
Subject index

- access to justice *see* justice
accountability 8–9, 14, 370
Aceh 485
administrative law 65, 208–209, 322–332
Afghanistan 90, 125, 353, 460, 478, 486
Africa 65, 189, 228, 259, 339, 416, 426, 434, 438, 446, 477
African Charter on Human and People's Rights 360
Algeria 353
American Bar Association 13, 48, 271, 272–275, 298, 300, 447
American Convention on Human Rights 360
Amnesty International 262, 371
Angola 419
Apartheid 96, 259, 385
arbitrariness 31, 33, 75–95, 100, 102, 135, 213, 242, 366, 385
Argentina 259, 316, 317
Asia 70, 71, 391, 416, 477, 490–508
Australia 295, 296, 299, 301, 516
Australian Aid 517, 524
automation 300–303
- Bangladesh 428
Belgium 155, 175
Bertelsmann Foundation 53
bilateral investment treaties (BITs) 312
Bolivia 317, 392
Bosnia 479
Brazil 257, 258, 260–261, 263, 265–268, 316, 401
Brazilian Criminal Justice Network 265–266, 268–269
Britain 8, 65, 71, 113, 135–143, 277, 289, 295–296, 299, 422
Bulgaria 240, 246
Burundi 427, 438
- Cambodia 482
Canada 71, 111, 120, 126, 387, 422
capitalism 65, 86, 97–98, 184–200, 229, 309, 311, 315–316, 386, 426
Catholic Church 262, 348
Central African Republic 427
Chile 87, 259
China 5, 6, 40, 46, 48, 84, 113, 274, 289, 293, 339, 391, 411, 438, 490–508
- civil law 159, 193–194, 258, 296, 298, 387, 415
Commission for the Legal Empowerment of the Poor 4, 377, 389, 421–425, 427
common law 38, 77, 98, 141, 285, 289, 296, 415
Conectas 263, 265
Congo 317
constitutionalism 31, 44, 65, 68–71, 127–130, 139–141, 143, 145, 146, 149–153, 170–176, 178–182, 210–211, 239, 272, 278, 283–285, 307–321, 344, 354, 454, 494, 494–508
contestability 279–283, 314–320
contract law 53, 97–99, 106, 197, 286, 312–313, 383, 386, 388–389, 394, 407, 410–412, 483
corporations 6, 68–69, 72, 99, 291, 293, 310, 314–315, 389, 396, 435, 493
corpus juris 137–138, 140
corruption 12, 103–104, 369, 392, 407, 413–414
criminal law 6, 13, 36, 54, 104–106, 260–263, 265–269, 303, 343, 383, 412, 440–441, 481
customary law 91, 139
- Dehli Declaration (International Commission of Jurists) 45, 462
democracy 22, 24–28, 30–33, 35, 37, 41, 47, 86, 103–104, 236, 243, 246, 250, 252–253, 255, 285, 287, 316, 346, 351, 365, 367, 372, 375, 399, 413, 477
Denmark 422
Department for International Development, UK 233, 264
discretion 7, 8, 9, 22, 102, 335, 385
discrimination 8, 12, 40, 272, 291, 334, 337, 340–342, 349–350, 364, 367–368
- East Timor 478, 482, 486, 509–529
economic development 30, 40, 46, 68, 87, 102, 188, 222, 268, 365, 377, 389–391, 400, 405–418, 419–433, 444, 445
The Economist 4–5, 12, 377
Ecuador 317
Egypt 125, 354–355, 422, 499
El Salvador 259, 261
equality 3, 4, 9, 10, 22, 28, 35, 39, 42, 51, 68, 110, 172–174, 178, 198, 213, 338, 340, 367–368, 460–462, 481, 484
Ethiopia 419
European Convention on Human Rights 9, 235, 245, 250, 366, 377, 457, 464

