TOM BINGHAM The Rule of Law



PENGUIN BOOKS

Published by the Penguin Group

Penguin Books Ltd, 80 Strand, London WCAR ORL, England
Penguin Group (USA) Inc., 375 Hudson Street, New York, New York 10014, USA
Penguin Group (Canada), 90 Eglinton Avenue East, Suite 700, Toronto, Ontario,
Canada MAP 2

Penguin Ireland, 25 St Stephen's Green, Dublin 2, Ireland (a division of Penguin Books Ltd)
Penguin Group (Australia), 250 Camberwell Road, Camberwell, Victoria 3124, Australia
(a division of Pearson Australia Group Pty Ltd)

Penguin Books India Pvt Ltd, 11 Community Centre, Panchsheel Park, New Delhi -- 110 017, India

Penguin Group (NZ), 67 Apollo Drive, Rosedale, Auckland 0632, New Zealand (a division of Pearson New Zealand Ltd)

Penguin Books (South Africa) (Pty) Ltd, 24 Sturdee Avenue, Rosebank, Johannesburg 2196, South Africa

Penguin Books Ltd, Registered Offices: 80 Strand, London WC2R ORL, England

www.penguin.com

First published by Allen Lane 2010
Published in Penguin Books 2011

023

Copyright @ Tom Bingham, 2010

All rights reserved

The moral right of the author has been asserted

Typeset by Jouve (UK), Milton Keynes Printed in England by Clays Ltd, Elcograf S.p.A.

Except in the United States of America, this book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form of binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser

ISBN: 978-0-141-03453-9

www.greenpenguin.co.uk



Penguin Books is committed to a sustainable future for our business, our readers and our planet. This book is made from Forest Stewardship Council™ certified paper.

Contents

	Preface	vii
	PART I	
I	The Importance of the Rule of Law	3
2	Some History	10
	PART II	
3	The Accessibility of the Law	37
4	Law not Discretion	48
5	Equality Before the Law	5 5
6	The Exercise of Power	60
7	Human Rights	66
8	Dispute Resolution	85
9	A Fair Trial	90
10	The Rule of Law in the International	
	Legal Order	110
	PART III	
ΙI	Terrorism and the Rule of Law	133
I 2	The Rule of Law and the Sovereignty	
	of Parliament	160
	Epilogue	171
	Notes	175
	Index	197

v