

UNIT ONE

While reading the Gearty (2019) article, keep in mind the following question: what is the point that Gearty is trying to make?

The article explores the concept of authority and governance in societies throughout history. It discusses various forms of authority, such as kings, priests, custom, and tradition. However, it highlights the rule of law as a different and more effective way of establishing authority. The rule of law replaces the arbitrary will of individuals with a set of rules based on agreed-upon constraints on power. The significance of the rule of law is exemplified by historical events like the signing of Magna Carta by King John, which governed the conduct of both ordinary people and the most powerful individuals.

Conor Gearty Professor of Human Rights Law at the London School of Economics further delves into the evolution of law and the role of judges. The article further explains that modern societies have sophisticated methods of making laws, and the common law has emerged as a specialized field. Judges are expected to be independent of all parties and the government. The complexities and debates within the legal system are discussed, including the diversity of the judging class and the role of judges in determining the validity of laws based on their own sense of right and wrong.

Law is portrayed as a technical subject with significant implications for society. It raises important questions about the world we live in and how to protect societal values. The article emphasizes the value of law as a space where reason, argument, logic, facts, and evidence hold importance. It acknowledges that law is often influenced by conservative forces, but it celebrates the fact that law still upholds the power of words and written undertakings. The article concludes by asserting that a society governed by the authority of law is essential for the preservation of freedom.

Reference :

<https://www.thebritishacademy.ac.uk/blog/what-is-law/>