

THE CHANGING IDEA OF »RULE OF LAW« AND POST-TOTALITARIAN IMPOSITIONS

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ABSTRACT: *Post-dictatorship models for transition can be either total defeat with military control, breaking past continuity through preventing local practices to re-organise while re-educating for democracy (as in post-WWII) or just declaring full-pledged rule of law operating from now on (as in post-Communism). Practice may vary in whether or not the Rule of Law is a set of expectations categorically absolute and exhaustively codified or just a respectable ideal having once developed in response to particular challenges somewhere and somewhen, under given historical conditions. Then, it is an art of balancing amongst conflicting values within its ethos: a strive never to end and close, as it is a learning process surfacing new features once new challenges are to be met. Eventually, a choice has to be made between attitudes characteristic of a circus trainer and a gardener. The temptation at substituting past nihilism to a kind of fetishism is also to be faced, as it may strengthen the dependence of target countries on pattern-following by weakening their self-responsibility, vitally needed for successful recovery.***

KEYWORDS: *universalism/particularism, nihilism/fetishism, imposition/organicity*
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