- European Court of Human Rights 243, 373, 461, 464, 466–468
- European Court of Justice 238, 240, 244
- European Union 2, 5, 68, 113–114, 120, 125, 126–130, 214, 235–256, 291, 310, 317–318, 372–373, 477, 482, 487
- feudalism 139, 195
- Finland 365, 422
- firms *see* corporations
- Food and Agricultural Organisation 428
- Ford Foundation 258, 292, 477
- formal legality 29–31, 33, 36–37, 44, 272, 275–279, 366–367, 394, 456–460
- France 65, 141, 142, 176, 240, 248, 285, 415
- Fraser Institute 53
- Freedom House 12, 53, 55, 371, 414
- French Revolution 143–146, 155
- Gambia 438
- General Agreement on the Trade in Services (GATS) 312
- Georgia 478, 487
- Germany 71, 113, 278, 289, 296, 415
- Ghana 419
- Global administrative law *see* administrative law
- global governance 2, 16, 109, 110, 114–117, 118–119, 125, 308, 310, 323
- globalisation 6, 60, 110, 229, 308, 315, 450
- Grameen Bank 428
- Guatemala 422
- Guantanamo Bay 4, 459
- Guinea-Bissau 482, 487
- Habeas Corpus* 177–178
- Haki 428
- Harvard, Kennedy School 233
- Heritage Foundation 55
- Hong Kong 419, 490, 492
- human rights 9, 11, 12, 13, 28, 35, 39, 40, 43, 68, 84, 104, 206, 207, 236, 257, 258, 262–263, 268, 283, 297, 310, 351, 357–379, 420, 425, 443, 462, 476–477, 481, 514
- Human Right Watch 259, 262, 263, 269, 371
- Hungary 81, 87, 120, 125, 129, 237, 240–241, 245–246, 248, 357, 365
- Iceland 422
- India 296, 316, 422, 428, 429, 438, 466, 490
- Indonesia 514
- institutional economics 93, 189–190, 229, 384, 388, 404, 405
- Inter-American Commission on Human Rights 262, 269
- Inter-American Development Bank 259
- International Bar Association 45
- International Centre for the Settlement of Investment Disputes (ICSID) Convention 316–317, 319
- International Commission of Jurists 45, 361–362, 462
- International Country Risk Guide 53
- International Court of Justice (ICJ) 248, 362, 365
- International Covenant on Civil and Political Rights 361, 367
- International Covenant on Economic, Social and Cultural Rights 361, 367
- International Criminal Court 310, 365, 434–452
- International Development Law Organisation 219
- international investor agreements (IIAs) 312–313, 318, 319
- International Labour Organisation 424, 427, 428
- international law 6, 9, 35, 109, 116, 207, 211, 214, 239, 276, 297–298, 308, 310–319, 322–332, 358
- International Law Institute 298
- International Monetary Fund 34, 190, 219, 285, 292
- International Relations (IR) 109–131
- Iran 354
- Iraq 125, 279, 460, 464
- Irish Republican Army (IRA) *see* Northern Ireland
- Israel 71
- Jamaica 463
- Japan 52, 284, 296, 490
- judges 4, 7, 9, 11, 28, 36, 37, 40, 85, 102, 144, 177, 180–181, 232, 257, 266–267, 271, 284, 335, 344, 354, 361–363, 367, 373, 387, 406, 421, 425, 430, 453, 479, 482, 511, 514–515, 524
- judicial discretion *see* discretion
- judicial independence 28, 36, 40, 41, 43, 52, 180–181, 240–241, 242, 347, 416, 431
- jurisprudence 2–3, 96, 338, 345
- justice 28, 38, 39, 105, 118, 125, 172, 208–209, 233, 249–250, 255, 260, 297, 340, 342, 347, 390, 420, 424, 427, 434, 439–440, 447, 463, 478, 480, 481, 483, 510, 518, 523
- Kenya 428
- Korea 296, 392, 393, 419, 490, 494, 508
- Kosovo 207, 478

