

The Rule of Law

Law

What the principle requires, beyond the existence of laws.

The commonly identified elements.

Requirements

Law is public and knowable in advance

It applies equally, including to government

Courts are independent of the executive

Disputes are resolved by fair process

Rights are enforceable in practice

Violated by

Retrospective criminal liability

Unreviewable executive discretion

Courts subject to political direction

Laws too vague to guide conduct

Educational reference. The rule of law is more than rule by law: the content and process both matter, not merely the form.