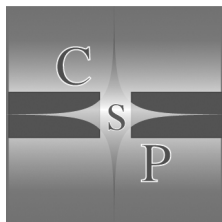


# The Future of Post-Human Law



The Future of  
Post-Human Law  
A Preface to a New Theory  
of Necessity, Contingency, and Justice

By  
Peter Baofu



CAMBRIDGE SCHOLARS  
PUBLISHING

The Future of Post-Human Law: A Preface to a New Theory of Necessity, Contingency and Justice, by  
Peter Baofu

This book first published 2010

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data  
A catalogue record for this book is available from the British Library

Copyright © 2010 by Peter Baofu

All rights for this book reserved. No part of this book may be reproduced, stored in a retrieval system,  
or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or  
otherwise, without the prior permission of the copyright owner.

ISBN (10): 1-4438-1949-2, ISBN (13): 978-1-4438-1949-7

---

To Those in the Future World Beyond Justice



---

## BOOKS ALSO BY PETER BAOFU

### Category I: Social Sciences and Related Fields

- 27. *The Future of Post-Human Organization* (2009)
- 26. *The Future of Post-Human Mass Media* (2009)
- 25. *The Rise of Authoritarian Liberal Democracy* (2007)
- 24. *Beyond the World of Titans, and the Remaking of World Order* (2007)
- 23. *Beyond Capitalism to Post-Capitalism* (2005)
- 22. Volume 1: *Beyond Democracy to Post-Democracy* (2004)
- 21. Volume 2: *Beyond Democracy to Post-Democracy* (2004)
- 20. *The Future of Capitalism and Democracy* (2002)

### Category II: Natural Sciences and Related Fields

- 19. *The Future of Post-Human Sexuality* (2010)
- 18. *The Future of Post-Human Urban Planning* (2009)
- 17. *The Future of Post-Human Engineering* (2009)
- 16. *The Future of Post-Human Unconsciousness* (2008)
- 15. *The Future of Complexity* (2007)
- 14. *Beyond Nature and Nurture* (2006)
- 13. *The Future of Post-Human Space-Time* (2006)
- 12. *The Future of Post-Human Consciousness* (2004)

### Category III: Formal Sciences and Related Fields

- 11. *The Future of Post-Human Language* (2009)
- 10. *The Future of Post-Human Geometry* (2009)
- 9. *The Future of Post-Human Mathematical Logic* (2008)
- 8. *The Future of Information Architecture* (2008)

**Category IV: The Humanities and Related Fields**

- 7. *The Future of Post-Human Martial Arts* (2009)
- 6. *The Future of Post-Human Creative Thinking* (2009)
- 5. *The Future of Post-Human Knowledge* (2008)
- 4. *The Future of Aesthetic Experience* (2007)
- 3. *Beyond Civilization to Post-Civilization* (2006)
- 2. Volume 1: *The Future of Human Civilization* (2000)
- 1. Volume 2: *The Future of Human Civilization* (2000)



---

## CONTENTS

<i>List of Tables</i> .....	<i>xi</i>
<i>Foreword</i> .....	<i>xvii</i>
<i>Acknowledgments</i> .....	<i>xix</i>
<i>List of Abbreviations</i> .....	<i>xxi</i>

### **Part One: Introduction**

Chapter One. Introduction—The Rule of Law.....	3
The Convenience of a Conventional Wisdom .....	3
Private Law and Public Law .....	4
Law and Jurisprudence .....	10
The Theoretical Debate .....	12
The Reconstruction Theory of Law .....	19
Theory and Meta-Theory .....	20
The Logic of Existential Dialectics.....	20
Sophisticated Methodological Holism .....	47
Chapter Outline.....	55
Some Clarifications.....	56

### **Part Two: Necessity**

Chapter Two. Necessity and Its Disposability.....	115
The Categoricalness of Necessity .....	115
Necessity and the Mind.....	115
Necessity and Nature .....	132
Necessity and Society .....	145
Necessity and Culture .....	163
The Hypotheticalness of Necessity .....	182

**Part Three: Contingency**

Chapter Three. Contingency and Its Mortality.....	193
The Expediency of Contingency.....	193
Contingency and the Mind.....	194
Contingency and Nature .....	208
Contingency and Society .....	217
Contingency and Culture .....	237
The Temporality of Contingency.....	259

