

Rule of Law in the Context of Stability

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Objectives

- Relationship of rule of law to stability
- ROL definitional framework that is apolitical and culturally neutral
- Address prioritization, “mission creep” and division of labor

How Does Rule of Law Affect Stability?

- Thwarts anarchy
- Checks arbitrariness of power
- Enhances predictability
- Bolsters government legitimacy



An Israeli soldier walks behind the debris of a passenger bus after a Palestinian suicide bomber attacked it in the northern Israeli town of Haifa, 5 March 2003.



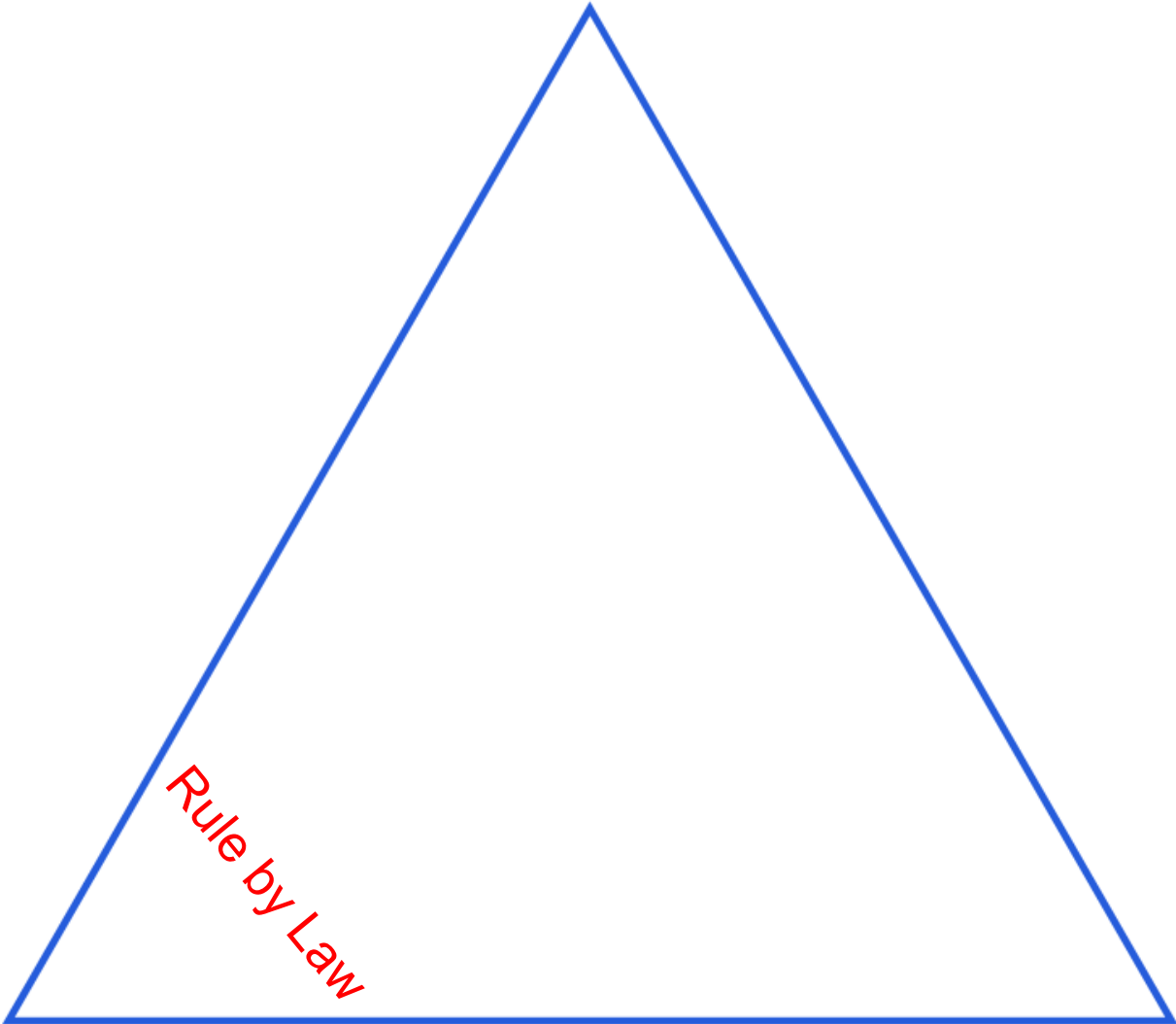
See Randall Peerenboom, *China's Long March Toward the Rule of Law* 66-67 (2002)(citing Lon Fuller, *The Morality of Law* (1976)).

Rule of Law

Rule of Will

Rule of the Mob

Rule by Law



"Thick Theories" address the following elements:

- political morality (free market capitalism, central planning, etc.)
- forms of government (democratic, single party socialism, etc.)
- conceptions of human rights (liberal, communitarian, "Asian values," etc.)

Source: Randall Peerenboom, *China's Long March Toward the Rule of Law* 3 (2002)(citing Lon Fuller, *The Morality of Law* (1976)).

"Thin Theory"--The law must restrain state actors and be:

- based on procedural rules for enactment and made by an institution with authority
- transparent, public & accessible
- general—not targeted; similarly situated people
- clear
- prospective
- consistent
- stable
- fairly applied
- enforced (gap between law on books and practice is narrow)
- acceptable to a majority of those affected



Source of Authority

Discussion