

POWER AND ITS LIMITS: THE ETHICAL AND PRACTICAL TENSIONS OF TEMPERING POLITICAL AUTHORITY

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ABSTRACT

The concept of power in political theory has long been a subject of intense scrutiny, particularly the challenges of balancing authority, control, and freedom. "Tempering power" refers to efforts to moderate and restrain the exercise of political power to prevent its abuse, often through institutional mechanisms such as checks and balances, civil society, and rule of law. While tempering power aims to safeguard individual liberties and prevent authoritarianism, it inevitably introduces tensions, particularly when the power to temper also risks weakening the capacity of the state to act decisively. This paper examines the concept of tempering power, focusing on its theoretical foundations, institutional mechanisms, and the tensions it creates. By analyzing historical and contemporary examples, we aim to assess how the tempering of power impacts the effectiveness of governance and its potential drawbacks.

KEYWORDS

Political power, tempering power, checks and balances, authority, political theory, governance, democracy, authoritarianism, political control, institutional mechanisms, decentralization, political stability, power dynamics, rule of law, state capacity, political gridlock, power balance, efficiency in governance, democratic institutions, civil society, political tension, political accountability.

INTRODUCTION

Power, in its various forms, is a central feature of political life. It influences decisions, shapes societies, and determines the distribution of resources and freedoms. In democratic political systems, the notion of "tempering power" has emerged as a fundamental principle—intended to limit and balance the reach of government authority while maintaining the ability of the state to govern effectively. The tempering of power typically involves the establishment of systems that limit absolute authority, such as constitutional limits, independent judicial review, and decentralized political structures.

However, tempering power is not without its tensions. While the goal is to prevent the concentration of power in the hands of any single entity, it can also lead to inefficiency, slow decision-making, and, in some cases, a fragmentation of authority that hinders the state's ability to respond to crises. The ideal of balancing power to avoid tyranny often comes into conflict with the pragmatic need for governments to act decisively, especially in

moments of national or global emergencies.

This paper will explore these tensions by first examining the theoretical basis for tempering power, including historical perspectives on governance and power dynamics. It will then analyze modern institutional mechanisms that aim to temper power and discuss the inherent tensions these mechanisms create. Finally, it will review contemporary case studies where tempering power has been challenged or tested, evaluating the consequences of such challenges for governance and political stability.

Power, in its various forms, is an inherent feature of all political systems. It shapes the structures of governance, dictates social and political relationships, and determines how resources, opportunities, and rights are distributed within society. The study of political power, and how it should be exercised, has been a central concern of political philosophy for centuries. One of the most pressing issues in this domain is the tempering of power—the idea that political authority should be constrained, regulated, or limited in some way to prevent its abuse. The purpose of tempering power is to ensure that political systems remain just, that individuals' freedoms are protected, and that the state does not become a source of tyranny.

At its core, tempering power is concerned with creating checks and balances within a political system. This concept is deeply rooted in democratic theory, which emphasizes the importance of limiting the concentration of power and ensuring that no single institution or individual holds unchecked authority. Classical political theorists such as Montesquieu and John Locke argued that the separation of powers—dividing governmental authority between the executive, legislative, and judicial branches—was a necessary safeguard against the abuse of power. In modern democracies, this principle has manifested in a range of institutional mechanisms, including independent judiciaries, decentralized political systems, and constitutional limits on executive authority.

However, the idea of tempering power is not without its tensions. While these mechanisms are designed to prevent the tyranny of concentrated power, they can also lead to inefficiencies, slow decision-making, and even gridlock. The challenge of balancing the need for power control with the need for effective governance is a recurring theme in political thought and practice. When power is overly constrained, the state may lack the ability to act decisively, especially in times of national crisis or when urgent action is required. On the other hand, when these constraints are weakened, there is a danger of authoritarianism or political corruption. This delicate balance between empowerment and limitation is at the heart of the tension surrounding tempering power.

In this paper, we explore the concept of tempering power, focusing on the ways in which democratic systems seek to balance authority with liberty, control with freedom. We will first examine the theoretical foundations of tempering power, drawing on classical and contemporary political philosophy. This will be followed by an analysis of the institutional mechanisms designed to limit power, such as the separation of powers, judicial review, federalism, and the role of civil society.

Furthermore, we will investigate the practical tensions that arise when these mechanisms of tempering power are put into practice. What happens when efforts to check power lead to inefficiencies or political gridlock? Can the power to temper itself become a source of political weakness? Through a series of case studies, we will evaluate how these tensions have played out in real-world political systems, with a particular focus on contemporary democracies.

Finally, the paper will address the ethical implications of tempering power. Does the tempering of power always serve the public good, or can it, in some cases, undermine the very goals it seeks to achieve? Should the tempering of power be seen as an ongoing dynamic process that requires constant recalibration, or is there an optimal point at which power should be left largely unchecked? These questions will guide our exploration of

the challenges and paradoxes that come with moderating political authority.

By the end of this paper, we hope to provide a comprehensive analysis of how tempering power functions in practice, the inherent tensions it creates, and the implications for the future of political governance. Ultimately, the goal is to better understand how societies can navigate the complex terrain between the need for power and the necessity of its limitations.

METHODS

This paper adopts a multi-dimensional approach to studying the concept of tempering power, exploring its theoretical foundations, institutional mechanisms, real-world applications, and the tensions that arise from its implementation. The research methodology is divided into four primary components: a theoretical framework, an institutional analysis, case study comparisons, and an ethical evaluation. These approaches allow for a comprehensive examination of the subject and provide the necessary tools to understand both the benefits and challenges associated with tempering power.

