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The Developmental Logic of Rule-of-Law Thought: From Limiting State Power to Modern Governance and Its Implications for Viet Nam's Socialist Rule-of-Law State

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Abstract

The Rule of Law constitutes one of the foundational ideas of legal civilization and the modern state, providing the normative framework for the organization and exercise of state power based on the supremacy of law, justice, and the protection of human rights. Although the historical development of Rule of Law thought has been extensively examined, existing scholarship has primarily focused either on the legal and political ideas of individual thinkers or on the chronological evolution of Rule of Law doctrines. Consequently, insufficient attention has been paid to explaining the internal developmental logic of Rule of Law thought as an evolving body of legal reasoning responding to the changing challenges of organizing, limiting, and controlling state power. Against this background, this article examines the developmental logic of Rule of Law thought by analyzing the driving forces behind its evolution, the governance problems addressed at successive historical stages, and the gradual formation of the conceptual foundations of the modern Rule of Law. The study employs an integrated methodological approach combining analytical and synthetic methods, historical analysis, comparative legal analysis, and systems analysis to examine the evolution of Rule of Law thought from Ancient Greece and Rome through the Medieval and Enlightenment periods to contemporary conceptions of the Rule of Law. The findings demonstrate that the development of Rule of Law thought has not followed a pattern of discontinuity or theoretical replacement; rather, it represents a continuous process of inheritance, accumulation, and expansion of normative principles in response to increasingly complex demands for the organization, limitation, and control of state power. Throughout this historical trajectory, the enduring driving force has been the need to constrain public power in order to secure justice, protect human rights, and enhance the quality of public governance. The article's principal contribution lies in proposing an analytical framework for understanding the developmental logic of Rule of Law thought, whereby each historical stage is interpreted through three interrelated dimensions: the governance problem arising from the exercise of state power, the legal reasoning developed to address that problem, and the new normative values incorporated into the evolving concept of the Rule of Law. This framework offers a new theoretical perspective for the study of the history of Rule of Law thought while providing a scholarly foundation for the interpretation and application of Rule of Law values in the ongoing development of the socialist rule-of-law state in Viet Nam.

Keywords: Rule of Law; Rule of Law Thought; Developmental Logic; State Power; Limitation of State Power; Public Governance; Rule-of-Law State; Legal Theory.

1. Introduction

The Rule of Law is one of the most enduring and influential ideas in the development of legal civilization and the modern state. Originating as a normative response to arbitrary rule in ancient political communities, it has gradually evolved into a foundational principle governing the organization and exercise of state power and has become a universal benchmark for modern governance. Contemporary understandings of the Rule of Law encompass not only the supremacy of law but also the protection of human rights, the control of public power, the administration of justice, and institutional accountability. Consequently, the Rule of Law has become a central subject of inquiry in legal philosophy, constitutional law, and political science, while simultaneously serving as a fundamental theoretical foundation for state-building and institutional development across legal systems.

The history of Rule of Law thought has been examined from a wide range of scholarly perspectives. Existing studies have primarily focused either on the legal and political ideas of influential thinkers—including Plato, Aristotle, Cicero, Thomas Aquinas, John Locke, Montesquieu, and Jean-Jacques Rousseau—or on the chronological development of Rule of Law doctrines, with the aim of explaining their intellectual content, historical significance, and influence on the evolution of Western legal thought. These studies have made substantial contributions to identifying the foundational values of the Rule of Law and the historical contexts in which its principal doctrines emerged. Nevertheless, most of the existing literature continues to approach the subject either as a history of legal doctrines or as a history of individual thinkers, without adequately explaining the internal developmental logic of Rule of Law thought as an evolving body of legal reasoning responding to the changing challenges posed by the organization and exercise of state power. This constitutes the principal research gap that the present study seeks to address.

Historical experience demonstrates that the evolution of Rule of Law thought has neither been accidental nor merely a reflection of changing philosophical schools or political circumstances. Rather, each stage in its development has been driven by the emergence of new challenges concerning the organization, limitation, and exercise of state power, requiring legal thought to evolve continuously in response to increasingly complex demands of governance. Accordingly, a purely chronological account or a thinker-centered interpretation cannot adequately explain why Rule of Law thought has continued to develop, expand, and mature over more than two millennia. From this perspective, the history of Rule of Law thought should be understood as the historical evolution of legal responses to the fundamental problems of state power. Each historical stage simultaneously inherited established normative principles while introducing new concepts and institutional mechanisms for organizing, limiting, and controlling public power. Such an approach makes it possible to explain the development of the Rule of Law as a continuous process of accumulation and refinement of legal reasoning rather than merely as a succession of legal doctrines.

Building upon this perspective, the article addresses three interrelated research questions. First, what has driven the continuous development of Rule of Law thought throughout the history of legal ideas? Second, what governance problems relating to state power and social order did Rule of Law thought seek to resolve at each historical stage? Third, how has the cumulative

development of Rule of Law thought contributed to the formation of the contemporary concept of the Rule of Law? Answering these questions not only helps explain the developmental trajectory of Rule of Law thought but also clarifies the relationship between the evolution of legal reasoning and the transformation of institutional arrangements governing state power throughout history.

