

On the Rule of Law

History, Politics, Theory

Brian Z. Tamanaha



CAMBRIDGE
UNIVERSITY PRESS

11x1805

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Tokyo, Mexico City

Cambridge University Press

The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by

Cambridge University Press, New York

www.cambridge.org

Information on this title: www.cambridge.org/9780521604659

© Brian Z. Tamanaha 2004

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without the written
permission of Cambridge University Press.

First published 2004

Seventh printing 2009

A catalogue record for this publication is available from the British Library

Library of Congress cataloguing in publication data

ISBN 978-0-521-84362-1 Hardback

ISBN 978-0-521-60465-9 Paperback

Cambridge University Press has no responsibility for the persistence or
accuracy of URLs for external or third-party internet websites referred to in
this publication, and does not guarantee that any content on such websites is,
or will remain, accurate or appropriate. Information regarding prices, travel
timetables, and other factual information given in this work is correct at
the time of first printing but Cambridge University Press does not guarantee
the accuracy of such information thereafter.

Contents

<i>Acknowledgments</i>	<i>page viii</i>
Introduction	1
1 Classical origins	7
2 Medieval roots	15
3 Liberalism	32
4 Locke, Montesquieu, the Federalist Papers	47
5 Conservatives warn	60
6 Radical left encourages decline	73
7 Formal theories	91
8 Substantive theories	102
9 Three themes	114
10 International level	127
11 A universal human good?	137
<i>Notes</i>	142
<i>Bibliography</i>	163
<i>Index</i>	175