- labour rights 377, 424, 427, 483, 492
 Laos 419
 Latin America 66–68, 70, 189, 257–270, 395,
 415–416, 477, 526–527
 Latvia 365
 law and development (as analytical approach
 to rule of law) 69, 88–89, 185, 189, 258,
 416, 419–421, 477
 law and economics (as analytical approach to
 rule of law) 383–404
 law and order *see* criminal law
 Law Society of England and Wales 274, 293,
 298
 lawyers 1, 4, 10–12, 49, 84, 89, 90, 93, 110–111,
 126, 224, 227, 271–288, 312, 359–360,
 361–362, 373, 423, 428, 453
 legal aid 9, 260, 262, 264, 266, 282, 291
 legal education 289–303
 Legal Services Act UK 292–293, 295
 legal transplants 115, 228, 330, 486, 509–510,
 523
 Lehman Brothers 273
lex mercatoria 298, 310
 Liberia 427, 482
 Libya 372

 Magna Carta 7, 80, 139–140, 141–142,
 149–165, 167, 349, 456
 Malaysia 490, 494
 Maldives 365
Marbury v. Madison 146
 Marxism 42, 184, 193–200
 Mexico 316, 365, 479, 496
 Microsoft 13
 Millennium Development Goals 389, 422
 Mozambique 419, 428, 486
 multinational corporations *see* corporations
 Myanmar 81

 Namati 428
 Narmada Valley 62
 Nazi law 50, 96, 277–278, 284, 357–358, 385,
 461–463
 neoliberalism 3, 46, 184, 297–298, 311, 434,
 436, 439, 443–446
 new constitutionalism 311–314
 new institutional economics 189–190
 New York Convention on the Regulation and
 Enforcement of Foreign Arbitral Awards
 312–313
 New Zealand 71
 Nigeria 365, 483
 Nike 434
 non-government organisations (NGOs)
 257–270, 315, 319, 371, 474, 493

 norms (of the rule of law) 5, 8–9, 14, 16, 28,
 45, 62–64, 82–83, 100, 109–131, 186, 254,
 384–386, 397–403, 443, 503
 North American Free Trade Agreement
 (NAFTA) 312
 Northern Ireland 460–461, 464–466, 469
 Norway 422–423

 Office of the High Commissioner for Human
 Rights 368–369, 374–375
 Open Society Institute 257, 263–265, 268–269
 Overseas Development Institute 233

 Pakistan 4, 283–284, 353
 Paris Bar Association 273–274
 Parliament 8, 453, 460, 461, 467
 Peru 259
Petition of Rights 142
 Poland 5, 81, 87, 111, 120, 125, 128–129, 237,
 242–243, 245–246, 248
 police 54, 245, 255, 260–262, 265, 267–268,
 357, 370, 375, 412, 424, 427, 464–466, 468,
 479, 481, 487
 Portugal 512, 517
 power, political 6, 7, 12, 21–22, 25–26, 29–31,
 33, 35–37, 39, 42, 43, 46, 57, 67, 69, 75–95,
 103, 115, 135, 138–141, 143, 147, 176, 179,
 195, 213, 229–231, 253, 276, 297, 354, 369,
 441, 480, 501
 predictability 8, 27, 28, 29, 49, 52, 77, 96–108,
 213, 257, 285–286, 386
 principles (of the rule of law) *see* norms (of the
 rule of law)
 private law 62, 65, 252, 286, 298, 311–313
 property rights 12, 13, 39, 72, 142–143, 146,
 191, 193–194, 197, 200, 272, 286, 312,
 340, 386–389, 395–396, 406–407, 410–412,
 421–424, 427, 443–444, 478, 482
 public interest litigation (India) 429–430

 racism 9, 341, 350, 357
 rational actor model 396–403
rechtsstaat 34, 38, 44, 46, 77, 145, 147
 Roman law 137, 154, 161, 187, 198
 Romania 85, 125, 220, 240–241, 246
 rule of law
 and anthropology 4
 as common-sense 1–2
 definition of 7–10, 24, 34, 37, 50–51, 58,
 60–61, 75, 135, 212–215, 223–224, 242,
 272, 347, 365–370, 384–390, 406–407,
 442, 476, 525
 and feminism 333–344, 484
 history of 7–8, 58, 77, 80, 135–148, 149–166,
 167–183

