

## L'ÉTAT DE DROIT ENTRE ENCHANTEMENT ET DESENCHANTEMENT

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**ABSTRACT:** *Conceived as a basic organizing principle of the democratic societies, the rule of law consecrated itself in France by its organizational principles (the existence of judicial mechanisms that subject the administrative and legislative acts to the law), formal principles (the existence of a hierarchy for the legal rules) and substantial principles (the existence of a corpus of guaranteed rights), a fact that generated a dramatic progress in respecting human rights and fundamental liberties. Nevertheless, the process of redefining democracy as a procedural and communicational democracy as required by the institution of the rule of law and its adjacent jurisdictional action, as well as the eroding of the guarantees that it presents to the new threats, to the emerging authoritarian liberalism and to the neo-liberal priority functioning on the market, all these create a certain disappointment about the idea of the rule of law, which rests only as an ideal tributary to the whims of history and political powers.*

**KEYWORDS:** *rule of law, democratic societies, France, human rights, political power.*

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