To address these questions, the article adopts an integrated methodological framework combining analytical and synthetic methods, historical analysis, comparative legal analysis, and systems analysis. These methods are employed to examine the evolution of Rule of Law thought in relation to changing conceptions and institutional arrangements of state power across successive historical periods. The analysis traces the inheritance, expansion, and integration of Rule of Law principles from Ancient Greece and Rome through the Medieval and Enlightenment periods to contemporary understandings of the Rule of Law, thereby revealing its underlying developmental logic.

The principal contribution of this article does not lie in recounting the historical development of Rule of Law doctrines or the ideas of individual thinkers. Rather, it proposes a developmental framework for understanding the evolution of Rule of Law thought (the developmental logic of Rule of Law thought). Within this framework, each historical stage is examined not primarily through chronology or doctrinal classification but through three analytical dimensions: (i) the governance problem arising from the exercise of state power; (ii) the legal reasoning developed to address that problem; and (iii) the new normative values thereby incorporated into the evolving concept of the Rule of Law. On this basis, the article argues that the historical evolution of Rule of Law thought represents a continuous process of inheritance, accumulation, and expansion of normative principles for controlling state power in response to progressively higher demands for justice, human rights protection, and modern public governance. This analytical framework not only offers a new theoretical perspective for the study of the history of Rule of Law thought but also provides a scholarly foundation for interpreting, applying, and further developing Rule of Law values in the ongoing construction of the socialist rule-of-law state in Viet Nam.

2. Discussion

The history of Rule of Law thought should be understood as a dynamic process in the evolution of legal reasoning aimed at explaining the fundamental challenges associated with state power and social order, rather than merely as a chronological account of successive legal doctrines or individual political thinkers. From this perspective, the study of the history of Rule of Law thought seeks to address three interrelated questions. First, why did Rule of Law thought emerge? Second, what fundamental problems of society and state power was it intended to resolve? Third, what normative contributions did each historical stage make to the formation and development of Rule of Law thought?

This analytical perspective more accurately reflects the historical evolution of legal thought by revealing how the core values of the Rule of Law have been inherited, refined, and progressively accumulated from antiquity to the present. It also provides a theoretical framework for understanding and promoting Rule of Law values in the ongoing development of the socialist rule-of-law state in Viet Nam.

Rule of Law thought did not emerge by historical coincidence, nor was it merely the product of the gradual evolution of legal rules. Rather, its intellectual origins lie in the need to resolve a fundamental problem confronting every organized political community: how can the power of those who govern be prevented from being abused and instead be exercised in the interests of justice, social order, and the common good? Where political power is unconstrained by general and objective rules, state governance inevitably becomes subject to personal will, creating conditions for arbitrariness, inequality, and social conflict. The need to limit political power through objective legal norms therefore constituted the intellectual foundation for the emergence of Rule of Law thought in the history of human civilization.

2.1 Ancient Greece: The Origins of Rule of Law Thought in the Quest to Limit State Power and Secure Justice

The history of Rule of Law thought begins with a fundamental question confronting every political community: what ensures that state power is exercised in the public interest rather than according to the personal will of those who govern? This question concerns not only the institutional organization of political authority but also one of the central problems of political philosophy. When political power is not constrained by generally applicable norms, the risks of arbitrary rule, injustice, and social instability inevitably arise. It was precisely the search for institutional mechanisms capable of limiting political power and safeguarding justice that gave rise to the earliest foundations of Rule of Law thought in Ancient Greek civilization.

The emergence of this intellectual tradition was closely associated with the development of the polis, the distinctive city-state that characterized Ancient Greece (Hansen, 2023). Unlike the great Eastern empires, where political authority was typically concentrated in the hands of an absolute monarch, the Greek poleis exhibited diverse constitutional arrangements, including monarchy, aristocracy, oligarchy, and direct democracy. This institutional diversity fostered profound debates concerning the legitimacy of political authority, the role of citizens, the purposes of the state, and the place of law within political life, thereby laying the foundations of Western political and legal thought (Taylor, 2013). The central issue was no longer who should exercise political power, but according to what principles political power should be exercised to secure justice and promote the common good. This shift—from identifying the holder of political authority to determining the limits upon its exercise—marked a decisive turning point in the history of Western political thought.

Within this intellectual context, Plato was the first philosopher to establish the philosophical foundations of Rule of Law thought by examining the relationship between justice, law, and the state.

In the early stage of his political philosophy, most notably articulated in *The Republic* (Plato, 1888), Plato advanced the model of the philosopher-king, arguing that political authority is legitimate only when entrusted to individuals who possess knowledge of the Good and the moral virtues necessary for governing. According to Plato, only philosophers are capable of attaining a genuine understanding of justice and therefore of exercising political power in pursuit of the common good rather than serving personal or factional interests.

However, in *The Laws* (Plato, 2005, Book IV, 715c–716a), Plato substantially revised his earlier position by shifting the focus from the virtues of the ruler to the constitutional role of law in the

organization and operation of the state. He argued that a well-governed polity must recognize the supremacy of law, while those entrusted with political authority are obliged to comply with and faithfully enforce the law rather than govern according to personal discretion. In Plato's view, only when law occupies the highest normative position within the constitutional order and public officials themselves remain subject to the law can the state maintain social order, realize justice, and promote the common good. This intellectual development marks a significant transition from the ideal of governance by virtuous rulers toward the principle of governance through law.

