

# Summary

## *Rechtsstaatlichkeit: Verfassungsprinzip zwischen Rechtstechnik und ethischer Dimension*

by Anna Leisner-Egensperger

Rule of law is a general state principle of constitutional order. Together with the principle of democracy rule of law grew to be the guiding principle of politics. Nowadays it became the ideal conception of state order. Being a “good word” rule of law seems to be far from any legal or general criticism.

Rule of law is primarily a legal principle which grew in constitutional law, particularly in German constitutionalism. It is the most important legal doctrine which is exported from German law and constitution. Rule of law has an important influence on the development of European law. The main aspect of rule of law is its regulative character: a principle of certainty and clarity of law, legitimate expectations and proportionality. Concerning all these aspects rule of law is a leading principle of law. It binds state power to the law and limits it.

Rule of law is close to the term of legality, which primarily developed in France and influenced the German development of rule of law. In France however the main focus lies on law enacted by parliament. The Anglo-Saxon concept of rule of law has some connecting factors to the German concept of rule of law as well. However, one has to be careful comparing these two concepts. The Anglo-Saxon understanding of law is different and broader, especially concerning legal custom and development of law by judges.

There is an ethical aspect of rule of law. This aspect however has to be looked at considering primarily technical aspects. The ethical aspect has to be searched and developed in legal practice. Thereby however one may not fall into only missionary activity.