- and Islam 24, 30, 188, 345–356
- measuring 10–15, 23, 24, 45, 47, 48–56, 353–354, 370–376, 392, 407–409
- non-Western approaches to 58–62, 66, 107, 186, 402–403
- and pluralism 16, 43, 57–74, 96, 106, 315–316, 485–486
- in post-conflict context 117, 125–126, 413, 442, 444, 471–489
- as rhetoric 2–7, 14–15, 203, 443, 497–504
- (contrasted with) rule of men 7, 443
- socio-legal study of 61–62
 - on television 3–4, 295
- and terrorism 453–470
- thick/thin distinction 9, 10, 11, 13, 22–33, 34–47, 50–51, 83–86, 100, 106, 110, 135–136, 208, 298, 308–310, 333, 347, 359–360, 377, 384, 462
- see also* norms (of the rule of law)
- Rule of Law Index 10–15, 30, 103–106, 376
- rule of law promotion *see* technical assistance
- Russia 81, 274, 438
- Rwanda 419

- Saudi Arabia 353, 454–455
- Sharia law 5, 345, 348–349, 354
- Sierra Leone 427
- Singapore 31, 40, 45, 84, 228, 393, 419, 490, 492, 494, 508
- Single European Act (SEA) 236
- socio-economic rights 38–39, 41, 46–47, 69, 101, 286–287
- sociology of law 72
- Somalia 427, 485
- South Africa 71, 81, 316, 317, 385, 393, 422, 438, 446
- sovereignty 21–22, 24, 26, 31, 73, 137–138, 141, 143–144, 147, 170, 198, 347
- Soviet Union 184, 376–377, 473–474, 501, 523
- Spain 120, 126
- Starbucks 434
- Sudan 81, 85
- Sweden 274, 422
- Syria 90, 427

- Taiwan 393, 419, 490, 508
- Tanzania 422
- technical assistance (rule of law related)
 - 60, 84–85, 91, 184, 189, 220–221, 226, 259–260, 376–378, 415, 486–488, 522
- Trade Related Investment Measures (TRIMS)
 - treaty 312
- Transatlantic Trade and Investment Partnership (TTIP) 312, 318
- Trans-Pacific Partnership (TPP) 312
- Transparency International 11, 413
- Treaty on the European Union 236–237, 241, 244–246, 249–251, 256, 372
- Turkey 125, 353

- Ukraine 393, 427
- United Kingdom *see* Britain
- United Nations 2, 15, 34–35, 39, 104, 113–114, 116, 203–216, 236, 248, 260, 310, 315, 360, 363–365, 367, 371–375, 377–378, 399, 435, 437, 443, 446, 455, 469, 471–472, 475, 477, 482, 510, 512–519, 525–529
- United Nations Commission on International Trade Law (UNCITRAL) 318
- United Nations Conference on Trade and Development (UNCTAD) 318–320
- United Nations Declaration on the Rule of Law 204–206, 248, 364–365, 367
- United Nations Development Programme 34, 371, 378, 427, 428, 446, 517, 518
- United Nations Security Council 114–115, 203, 211–212, 215, 310, 363–364, 484
- United Nations Sustainable Development Goals 389–390
- United States Agency for International Development (USAID) 477
- United States of America 6, 65, 71, 145, 175–176, 189, 259–260, 273, 278, 284, 295–296, 325, 336, 365, 383, 387, 438, 465, 467, 493
- Universal Declaration of Human Rights 8, 45, 289, 360–361, 363, 372, 476
- Uruguay 259
- Uzbekistan 353

- Venezuela 317
- Venice Commission 110–111, 120, 128, 130
- Vienna Convention on the Law of Treaties 113
- Vienna Declaration and Programme of Action 363
- Vietnam 40, 523

- Washington Consensus 87, 292
- Weimar Republic 38
- welfare 38, 46, 117, 291, 402
- World Bank 11–12, 34, 53–54, 55, 87, 190–191, 217–234, 259, 285, 291–292, 298, 375, 377,

- 378, 392, 394–395, 408, 419–420, 425, 516,
517
- World Development Report(s) 217–218,
229–234
- World Justice Project (WJP) 11–15, 30, 54, 55,
103–106, 375–376
see also Rule of Law Index
- World Trade Organisation 248, 294, 310,
493
- Yemen 220
- Zimbabwe 465–466