While Plato established the philosophical foundations for the supremacy of law, Aristotle developed this line of thought into a more systematic theory concerning the organization and exercise of state power. In *Politics* (Aristotle, 1885, Book III, 1287a–1287b), Aristotle posed one of the most fundamental questions in political and constitutional theory: Should political authority be exercised by individuals or by law? His answer was unequivocal: the rule of law is inherently superior to the rule of any individual because law embodies reason (*logos*) and is not subject to the passions, emotions, or personal interests that inevitably influence human decision-making. Although political rulers continue to perform the functions of governing and administering the state, the exercise of their authority must remain subject to the law. When law occupies a higher normative status than the will of those who govern, political power is exercised according to general, stable, and objective rules, thereby promoting justice, preserving political stability, and preventing arbitrary government. Although Aristotle did not formulate the modern concept of the Rule of Law, he articulated one of its most enduring constitutional principles: state power must be exercised within the framework of law rather than according to the personal will of political rulers. This principle subsequently became one of the most influential intellectual foundations for the development of Rule of Law theory in later historical periods.

From the perspective of the history of legal thought, Rule of Law thought in Ancient Greece therefore emerged from the search for institutional mechanisms capable of ensuring that state power would be exercised in pursuit of justice and the common good rather than according to the arbitrary will of those who governed. Against a background in which the Greek city-states continuously experimented with different constitutional arrangements and engaged in sustained debates over the legitimacy of political authority, the central question was no longer who should hold political power, but according to what principles that power should be exercised in order to secure justice and preserve social order. It was in response to this challenge that both Plato and Aristotle sought to resolve one of the fundamental problems of constitutional governance: how to prevent the arbitrary exercise of political power.

Although neither philosopher formulated the modern concept of the Rule of Law or a fully developed Rule of Law doctrine, both agreed that state power must be constrained by generally applicable legal norms and that law should provide the normative framework governing the exercise of political authority. The most significant contribution of the Ancient Greek period therefore lies in establishing three foundational principles that would shape the subsequent development of Rule of Law thought. First, it affirmed the supremacy of law as the fundamental principle governing the organization and exercise of state power. Second, it established

that political authority should be exercised in accordance with general, stable, and predictable legal rules rather than the personal will of individual rulers. Third, it recognized that the ultimate purpose of law is to secure justice, maintain social order, and promote the common good. These foundational principles became the intellectual cornerstone upon which subsequent historical periods inherited, refined, and expanded the normative content of Rule of Law thought.

2.2 Roman Law: Advancing Rule of Law Thought through Natural Law and the Universality of Law

Whereas Ancient Greek political philosophy addressed the question of how state power should be constrained to prevent arbitrary rule, the emergence and expansion of the Roman state gave rise to a fundamentally different question: what gives law sufficient legitimacy to bind all persons, including those who exercise state power? This question marked a decisive new stage in the historical development of Rule of Law thought.

Within the Greek city-states, law was primarily designed to regulate relatively small political communities characterized by a shared cultural, political, and civic identity. By contrast, as Rome evolved into a vast and culturally diverse empire encompassing multiple peoples, legal traditions, and customary practices, law could no longer function merely as an expression of the will of the Roman state or the interests of Roman citizens. Instead, it had to become a normative order capable of commanding broad acceptance and ensuring justice throughout the empire. The search for a universal legal standard capable of evaluating both positive law and the exercise of state authority therefore became the principal driving force behind the next stage in the evolution of Rule of Law thought.

Within this intellectual context, Cicero made one of the most significant contributions. In *On the Republic* (Cicero, 2014, Book III), he argued that there exists a "true law" (*vera lex*), which he defined as "right reason in agreement with nature." According to Cicero, true law is universal, immutable, and binding upon all human beings; neither individuals, public authorities, nor states possess the authority to alter its essential nature. Consequently, the legitimacy of law depends not only upon its formal enactment by a competent authority but also upon its substantive conformity with justice and reason. Put differently, the state cannot determine unilaterally what constitutes law. Law itself must be measured against objective principles of justice grounded in natural law.

Viewed from the perspective of the historical evolution of Rule of Law thought, Cicero addressed a question that had remained unresolved in Ancient Greek political philosophy: what constitutes the standard for evaluating the legitimacy of law itself? Whereas Plato and Aristotle were primarily concerned with subjecting political power to the authority of law, Cicero extended this intellectual tradition by arguing that law itself must conform to justice and reason. In doing so, Roman legal thought introduced three enduring normative contributions to the development of Rule of Law theory.

First, it established the universality of law. Law should not be understood merely as an instrument of governance serving the interests of a particular state or political community; rather, it must embody universal principles of justice and reason that apply equally to all persons, irrespective of the will of political rulers.

Second, it articulated the intrinsic relationship between law, justice, and natural law. According to Cicero, law acquires genuine legitimacy only when it accords with *true law* (*vera lex*). This represented a significant advance in Rule of Law thought because, for the first time, the legitimacy of positive law was assessed according to an objective normative standard superior to the will of the lawmaker.

