policy oriented; they elaborate theoretical frameworks...

Outline of political science

as the corporate, academic, and religious segments of society. Political science – the field concerning the theory and practice of politics and the description

The following outline is provided as an overview of and topical guide to politics and political science:

Politics – the exercise of power; process by which groups of people make collective decisions. Politics is the art or science of running governmental or state affairs (including behavior within civil governments), institutions, fields, and special interest groups such as the corporate, academic, and religious segments of society.

Political science – the field concerning the theory and practice of politics and the description and analysis of political systems and political behavior.

Natural law

refer to "theories of ethics, theories of politics, theories of civil law, and theories of religious morality", depending on the context in which naturally-grounded

Natural law (Latin: *ius naturale*, *lex naturalis*) is a philosophical and legal theory that posits the existence of a set of inherent laws derived from nature and universal moral principles, which are discoverable through reason. In ethics, natural law theory asserts that certain rights and moral values are inherent in human nature and can be understood universally, independent of enacted laws or societal norms. In jurisprudence, natural law—sometimes referred to as *iusnaturalism* or *jusnaturalism*—holds that there are objective legal standards based on morality that underlie and inform the creation, interpretation, and application of human-made laws. This contrasts with positive law (as in legal positivism), which emphasizes that laws are rules created by human authorities and are not necessarily...

Jurisprudence

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Jurisprudence, also known as theory of law or philosophy of law, is the examination in a general perspective of what law is and what it ought to be. It investigates issues such as the definition of law; legal validity; legal norms and values; and the relationship between law and other fields of study, including economics, ethics, history, sociology, and political philosophy.

Modern jurisprudence began in the 18th century and was based on the first principles of natural law, civil law, and the law of nations. Contemporary philosophy of law addresses problems internal to law and legal systems and problems of law as a social institution that relates to the larger political and social context in which it exists. Jurisprudence can be divided into categories both by the type of question scholars...

History of international law

Asia, political theory was based not on the equality of states, but rather the cosmological supremacy of the Emperor of China. Basic concepts of international

The history of international law examines the evolution and development of public international law in both state practice and conceptual understanding. Modern international law developed out of Renaissance Europe and is strongly entwined with the development of western political organisation at that time. The development of European notions of sovereignty and nation states would necessitate the development of methods for interstate relations and standards of behaviour, and these would lay the foundations of what would become international law. However, while the origins of the modern system of international law can be traced back 400 years, the development of the concepts and practises that would underpin that system can be traced back to ancient historical politics and relationships thousands...

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