

PREFACE

Today's newspapers, magazines, journals, political commentaries and talk shows—and even the lyrics of a contemporary popular song—contain references to the Rule of Law. In the United States, the term was invoked with great passion during last year's impeachment proceedings in the U.S. Congress while in the international arena, financial institutions such as the World Bank and the International Monetary Fund have made the Rule of Law a staple recommendation for the nations to which they provide assistance. And many in the West are vocal in their advocacy of the Rule of Law as necessary for Asian nations to sustain stable, growing economies and create democratic institutions.

Frequent references to the Rule of Law make it appear that there is general agreement about what the Rule of Law is, what precisely it entails, and how it can be adopted in nations that have not heretofore embraced it. Yet, legal practitioners and scholars concede there is a genuine lack of agreement, even in Western societies and free market economies. Many Asian leaders, in particular, voice skepticism that the Rule of Law is relevant to and can succeed in their nations. Support for the Rule of Law in Asia is often superficial, frequently in response to perceived pressure from the West or from multinational institutions. In short, the Rule of Law is the subject of an ongoing and vibrant international debate.

In order to contribute to this debate, the Mansfield Center for Pacific Affairs co-sponsored with the Global Forum of Japan a major conference in Tokyo in May 1999 on "The Rule of Law and Its Acceptance in Asia." With support from the Japan-U.S. Friendship Commission, the conference was designed to facilitate an open and focused dialogue on the precise components of the Rule of Law and what it entails. The daylong meeting provided a forum in which Western leaders and Asian specialists and practitioners were able to move beyond shallow discussions of the Rule of Law as a "buzzword" and delve into the core elements and concepts.

In preparation for the conference, the Mansfield Center worked with Barry M. Hager, an attorney and specialist in international finance, trade and administrative law, to develop a scholarly monograph that traces the historical and legal roots of the Rule of Law concept and provides a lexicon of the specific political and economic norms that comprise adherence to the Rule of Law. Developed with generous support from the Henry Luce Foundation and distributed in draft

form before the conference, Mr. Hager's document, *The Rule of Law: A Lexicon for Policy Makers*, served as a basis for discussion at the conference.

Because the Tokyo conference highlighted the need for continuing the discussion about the Rule of Law, the Mansfield Center is planning a series of Mansfield Dialogues in China in fall 1999. These small group meetings among scholars and policy makers from the United States and China are intended to bridge gaps in understanding about the implications of the Rule of Law for political and economic life in Asia and to further awareness and knowledge among a diverse group of participants. At each of these Dialogues, we plan to distribute a Chinese translation of *The Rule of Law: A Lexicon for Policy Makers*, again intending that this publication be a foundation for debate and discussion.

On behalf of the Mansfield Center for Pacific Affairs, I want to take this opportunity to express our thanks to the organizations and individuals who contributed to the development of this publication. We are grateful to the Henry Luce Foundation for supporting the development and translation of this lexicon and to the Maureen and Mike Mansfield Foundation, which provides funding for the Mansfield Center for Pacific Affairs and has given its support to the Rule of Law conference and this project. Barry Hager, who authored this document, did a masterful job outlining the legal and historical roots of the Rule of Law as well as defining its core components. His sensitive treatment of this complex topic provides a much needed scholarly resource for all who are involved in the debate and discussion about how governments should behave and how individual citizens should participate in their governments. We also wish to thank Liang Zhiping who reviewed the Chinese translation and provided welcome comments and suggestions. Kenneth Mangin and Catherine Bouesnard at Hager Associates provided research support, and Joyce Piquette and Nia Lizanna at the Mansfield Center for Pacific Affairs assisted with production and translation arrangements. Mary-Jane Atwater at the Mansfield Center edited the English version of this publication and managed production of this translation. The cover design is by Supon Design and the translation by Xin Min through Contact International. Finally, I want to take this opportunity to acknowledge my predecessor, Tovah LaDier, who initiated the Rule of Law project at the Mansfield Center.

L. Gordon Flake

Executive Director

The Mansfield Center for Pacific Affairs