Third, it expanded the substantive meaning of the supremacy of law. State authority is not the ultimate source of legal validity. Rather, both political power and positive law are themselves subject to higher principles of justice, reason, and natural law. This conception subsequently became the intellectual foundation of medieval natural law theory and profoundly influenced the development of constitutionalism as well as modern Rule of Law doctrine.

Accordingly, if Ancient Greek Rule of Law thought sought to answer how state power should be limited through law, Roman Rule of Law thought addressed the further question of what makes law itself sufficiently legitimate to perform that limiting function. This intellectual development significantly broadened the normative content of Rule of Law thought, moving beyond the formal requirement of the supremacy of law to the substantive requirement that law itself must reflect justice, reason, and natural law. In this respect, Roman legal thought constitutes the critical intellectual bridge between the political philosophy of classical antiquity, the natural law tradition of the Middle Ages, and the emergence of modern Rule of Law theory.

2.3 The Middle Ages: Advancing Rule of Law Thought through Natural Law, Magna Carta, and the Limitation of Monarchical Power

Whereas Roman Rule of Law thought addressed the question of what confers legitimacy upon law, the medieval period confronted European legal and political thought with a new challenge: how could the principles of justice, natural law, and positive law effectively constrain those who exercised sovereign authority? Following the collapse of the Western Roman Empire in the fifth century CE, political authority in Europe gradually became concentrated in the hands of feudal monarchs (Heather, 2005). In many kingdoms, royal authority was regarded as deriving from divine sanction and was therefore considered largely immune from institutional or legal constraints. Such a conception substantially increased the risk of arbitrary government and generated persistent conflicts between the Crown, the nobility, the Church, and local communities. It was precisely the search for effective mechanisms to restrain monarchical authority that propelled Rule of Law thought into a new stage of development.

During the early medieval period, Rule of Law thought continued to evolve through Thomas Aquinas's theory of natural law (Aquinas, 1947). Building upon Cicero's conception of natural law, Aquinas defined law as "an ordinance of reason for the common good" and maintained that human law derives its legitimacy from its conformity with natural law. In his view, human law possesses the character of law only insofar as it accords with reason and does not contradict the principles of natural law; legislation that departs from these principles loses its normative legitimacy. This conception reinforced the intrinsic relationship between law, justice, and natural law while providing a robust theoretical foundation for assessing both the legitimacy of positive law and the lawful exercise of state power.

Medieval Rule of Law thought, however, did not stop at asserting that law should conform to justice and natural law, as Cicero had argued. Rather, it sought to transform these normative principles into concrete legal constraints upon the exercise of political authority. This transformation is most clearly illustrated by the adoption of the Magna Carta in 1215 (Holt, 2015), concluded between King John and the English barons following disputes concerning taxation, land administration, and the King's exercise of power. Although the Magna Carta was primarily intended to resolve specific constitutional and political conflicts within early thirteenth-century England, its historical significance extended far beyond its immediate context. For the first time in medieval European history, the authority of the monarch was formally recognized as being subject to law rather than standing above it. Royal power was thereby required to operate within the limits established by publicly recognized legal commitments.

It should nevertheless be emphasized that the Magna Carta was neither a constitution in the modern sense nor a declaration of human rights (Đỗ Trọng Tuấn, 2021). Most of its provisions regulated feudal relations between the Crown and the barons, addressing matters such as feudal obligations, taxation, land tenure, and dispute resolution. Yet several provisions—most notably Clauses 39 and 40 of the 1215 Charter—introduced principles of enduring constitutional significance. Clause 39 established that no free person should be imprisoned, deprived of rights or property, or otherwise punished except in accordance with the lawful judgment of peers or the law of the land. Clause 40 further declared that justice should neither be sold, denied, nor delayed. These provisions marked a decisive transition from the philosophical ideal of justice to the legal requirement that justice be secured through established legal procedures.

From the perspective of the historical development of Rule of Law thought, the medieval period made three fundamental normative contributions.

First, it established the principle that those who govern are themselves subject to the law. The authority of the monarch was no longer regarded as superior to law but instead became constrained by publicly recognized legal rules and binding legal commitments. This represented a decisive advancement in the principle of the supremacy of law, as political authority was, for the first time, explicitly subjected to a publicly acknowledged legal instrument.

Second, it laid the intellectual and institutional foundations of the principle of due process of law. The exercise of coercive public authority—including arrest, deprivation of liberty or property, and the imposition of legal sanctions—was required to conform to procedures prescribed by law. By requiring governmental action to proceed through legally established procedures, this principle substantially limited arbitrary exercises of public power.

Third, it contributed to the emergence of the doctrine of limited government, affirming that political authority must itself remain subject to legal constraints and cannot depend solely upon the personal will of those who govern. This conception subsequently became the immediate intellectual foundation for the development of constitutionalism, the principles of separation of powers and checks and balances, and, ultimately, modern Rule of Law theory.