**Part Four: Conclusion**

Chapter Four. Conclusion—The Future of Law .....	269
The Rethinking of Law .....	269
1 <sup>st</sup> Thesis: The Absoluteness-Relativeness Principle .....	278
2 <sup>nd</sup> Thesis: The Predictability-Unpredictability Principle .....	281
3 <sup>rd</sup> Thesis: The Explicability-Inexplicability Principle .....	283
4 <sup>th</sup> Thesis: The Preciseness-Vagueness Principle.....	286
5 <sup>th</sup> Thesis: The Simplesness-Complicatedness Principle.....	288
6 <sup>th</sup> Thesis: The Openness-Hiddenness Principle .....	290
7 <sup>th</sup> Thesis: The Evolution-Transformation Principle.....	292
8 <sup>th</sup> Thesis: The Symmetry-Asymmetry Principle.....	294
9 <sup>th</sup> Thesis: The Regression-Progression Principle.....	297
10 <sup>th</sup> Thesis: The Same-Difference Principle .....	299
11 <sup>th</sup> Thesis: The Post-Human Reconstruction.....	301
Beyond Justice .....	303
<i>Bibliography</i> .....	399
<i>Index</i> .....	415

---

## TABLES

### *Category I: The Theoretical Debate on Law*

Table 1.1. The Classification of Law .....	61
Table 1.2. The Classification of Jurisprudence .....	62
Table 2.1. Necessity and Its Dispensability .....	183
Table 2.2. Main Characteristics of International Law .....	184
Table 2.3. The Varieties of Principles Behind the Law .....	185
Table 2.4. The Debate on Divine Law: The Case about the Mosaic Law .....	187
Table 2.5. Main Characteristics of the Common Law Tradition .....	189
Table 3.1. Contingency and Its Mortality .....	261
Table 3.2. Different Versions of the Will to Power in Nature.....	262
Table 3.3. Main Characteristics of Property Law .....	263
Table 3.4. Main Characteristics of Contract Law .....	264
Table 3.5. Main Characteristics of Administrative Law .....	265

### *Category II: Visions on Nature*

Table 1.3. The Theoretical Debate on Space-Time .....	63
Table 1.4. Main Reasons for Altering Space-Time .....	65
Table 1.5. The Technological Frontiers of the Micro-World .....	66
Table 1.6. Finitude, Transfinitude, and Infinity .....	67
Table 1.7. Theoretical Speculations of Multiverses .....	69
Table 1.8. The Confusion Between “Many Worlds” and “Multiverse” .....	70
Table 1.9. Hyperspace and Its Challenge .....	72
Table 1.10. The Problems of Time Travel into the Future .....	74
Table 1.11. The Problems of Time Travel into the Past .....	76

*Category III: Visions on the Mind*

Table 1.12. The Conceptual Dimensions of Consciousness (and Other Mental States) .....	79
Table 1.13. The Theoretical Levels of Consciousness (and Other Mental States) .....	80
Table 1.14. The Thematic Issues of Consciousness (and Other Mental States) .....	83
Table 1.15. Having, Belonging, and Being in Consciousness (and Other Mental States) .....	84
Table 1.16. The Having-Ness of Consciousness (and Other Mental States) .....	85
Table 1.17. The Belonging-Ness of Consciousness (and Other Mental States) .....	86
Table 1.18. The Being-Ness of Consciousness (and Other Mental States) .....	87
Table 1.19. Cognitive Partiality in Different Mental States .....	89
Table 1.20. Emotional Non-Neutrality and Behavioral Alteration in Different Mental States .....	90
Table 1.21. The Limits of Intuition in Unconsciousness.....	91
Table 1.22. The Wealth/Poverty Dialectics in Different Mental States: The Case of Cognition.....	92
Table 1.23. The Wealth/Poverty Dialectics in Different Mental States: The Case of Emotion and Behavior .....	93
Table 1.24. The Theoretical Debate on Nature and Nurture .....	94
Table 1.25. Physical Challenges to Hyper-Spatial Consciousness.....	96
Table 1.26. The Theory of Floating Consciousness .....	97
Table 1.27. The Potential of Unfolding Unconsciousness .....	99
Table 1.28. The Future Exploration of Unfolding Unconsciousness .....	100
Table 1.29. Creative Techniques and Traits.....	101
Table 1.30. The Desirability of Creativity, and Its Dark Sides .....	102
Table 1.31. Posthuman-Isim, Post-Humanism, and Trans-Humanism .....	104
Table 1.32. Three Great Future Transformations of the Martial Body .....	105
Table 1.33. Three Great Future Transformations of the Sexual Body .....	107

