

Legal and political philosophy scholar speaks on the concept and the Rule of Law



What should the relationship be between the Rule of Law and the concept of law? This was the question addressed by New York University School of Law University Professor Jeremy Waldron in Georgia Law's 103rd Sibley Lecture held in March.

Waldron, a legal and political philosophy scholar who lectures frequently around the globe, said the Rule of Law is a normative ideal that arises directly out of the morally-laden description that we give of what law is.

"Grammar [and] words suggest that we need to understand the concept of law before we can understand the Rule of Law," he said.

To explore this relationship further, Waldron discussed casual positivism and the modern positivist's understanding of the law. He argued that a positivist conception of law, which is based on determinacy, certainty and settlement, results in a narrow conception of the Rule of Law, while a richer conception of law would lead to a richer conception of the Rule of Law.

"Just as the conception of law would be impoverished if it only emphasized the existence and the mechanical application of rules, so a conception of the Rule of Law would be impoverished if it emphasized only the virtues of clarity, determinacy and settlement and neglected the value we should give to law's procedural, rational and argumentative aspects," Waldron said.

He also pointed out that the conception of what law is serves as our best guide to what matters about law, and a full understanding of how the legal system matters to us is our best guide to what is distinctive about the legal system as opposed to other modes of government.

"The alternative, I fear, is a vanishingly thin conception of positive law that emphasizes nothing more than the existence of rules and an impoverished account of the Rule of Law that treats court proceedings, hearings, reasons and arguments as though they didn't matter," Waldron said.

The author of numerous books and more than 100 articles and essays, Waldron has written and published extensively in the areas of jurisprudence and political theory. His work has been published in the *Yale Law Journal*, the *Harvard Law Review*, the *Columbia Law Review* and the *Georgetown Law Journal*, and several of his works on theories of rights, constitutionalism, democracy, property, torture and homelessness are well known, as are his works in historical political theory.

Waldron graduated with degrees in philosophy and law from the University of Otago in 1978 and then earned his doctorate in legal philosophy from Oxford University, where he taught as a Darby Fellow of Lincoln College. He has served as a professor at the University of Edinburgh, the University of California at Berkeley, Princeton University and Columbia University. In 2006, he joined the New York University School of Law.

Additionally, Waldron was elected to the American Academy of Arts and Sciences in 1998 and has received honorary doctorates in law from the University of Otago and the Catholic University of Brussels.

Established in 1964 by the Charles Loridans Foundation of Atlanta, the Sibley Lecture Series honors the late John A. Sibley, a 1911 graduate of the University of Georgia School of Law. The series hosts renowned legal academics known throughout the country for their exceptional scholarship.