Accordingly, if Ancient Greek political philosophy established the foundational principle that political power must be constrained by law, and Roman legal thought developed the substantive criteria by which the legitimacy of law itself should be assessed through justice and natural law, the medieval period translated these philosophical principles into concrete legal institutions capable of constraining the exercise of political authority in practice. This transition—from abstract normative principles to enforceable legal constraints—constituted a decisive turning point in the historical evolution of Rule of Law thought. At the same time, it created the essential intellectual bridge linking classical Rule of Law thought with the emergence of modern constitutionalism and the contemporary theory of the Rule of Law.

2.4 The Enlightenment: The Maturation of Rule of Law Thought through the Limitation of State Power and the Protection of Human Rights

Whereas the medieval period primarily addressed the question of how monarchical authority could be subjected to the law, the Enlightenment confronted an even more fundamental issue: how should state power be institutionally organized to prevent abuses of power from arising within the structure of government itself? This question emerged against the backdrop of increasingly apparent deficiencies in the absolutist monarchies of Europe, where political authority was concentrated in the sovereign while individual rights and liberties remained inadequately protected. These historical circumstances created the need for a new constitutional model in which state power would not only be constrained by law but also controlled through the institutional design of government itself. It was this intellectual and political challenge that propelled Rule of Law thought into its most significant stage of historical development.

Within this context, Enlightenment philosophers—most notably John Locke, Montesquieu, and Jean-Jacques Rousseau—made foundational contributions to the emergence of modern Rule of Law theory.

John Locke argued that all human beings possess inherent natural rights, including the rights to life, liberty, and property. The state is established through a social contract for the purpose of protecting these natural rights rather than restricting or extinguishing them. Consequently, political authority derives its legitimacy only from the consent of the governed and only insofar as it is exercised to safeguard the natural rights of individuals (Locke, 1988). Through this conception, Locke substantially expanded the normative content of Rule of Law thought by demonstrating that limiting state power is not an end in itself but rather a constitutional mechanism for securing and protecting the inherent rights of human beings.

Whereas Locke established the normative purpose of state authority as the protection of natural rights, Montesquieu advanced Rule of Law thought by addressing a more fundamental institutional question: how can the abuse of political power be effectively prevented? His inquiry arose from the search for a constitutional mechanism capable of preventing despotism in both the organization and exercise of governmental authority. According to Montesquieu, historical experience demonstrated that abuses of power arise not merely from the personal character of rulers but from the concentration of political authority in the hands of a single individual or institution. Accordingly, the central constitutional challenge was no longer to identify virtuous rulers

but to design a governmental structure in which no holder of public office could exercise power arbitrarily.

In *The Spirit of the Laws* (Book XI) (Montesquieu, 1989), Montesquieu first identified the fundamental objective of the Rule of Law as the protection of political liberty. Political liberty, in his view, does not consist in the freedom to do whatever one wishes but rather in the condition of personal security in which individuals need not fear arbitrary interference by others or by public authority. Such liberty can exist only where the constitutional order is organized so that "one man need not be afraid of another." To achieve this objective, Montesquieu articulated one of the defining principles of modern constitutionalism: "power should be a check to power." On this basis, he argued that governmental authority must be divided into legislative, executive, and judicial powers, each exercised by separate institutions. He maintained that liberty cannot exist where legislative and executive powers are united in the same person or body, since the same authority could enact arbitrary laws and enforce them arbitrarily. Likewise, judicial power must remain institutionally independent of both legislative and executive authority, for otherwise the life, liberty, and security of individuals would be endangered by judges who simultaneously legislate or administer the law. Most importantly, Montesquieu emphasized that whenever all three powers are concentrated in the same person or institution, political liberty necessarily disappears.

While Montesquieu focused on the institutional control of governmental authority, Jean-Jacques Rousseau developed Rule of Law thought by emphasizing the origin and legitimacy of state power itself. Rousseau maintained that sovereignty constitutes the supreme political authority and is inherently inalienable; it belongs to the people collectively rather than to the monarch or any governing institution. Accordingly, law possesses legitimacy only when it expresses the general will (*volonté générale*)—that is, the collective will directed toward the common good rather than the aggregation of individual interests or the preferences of those exercising political power (Rousseau, 1997). On this basis, Rousseau argued that the state may exercise only those powers conferred upon it by the people and must always govern in pursuit of the common good. Once political authority becomes detached from the general will, law loses its normative legitimacy and the state forfeits its political legitimacy. Rousseau thereby introduced an additional and indispensable dimension to Rule of Law theory: beyond the institutional control of power advocated by Montesquieu, political authority must also originate from the people and remain continuously constrained by the collective will of the citizenry. For this reason, Rousseau is widely regarded as laying the theoretical foundations of the principle of popular sovereignty, while simultaneously demonstrating the inseparable relationship between the Rule of Law, democracy, and the legitimacy of state authority.

Viewed from the perspective of the historical evolution of Rule of Law thought, the Enlightenment marked its transition into a far more comprehensive and mature stage of development.

First, it established the principle that human rights and natural rights constitute both the purpose and the normative limits of state power.

Second, it developed the principle of institutional control of governmental authority through the functional separation of legislative, executive, and judicial powers, thereby reducing the

risk of arbitrary government in both the organization and operation of the state.