*Category IV: Visions on History*

Table 1.34. The Trinity of Pre-Modernity.....	108
Table 1.35. The Trinity of Modernity .....	109
Table 1.36. The Trinity of Post-Modernity .....	111
Table 1.37. The Trinity of After-Postmodernity .....	112

*Category V: Visions on Methodology*

Table 4.1. Sophisticated Methodological Holism. ....	304
Table 4.2. On Reductionism and Reverse-Reductionism. ....	308

*Category VI: Visions on Ontology*

Table 4.3. The Conception of Existential Dialectics. ....	311
Table 4.4. The Syntax of Existential Dialectics I: The Principles. ....	314
Table 4.5. The Syntax of Existential Dialectics II: The Principles as Short Cuts. ....	327
Table 4.6. The Syntax of Existential Dialectics III: The Principles as Family Resemblances. ....	329
Table 4.7. The Syntax of Existential Dialectics IV: The Dialectic Constraints Imposed by the Principles. ....	330
Table 4.8. The Syntax of Existential Dialectics V: Further Clarifications. ....	333
Table 4.9. The Syntax of Existential Dialectics VI: The Dilemma of Specific vs. General Ontology. ....	335
Table 4.10. The Semantics of Existential Dialectics. ....	337
Table 4.11. The Pragmatics of Existential Dialectics. ....	338
Table 4.12. The Freedom/Unfreedom Dialectics. ....	340
Table 4.13. The Equality/Inequality Dialectics. ....	343
Table 4.14. The Duality of Oppression in Existential Dialectics: Oppression and Self-Oppression. ....	345
Table 4.15. The Structure of Existential Dialectics I: The Freedom/Unfreedom and Equality/Inequality Dialectics. ....	347
Table 4.16. The Structure of Existential Dialectics II: The Wealth/Poverty Dialectics. ....	348
Table 4.17. The Structure of Existential Dialectics III: The Civilization/Barbarity Dialectics. ....	349

*Category VII. Visions on Society (Socio-Political)*

Table 4.18. The Double Sides of Virtual Organizations .....	350
Table 4.19. Beyond the World of Titans, and the Remaking of World Order.....	352
Table 4.20. The Origins of Authoritarian Liberal Democracy .....	353
Table 4.21. The Theory of Post-Democracy I: The Priority of Freedom over Equality .....	354
Table 4.22. The Theory of Post-Democracy II: The Priority of Equality over Freedom .....	356
Table 4.23. The Theory of Post-Democracy III: The Transcendence of Freedom and Equality .....	357
Table 4.24. Democracy, Non-Democracy, and Post-Democracy.....	359
Table 4.25. Multiple Causes of the Emergence of Post-Democracy .....	362
Table 4.26. Some Clarifications on Post-Capitalism and Post-Democracy .....	364

*Category VIII. Visions on Society (Socio-Economic)*

Table 4.27. The Theory of Post-Capitalism I.1: By Group— Ex: Spiritual/Communal in the Trans-Feminine Calling.....	368
Table 4.28. The Theory of Post-Capitalism I.2: By Nation-State— Ex: Spiritual/Communal in the Trans-Sinitic Calling .....	369
Table 4.29. The Theory of Post-Capitalism I.3: By Region— Ex: Spiritual/Communal in the Trans-Islamic Calling.....	370
Table 4.30. The Theory of Post-Capitalism I.4: By Universe— Ex: Spiritual/Communal in the Trans-Outerspace Calling .....	371
Table 4.31. The Theory of Post-Capitalism II: Spiritual/ Individualistic in the Post-Human Elitist Calling .....	372
Table 4.32. Capitalism, Non-Capitalism, and Post-Capitalism .....	374
Table 4.33. Multiple Causes of the Emergence of Post-Capitalism.....	377

*Category IX: Visions on Culture*

Table 4.34. The Theoretical Debate on Civilization .....	379
Table 4.35. No Freedom Without Unfreedom in the Civilizing Processes .....	380
Table 4.36. No Equality Without Inequality in the Civilizing Processes .....	382
Table 4.37. Five Theses on Post-Civilization .....	384
Table 4.38. Barbarity, Civilization, and Post-Civilization .....	385
Table 4.39. Types of Super Civilization in the Cosmos .....	386
Table 4.40. The Civilizational Project from Pre-Modernity to After-Postmodernity .....	388
Table 4.41. Civilizational Holism .....	390
Table 4.42. Theories on Civilizational Holism .....	393





---

## FOREWORD

Dr. Peter Baofu's continuing quest to investigate the status of thinking and future outcomes of human institutions has brought him to examine the Rule of Law. It comes at an appropriate time, when there are serious intellectual disagreements in the literature on the Rule of Law.

