

W201 The Individual and the State

Questionnaire on the Rule of Law

Rule of Law

1 What does this expression mean?

2 Can you think of three different ideas covered by Dicey when he used this one expression?

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3 A totalitarian regime (which denies free elections and freedom of speech) but where the remaining laws are clear and enforced regularly claims it governs in accordance with the rule of law. Can this be true?

4 Another totalitarian regime passes a law which says that state actions can not be questioned in the courts on the grounds of exceeding statutory powers or breach of natural justice. It says that this and other laws are clear and regularly enforced. Is this government in accordance with the rule of law?

5 The UK Government in a response to a terrorist threat proposes to pass a law permitting interrogation of suspects by hooding, wall standing, food and sleep deprivation and noise bombardment. Would the courts uphold such a law?