Third, it affirmed the principle of popular sovereignty as the ultimate source of the legitimacy of both state authority and law.

Fourth, it clarified the intrinsic relationship between the Rule of Law, democracy, and human rights, maintaining that political authority is legitimate only when it is constituted according to law, exercised for the common good, and ultimately accountable to the people. These principles became the intellectual foundations of modern constitutionalism and have continued to exert profound influence on the evolution of Rule of Law theory and constitutional governance across contemporary legal systems.

Accordingly, if Ancient Greek philosophy established the foundational proposition that political power must be constrained by law; Roman legal thought developed substantive criteria for evaluating the legitimacy of law through justice and natural law; and the medieval period progressively translated those principles into enforceable legal constraints upon political authority, the Enlightenment completed the intellectual architecture of Rule of Law thought by constructing a comprehensive theory concerning the origin, purpose, limits, and institutional control of state power. From this point onward, the Rule of Law ceased to be understood merely as the requirement that government act in accordance with law. Instead, it evolved into a comprehensive constitutional doctrine governing the organization and exercise of public authority for the protection of human rights, the preservation of political liberty, the realization of justice, and the promotion of the common good.

2.5 Modern Rule of Law: Advancing the Concept of the Rule of Law toward National Governance, Human Rights Protection, and the Realization of Justice

While the Enlightenment laid the theoretical foundations for limiting state power through the doctrines of natural rights, popular sovereignty, and the separation of powers, the evolution of the modern state, the market economy, globalization, and the growing body of international human rights standards has generated new demands. The central question is no longer merely how the principles of the rule of law can be established in theory or enshrined in constitutions, but how they can be effectively realized throughout the organization and exercise of state power.

This is because, in the context of the modern state, public power is no longer concentrated in a single individual or institution but is exercised through multiple legislative, executive, judicial, and other independent bodies. At the same time, as the functions of the state expand to encompass economic governance, social security, environmental protection, digital transformation, and international integration, the risk of abuse of power arises not only in law-making but also in law enforcement and public governance. Accordingly, the requirements of the modern rule of law extend beyond merely limiting state power through law. They require the establishment of a high-quality legal system, an independent judiciary, effective mechanisms for controlling public power, and a governance model that places human rights at its core.

These requirements are reflected in the works of A. V. Dicey (Dicey, 1885), Friedrich A. Hayek (Hayek, 1960), Lon L. Fuller (Fuller, 1969), Joseph Raz (Raz, 1979), and Ronald Dworkin (Dworkin, 1986), and have subsequently been further articulated

and standardized in the documents of the Venice Commission (Venice Commission, 2011), the United Nations (United Nations, 2004), and the World Justice Project (World Justice Project, 2024).

Viewed from the historical evolution of rule-of-law thought, the modern rule of law addresses three fundamental questions.

First, why has the concept of the rule of law continued to evolve?

The development of the modern state has demonstrated that merely asserting that public power must be constrained by law, as emphasized in earlier periods, is insufficient to prevent abuses of power and effectively protect human rights in practice. As public authority continues to expand in scope, institutional actors, and modes of operation, the rule of law must evolve to respond to new demands of national governance, including ensuring the quality of legislation, enhancing the effectiveness of law enforcement, controlling all forms of the exercise of public power, and strengthening the accountability of state institutions. The imperative to establish governance that is transparent, effective, and people-centered has therefore become the principal driving force behind the continued development of the modern concept of the rule of law (Dicey, 1885; Hayek, 1960; United Nations, 2004).

Second, what issues does the modern concept of the rule of law seek to address?

Whereas earlier stages primarily sought to answer how public power could be prevented from being abused, the modern rule of law seeks to address a broader and more comprehensive question: how the entire organization and operation of the state can be governed by law in order to serve people, uphold justice, and ensure sustainable development. To achieve this objective, the modern rule of law requires that laws be enacted in conformity with the constitution and the law, and that they be public, clear, stable, and foreseeable. It further requires that all persons and entities, including the State itself, be equal before the law; that human rights be protected through an independent judiciary; that all exercises of public authority be subject to oversight and accountability; and that every individual enjoy equal, effective, and non-discriminatory access to justice (Fuller, 1969; Raz, 1979; Venice Commission, 2011; United Nations, 2004). Thus, the central concern of the modern rule of law is no longer confined to controlling public power; rather, it is to ensure that the exercise of such power is consistently directed toward justice, the protection of human rights, and the promotion of the public interest.

Third, what values has the modern rule of law added to rule-of-law thought?

Building upon the values developed in Ancient Greece, Ancient Rome, the Middle Ages, and the Enlightenment, the modern rule of law has further expanded and refined the substantive content of rule-of-law thought in several important respects.

First, it affirms the protection of human rights as the central objective of the rule of law. Whereas the rule of law was previously understood primarily as a mechanism for limiting state power, public authority is now regarded as legitimate only when it is exercised to respect, protect, and fulfill human rights and citizens' rights (Dworkin, 1986; United Nations, 2004).

Second, it develops standards for the quality of law. Laws must not only be enacted by competent authorities in accordance with the prescribed legal procedures, but must also be

public, clear, stable, coherent, practicable, and foreseeable, so that all persons and entities are able to understand and comply with the law (Hayek, 1960; Fuller, 1969; Raz, 1979).