Dr. Baofu traces the development of the Rule of Law with the major thinkers who brought it to its current place. However, he also acknowledges the shortcomings that beset its theoretical construction and practical application, and posits a provocative yet original line of thinking, as an incentive for other researchers to consider.

The glove has been thrown down in this volume. Who is ready to accept the challenge?

*Sylvan Von Burg*  
*School of Business*  
*George Washington University*



---

## ACKNOWLEDGMENTS

As is true for my numerous previous books, this one is written to challenge politically incorrect views, this time about law here, and to offer a new theory to understand its future.

Because of this political incorrectness, this book receives no external funding nor help from any formal organization or institution, as this is something that I often stressed in my previous books.

My only reward is that joyful feeling to work through some ideas which have not been thought of before in history.

Lest I forget, I greatly appreciate the foreword by Sylvan von Burg at George Washington University School of Business.

In any event, and as always, I bear the sole responsibility for the ideas presented in this book.



---

## ABBREVIATIONS

- ALD = Peter Baofu. 2007. *The Rise of Authoritarian Liberal Democracy: A Preface to a New Theory of Comparative Political Systems*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- BCIV = Peter Baofu. 2006. *Beyond Civilization to Post-Civilization: Conceiving a Better Model of Life Settlement to Supersede Civilization*. NY: Peter Lang Publishing, Inc.
- BCPC = Peter Baofu. 2005. *Beyond Capitalism to Post-Capitalism: Conceiving a Better Model of Wealth Acquisition to Supersede Capitalism*. NY: The Edwin Mellen Press.
- BDPD1 = Peter Baofu. 2004. Volume 1. *Beyond Democracy to Post-Democracy: Conceiving a Better Model of Governance to Supersede Democracy*. NY: The Edwin Mellen Press.
- BDPD2 = Peter Baofu. 2004. Volume 2. *Beyond Democracy to Post-Democracy: Conceiving a Better Model of Governance to Supersede Democracy*. NY: The Edwin Mellen Press.
- BNN = Peter Baofu. 2006. *Beyond Nature and Nurture: Conceiving a Better Way to Understand Genes and Memes*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- BWT = Peter Baofu. 2007. *Beyond the World of Titans, and the Renaking of World Order: A Preface to a New Logic of Empire-Building*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FAE = Peter Baofu. 2007. *The Future of Aesthetic Experience: Conceiving a Better Way to Understand Beauty, Ugliness and the Rest*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FC = Peter Baofu. 2007. *The Future of Complexity: Conceiving a Better Way to Understand Order and Chaos*. London, United Kingdom: World Scientific Publishing Co.
- FCD = Peter Baofu. 2002. *The Future of Capitalism and Democracy*. MD: The University Press of America.

- FHC1 = Peter Baofu. 2000. Volume 1. *The Future of Human Civilization*. NY: The Edwin Mellen Press.
- FHC2 = Peter Baofu. 2000. Volume 2. *The Future of Human Civilization*. NY: The Edwin Mellen Press.
- FIA = Peter Baofu. 2008. *The Future of Information Architecture: Conceiving a Better Way to Understand Taxonomy, Network, and Intelligence*. Oxford, England: Chandos Publishing (Oxford) Limited.
- FPHC = Peter Baofu. 2004. *The Future of Post-Human Consciousness*. NY: The Edwin Mellen Press.
- FPHCT = Peter Baofu. 2009. *The Future of Post-Human Creative Thinking: A Preface to a New Theory of Invention and Innovation*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHE = Peter Baofu. 2009. *The Future of Post-Human Engineering: A Preface to a New Theory of Technology*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHG = Peter Baofu. 2009. *The Future of Post-Human Geometry: A Preface to a New Theory of Infinity, Symmetry, and Dimensionality*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHK = Peter Baofu. 2008. *The Future of Post-Human Knowledge: A Preface to a New Theory of Methodology and Ontology*. Oxford, England: Chandos Publishing (Oxford) Limited.
- FPHL = Peter Baofu. 2009. *The Future of Post-Human Language: A Preface to a New Theory of Structure, Context, and Learning*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHLAW = Peter Baofu. 2010. *The Future of Post-Human Law: A Preface to a New Theory of Necessity, Contingency, and Justice*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHMA = Peter Baofu. 2009. *The Future of Post-Human Martial Arts: A Preface to a New Theory of the Body and Spirit of Warriors*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHML = Peter Baofu. 2008. *The Future of Post-Human Mathematical Logic: A Preface to a New Theory of Rationality*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHMM = Peter Baofu. 2009. *The Future of Post-Human Mass Media: A Preface to a New Theory of Technology*. Cambridge, England: Cambridge Scholars Publishing, Ltd.

