Constitutional Law, Administrative Law, and Human Rights: A Critical Introduction (8th edn)
Ian Loveland

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3. The Rule of Law and the Separation of Powers

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Author(s): Ian Loveland

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This chapter examines the various meanings that the ‘rule of law’ principle has been accorded in Britain’s post-revolutionary constitution. The rule of law, which may be viewed as a vehicle for expressing ‘the people’s’ preferences about two essentially political issues, first relates to the substance of the relationship between citizens and government. Second, it deals with the processes through which that relationship is conducted. More simply, the rule of law is concerned with what government can do—and how government can do it. Many theorists have presented variations on these two themes. The chapter analyses the theories of A V Dicey, Friedrich Hayek, and Harry Jones, which span the spectrum of mainstream debate about the nature of the rule of law in Britain’s modern constitution.
3. The Rule of Law and the Separation of Powers

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