Third, it strengthens mechanisms for controlling state power. In addition to the principle of the separation of powers established during the Enlightenment, the modern rule of law further emphasizes the role of an independent judiciary, constitutional review of legislation, accountability, transparency, and social oversight to ensure that all public power is exercised within the framework of the law (Dicey, 1885; Raz, 1979; Venice Commission, 2011).

Fourth, it links the rule of law with modern national governance. The rule of law is assessed not only by the existence of legal rules but also by the effectiveness of law implementation, access to justice, anti-corruption efforts, the transparency of government, the effectiveness of the judiciary, and the quality of public governance. This approach is clearly reflected in the Venice Commission's Rule of Law Report, the United Nations' definition of the rule of law, and the Rule of Law Index developed by the World Justice Project (Venice Commission, 2011; United Nations, 2004; World Justice Project, 2024).

It can thus be observed that, whereas Ancient Greece laid the foundations for the idea that public power must be constrained by law; Ancient Rome developed standards for assessing the legitimacy of law on the basis of justice and natural law; the Middle Ages gradually translated the limitation of power into legal mechanisms; and the Enlightenment established the theoretical foundations of human rights, popular sovereignty, and the control of public power, the modern rule of law has inherited and integrated all of these values into a comprehensive framework of principles governing the organization and exercise of state power. At this stage, the rule of law is no longer understood merely as the requirement that the State act in accordance with the law. Rather, it has become the normative standard for modern national governance, requiring the integrated realization of the supremacy of the law, the protection of human rights, the control of public power, access to justice, transparency, accountability, and effective governance. This evolution has not only completed the substantive content of rule-of-law thought but has also provided the direct theoretical foundation for the development and promotion of rule-of-law values in the Socialist Rule-of-Law State of Viet Nam today.

3. Conclusion

This article approaches the history of rule-of-law thought not as a mere chronological succession of doctrines or legal philosophers, but as a continuous process in the evolution of legal thinking aimed at addressing increasingly complex issues concerning the organization, limitation, and control of state power. By examining the development of rule-of-law thought from Ancient Greece, Ancient Rome, the Middle Ages, and the Enlightenment to the modern rule of law, the study demonstrates that each historical period not only reflects changes in the political, economic, and social context but also marks a new stage in the understanding of the nature, objectives, and mechanisms for controlling public power. Accordingly, the development of rule-of-law thought has not proceeded through discontinuity or mutual negation; rather, it has evolved through a continuous process of inheritance, accumulation, and expansion of theoretical values, gradually shaping the substantive content of the modern rule of law.

Based on the findings of the study, three principal theoretical conclusions may be drawn.

First, the enduring driving force behind the development of rule-of-law thought has been the need to control state power in order to ensure justice, protect human rights, and serve the public interest. Although each historical period has confronted different challenges—from affirming the supremacy of law, establishing standards for the legitimacy of law, limiting the powers of rulers, creating mechanisms for the allocation and control of public power, to developing models of modern national governance—all have pursued a common objective: preventing arbitrariness in the exercise of public power and ensuring that such power is exercised within the framework of the law. It is this continuity that constitutes the internal logic governing the historical development of rule-of-law thought throughout the evolution of legal civilization.

Second, the development of rule-of-law thought reflects the continuous expansion of the substantive content of the rule of law. In its earliest stage, the rule of law was understood primarily as the requirement that public power be constrained by law. Over successive historical periods, however, this concept was progressively enriched by the incorporation of the values of justice, natural law, human rights, popular sovereignty, the limitation and control of public power, judicial independence, accountability, transparency, and effective governance. This demonstrates that the modern rule of law does not represent a rejection of earlier legal thought but rather the product of an ongoing process of integrating and advancing the values that have emerged throughout the history of legal thought.

Third, the study's most significant theoretical contribution lies in proposing an approach to the history of rule-of-law thought based on the developmental logic of legal thinking, rather than treating it solely as the history of legal doctrines or the history of legal philosophers. Under this approach, each stage in the development of rule-of-law thought is examined through three systematic criteria: (i) the new challenges concerning state power arising within each historical context; (ii) the manner in which rule-of-law thought responded to those challenges; and (iii) the new theoretical values thereby incorporated into the substantive content of the rule of law. This analytical framework not only helps explain the internal logic underlying the development of rule-of-law thought but also offers a new perspective for the study of the history of legal thought by shifting the focus from describing historical developments to analyzing the evolution of legal issues and mechanisms for controlling public power.

From an academic perspective, the findings of this study clarify that the essence of the rule of law does not lie merely in the existence of laws or state institutions, but in the organization and exercise of public power in accordance with the principles of the supremacy of the law, justice, human rights, and accountability. The findings further demonstrate that the rule of law constitutes a dynamic body of thought that continues to evolve and develop alongside changes in the state, society, and the emerging demands of national governance. Accordingly, the study of the history of rule-of-law thought should be situated within the relationship between the evolution of legal thinking and the transformation of models of public authority, rather than being confined to the analysis of the content of individual legal doctrines.