- 
- FPHO = Peter Baofu. 2009. *The Future of Post-Human Organization: A Preface to a New Theory of Communication, Decision-Making, and Leadership*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHS = Peter Baofu. 2010. *The Future of Post-Human Sexuality: A Preface to a New Theory of the Body and Spirit of Love-Makers*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHST = Peter Baofu. 2006. *The Future of Post-Human Space-Time: Conceivng a Better Way to Understand Space and Time*. New York: Peter Lang Publishing, Inc.
- FPHU = Peter Baofu. 2008. *The Future of Post-Human Unconsciousness: A Preface to a New Theory of Anomalous Experience*. Cambridge, England: Cambridge Scholars Publishing, Ltd.
- FPHUP = Peter Baofu. 2009. *The Future of Post-Human Urban Planning: A Preface to a New Theory of Density, Void, and Sustainability*. Cambridge, England: Cambridge Scholars Publishing, Ltd.





• PART ONE •

---

*Introduction*



# CHAPTER 1

## *INTRODUCTION—THE RULE OF LAW*

---

The rule of law is better than the  
rule of any individual.  
—Aristotle (WK 2009)

### **The Convenience of a Conventional Wisdom**

What makes the rule of law so special that it is to conscientiously punish the “bad” doers and reward the “good” ones—such that, where there is the rule of law, peace and order (for justice) are to be expected, so that “the rule of law is better than the rule of any individual”?

Take the case of international law, as an illustration. While different international courts have been busy going after a small number of the killers of innocent victims in Rwanda and Liberia, they have turned a blind eye to the major powers which have killed—on a much larger and more brutal scale, by comparison—innocent civilians in Iraq and Afghanistan, just to cite two current examples.

The case of Iraq is most illustrative, as Tom Engelhardt (2009) thus reminded us: “Iraq...has been devastated. The American invasion and the occupation that followed acted like whirlwinds of destruction, unraveling a land already bursting with problems and potential animosities.”

The reason is that, since the American invasion, “possibly a million or more Iraqis have died....Saddam's killing fields have been dwarfed by a fierce set of destructive American military operations as well as insurgencies...; major cities have been largely or partially destroyed, or ethnically cleansed; millions of Iraqis have been forced from their homes, becoming internal refugees or going into exile; untold numbers of Iraqis have been imprisoned, assassinated, tortured or abused; and the country's cultural heritage has been ransacked. Basic services—electricity, water, food—were terribly impaired and the economy, in the process of being privatized by the neocon overseers of the occupation, was simply wrecked.

Health services were crippled....” and the list can go on. (T. Engelhardt 2009)

In other words, the American invasion and occupation of Iraq has simply devastated the country and its people on an enormous scale, and yet the international courts have turned a blinded eye to this most heartbreaking inhumanity. International law thus leads to the travesty of justice.

Contrary to the conventional wisdom conveniently held by many in human history, the rule of law has its other side which has not yet been systematically understood, such that the rule of law is neither possible nor desirable to the extent that the defenders of legal institutions in human history would like us to believe.

Lest any misunderstanding hastily occurs, this is not to imply that the rule of law is absolutely useless, or that the literature in jurisprudence (and other related fields like political philosophy, ethics, law and economics, and the sociology of law) should be dismissed because of their scholarly irrelevance. Of course, neither of these two extreme views is reasonable either.

Instead, this book is to provide an alternative (better) way to understand the nature of law, in relation to its necessity and contingency in the context of justice—while learning from different approaches in the literature but without favoring any one of them (nor integrating them, since they are not necessarily compatible with each other).

In the process, this book offers a new theory to transcend the existing approaches in the literature in a new direction—in that, in the end, there is no justice without injustice and that it will be transcended too.

This seminal project, if successful, will fundamentally change the way that we think about the nature of law, from the combined perspectives of the mind, nature, society, and culture, with enormous implications for the human future and what I originally called its “post-human” fate.