From a practical perspective, the findings provide a theoretical foundation for further research, application, and promotion of the universal values of the rule of law in the process of building and improving the Socialist Rule-of-Law State of Viet Nam. In the context of institutional reform, the development of modern governance, the strengthening of the control of public power, the protection of human rights, and the promotion of sustainable development, a comprehensive understanding of the developmental logic of rule-of-law thought is significant not only for legal scholarship but also for strengthening the theoretical basis for improving the legal system, enhancing the effectiveness and efficiency of national governance, and realizing the values of the Socialist Rule-of-Law State under the contemporary conditions of Viet Nam./.

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REFERENCES

1. Aquinas, T. (1947). *Summa Theologica* (Fathers of the English Dominican Province, Trans.). Benziger Brothers. (Original work written 1265–1274). https://www.documentacatholicaomnia.eu/03d/1225-1274,_Thomas_Aquinas,_Summa_Theologiae_%5B1%5D._EN.pdf
2. Aristotle. (1885). *The Politics of Aristotle* (B. Jowett, Trans.). Clarendon Press. (Original work written ca. 330 BCE). https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/579/0033-01_Bk_SM.pdf
3. Dicey, A. V. (1982). *Introduction to the study of the law of the constitution* (8th ed.). Liberty Fund. (Original work published 1885). http://lib.perdana.org.my/PLF/Digital_Content/MTHO/An%20Introduction%20to%20the%20Study%20of%20the%20Law%20of%20the%20Constitution%20%5BA%20V%20Dicey%5D.pdf
4. Dworkin, R. (1986). *Law's empire*. Harvard University Press. <https://www.hup.harvard.edu/books/9780674518360>
5. Đỗ Trọng Tuân. (2021). *Magna Carta và giá trị đối với lịch sử nhân loại*. *Tạp chí Công Thương*. <https://tapchicongthuong.vn/magna-carta-va-gia-tri-doi-voi-lich-su-nhan-loai-78180.htm>
6. European Commission for Democracy through Law (Venice Commission). (2011). *Report on the rule of law* (Study No. 512/2009, CDL-AD(2011)003rev). Council of Europe. <https://www.eods.eu/library/VC.Report%20on%20the%20rule%20of%20law%20english.pdf>

7. Fuller, L. L. (1969). *The morality of law* (Rev. ed.). Yale University Press.
https://mguntur.id/files/ebook/ebook_1605607075_e2bf730c3254db5d74fc.pdf
8. Hansen, M. H. (2023). *Polis: An introduction to the ancient Greek city-state*. Oxford University Press.
<https://doi.org/10.1093/oso/9780199208494.001.0001>
9. Hayek, F. A. (1960). *The Constitution of Liberty*. University of Chicago Press.
<https://ia600805.us.archive.org/35/items/TheConstitutionOfLiberty/The%20Constitution%20of%20Liberty.pdf>
10. Heather, P. (2005). *The fall of the Roman Empire: A new history of Rome and the barbarians*. Oxford University Press.
11. Holt, J. C. (2015). *Magna Carta* (3rd ed.). Cambridge University Press.
<https://doi.org/10.1017/CBO9781316144596>
12. Locke, J. (1988). *Two Treatises of Government* (P. Laslett, Ed.). Cambridge University Press. (Original work published 1689).
<https://doi.org/10.1017/CBO9780511810268>
13. Marcus Tullius Cicero. (2014). *On the Republic and On the Laws* (D. Fott, Trans.). Cornell University Press.
<https://www.jstor.org/stable/10.7591/j.ctt32b53j>
14. Montesquieu, C. de S. (1989). *The Spirit of the Laws* (A. M. Cohler, B. C. Miller, & H. S. Stone, Trans. & Eds.). Cambridge University Press. (Original work published 1748).
<https://dn790001.ca.archive.org/0/items/spiritoflaws01montuoft/spiritoflaws01montuoft.pdf>
15. Plato. (1888). *The Republic* (B. Jowett, Trans.). Clarendon Press.
https://www.sciencetheearth.com/uploads/2/4/6/5/24658156/plato_-_the_republic.pdf
16. Plato. (2005). *The Laws* (T. J. Saunders, Trans.). Penguin Books.
17. Raz, J. (1979). *The authority of law: Essays on law and morality*. Oxford University Press.
18. Rousseau, J.-J. (1997). *The Social Contract and Other Later Political Writings* (V. Gourevitch, Ed. & Trans.). Cambridge University Press. (Original work published 1762).
<https://www.earlymoderntexts.com/assets/pdfs/rousseau1762.pdf>
19. Taylor, P. P. (2013). Political theory. In A. L. C. Runehov & L. Oviedo (Eds.), *Encyclopedia of sciences and religions* (pp. 1785–1796). Springer.
https://doi.org/10.1007/978-1-4020-8265-8_1431
20. United Nations. (2004). *The rule of law and transitional justice in conflict and post-conflict societies: Report of the Secretary-General* (S/2004/616). United Nations.
<https://digitallibrary.un.org/record/527647?v=pdf>
21. World Justice Project. (2024). *World Justice Project Rule of Law Index 2024*. World Justice Project.
<https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIIndex2024.pdf>