## **Public Law and Private Law**

To start, the term “law” is from “Old English *lagu*, of Scandinavian origin,” “akin to Old Norse *lög*,” and “Old English *licgan*”—and means “to lie,” “to stay at rest,” or “something laid down or fixed,” as the adjective “legal” derives “from Latin *legalis*, from *lex*” (meaning: “statute”). (MWD 2009 & 2009a; WK 2009)

Over time, the term “law” has come to mean “a binding custom or practice of a community,” “a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority,” or

simply “a system of rules, usually enforced through a set of institutions.” (MWD 2009; WK 2009)

This set of legal institutions often consists of the “legislature,” the “executive,” and the “judiciary” in a society, together with the “military,” the “police,” the “bureaucracy,” the “legal profession,” and even the “civil society.” (WK 2009)

In the literature of legal studies, law can be classified in terms of two major categories, namely, (a) “public law” and (b) “private law”—to be summarized hereafter (in the next two sub-sections), respectively (and also in *Table 1.1*).

Lest any confusion occurs, there are two clarifications here about this classification of law into public law and private law.

Firstly, the classification of law into public law and private law is important not only at the national level but also at the international level. For instance, nowadays, there is international law, which can be likewise classified into “public international law” and “private international law.”

On the one hand, “public international law” has to do with the legal relationships “between sovereign nations” based on “custom, practice and treaties between sovereign nations, such as the Geneva Conventions. Public international law can be formed by international organisations, such as the United Nations..., the International Labour Organisation, the World Trade Organisation, or the International Monetary Fund.” (WK 2009)

On the other hand, “private international law” (also known as “conflict of laws...in civil law countries”) concerns “which jurisdiction a legal dispute between private parties should be heard in and which jurisdiction's law should be applied. Today, businesses are increasingly capable of shifting capital and labour supply chains across borders, as well as trading with overseas businesses. Increasing numbers of businesses opt for commercial arbitration under the New York Convention of 1958.” (WK 2009; A. Redfem 2004)

And secondly, the distinction between public law and private law still holds, even though “many scholars argue that ‘the boundaries between public and private law are becoming blurred,’ and that this distinction has become mere ‘folklore’”—as will be clear shortly. (L. Bergkamp 2001)

## Public Law

With these two clarifications in mind—in “public law,” the concern here is about the kind of laws which are “related closely to the state,” or about “the relationship between individuals (citizens, companies) and the

state,” and good examples are “constitutional law,” “administrative law,” and “criminal law.” (WK 2009 & 2009a)

This distinction holds, even though there is a conceptual dispute concerning whether or not different examples of public law (afore-cited) can overlap. For instance, for some scholars, “all law” is “to be specifically enabled, and thereby sub-divisions, of a Constitution”—and therefore “administrative law” and “criminal law” are parts of the Constitution (or the “constitutional law”). (WK 2009a)

### *Constitutional Law*

This conceptual dispute aside—the first example of public law is “constitutional law,” which “deals with the relationship between the state and individual, and the relationships between different branches of the state, such as the executive, the legislative and the judiciary.” (WK 2009a)

Different countries have different traditions about their own constitutions. For example, in the United States, there is the “written constitutional document” for its own constitution, that is, “the U.S. Constitution.” (WK 2009a)

But this is not true in other countries; for instance, “in the United Kingdom of Great Britain and Northern Ireland (U.K.), due to historical and political reasons there does not exist one supreme, entrenched written document. The U.K. has an unwritten constitution—the constitution of this state is usually found in statutes, such as the Magna Carta, the Petition of Right, the Bill of Rights, the Act of Settlement 1700, the Parliament Act 1911, and the Parliament Act 1949.” (WK 2009a)

Yet, “in reality, much of the constitution [or the constitutional dispute] is a political phenomenon, rather than a legal one.” (WK 2009a)

### *Administrative Law*

The second example of public law concerns “administrative law,” which “refers to the body of law which regulates bureaucratic managerial procedures and defines the powers of administrative agencies.” (WK 2009a)

Administrative law is often “enforced by the executive branch of a government rather than the judicial or legislative branches (if they are different in that particular jurisdiction).” (WK 2009a)

And “this body of law regulates international trade, manufacturing, pollution, taxation, and the like. This is sometimes seen as a subcategory of Civil law and sometimes seen as public law as it deals with regulation and public institutions.” (WK 2009a)