1. Theoretical Framework: Historical and Contemporary Political Philosophy

The first phase of this study involves an in-depth exploration of the theoretical foundations of tempering power. This component is crucial for understanding the conceptual underpinnings of the idea of moderating authority and the relationship between political power and liberty. The theoretical framework will be structured around key political philosophers whose work addresses the balance between power and freedom:

- **Classical Political Theories:** The paper will begin by reviewing the writings of seminal political theorists such as Montesquieu, John Locke, and James Madison, who advocated for the separation of powers and the establishment of institutional checks and balances. Montesquieu's *The Spirit of the Laws* (1748) is central in articulating the dangers of concentrated power and the need for a system of governance where the powers of the state are divided. Locke's *Second Treatise of Government* (1689) argues that political power should be constrained by laws that protect individual rights, and Madison's contributions to the *Federalist Papers* highlight the importance of checks and balances in the U.S. Constitution.
- **Modern Theories of Political Obligation and Authority:** The paper will also engage with contemporary political theories, such as those of John Rawls and Robert Dahl, who provide frameworks for understanding democratic power in the modern state. Rawls' *Theory of Justice* (1971) offers insights into how justice and fairness can guide the tempering of power through institutional mechanisms, ensuring that the exercise of political authority respects the principles of equality and liberty. Dahl's concept of polyarchy, introduced in his work *Polyarchy: Participation and Opposition* (1971), emphasizes the role of participatory democracy in ensuring that power remains decentralized and accountable to the people.

This theoretical framework will provide the foundational understanding necessary for analyzing the tensions and challenges associated with moderating power in real-world political systems.

2. Institutional Analysis: Mechanisms for Tempering Power

The second phase of the methodology focuses on the institutional mechanisms through which power is tempered in contemporary political systems. By examining how institutional structures are designed to limit state power, we can assess both their effectiveness and the unintended tensions they create. This part of the analysis will focus on:

- **Separation of Powers and Checks and Balances:** A detailed investigation into the U.S. Constitution and its design of checks and balances between the executive, legislative, and judicial branches will be undertaken. The

goal is to understand how these systems function to temper power and prevent any one branch from dominating. Additionally, this section will explore criticisms of this system, particularly in times of crisis, when executive authority may need to be exercised more decisively.

- **Federalism and Decentralization:** Federalism is a key mechanism for tempering power, particularly in large or diverse countries. The study will examine how power is distributed between central and regional governments in federal systems like the United States, Germany, and Canada. The tension between centralized power and regional autonomy is an important consideration in understanding the dynamics of power moderation and how decentralization can sometimes hinder efficient governance, especially during emergencies.
- **Independent Judiciary and Rule of Law:** The role of an independent judiciary in tempering executive power will be explored, particularly in the context of judicial review. The paper will investigate how courts act as a counterbalance to government authority by reviewing the constitutionality of laws and executive actions. This institutional mechanism is integral to preventing the abuse of power but can also lead to tensions when courts and lawmakers disagree on constitutional matters.
- **Civil Society and Media:** Civil society organizations, political movements, and a free press play crucial roles in moderating political power by holding governments accountable. This component will analyze how these societal institutions contribute to the tempering of power, especially in autocratic or semi-democratic regimes where institutional checks may be weak.

3. Case Study Comparison: Real-World Applications of Tempering Power

The third component of the methodology involves the use of comparative case studies to assess how the tempering of power works (or fails to work) in practice. This part of the paper will analyze different political systems where power has been either successfully tempered or where the mechanisms designed to moderate power have been challenged, highlighting both successes and shortcomings. These case studies will include:

- **United States (Checks and Balances in Action):** The U.S. system of government, which is founded on the principles of checks and balances, will be analyzed in detail. This case study will explore how the separation of powers works in theory and practice, focusing on the tensions that emerge when different branches of government come into conflict (e.g., executive orders vs. legislative action or judicial review). Special attention will be given to recent instances of political gridlock and executive overreach, such as the impeachment trials and the challenges surrounding the Trump administration.
- **Hungary (Populism and Erosion of Checks on Power):** In Hungary, the rise of populist leader Viktor Orbán has posed a challenge to the country's system of checks and balances. This case study will examine how Orbán has centralized power by weakening judicial independence, curbing press freedom, and undermining democratic institutions. The paper will explore how Hungary's experience highlights the vulnerabilities of democratic systems when institutional mechanisms of power moderation are weakened by populist politics.
- **European Union (Decentralized Power and Political Gridlock):** The European Union provides a relevant case for examining the challenges of tempering power in a complex, multi-level political system. The paper will explore how decision-making in the EU is often slow and inefficient due to its decentralized nature, where power is divided among multiple institutions (European Commission, European Parliament, European Council) and member states. The study will assess how this system of tempering power impacts the EU's ability to respond to global crises and policy challenges, such as economic instability and migration.
- **China (Authoritarianism and Lack of Power Checks):** China presents an example of a political system

where power is not tempered through checks and balances. The paper will analyze the consolidation of power in the hands of the Chinese Communist Party (CCP) under Xi Jinping, exploring the consequences of a lack of institutional checks on executive authority. This case will serve as a contrast to the democratic systems analyzed above, highlighting the risks of untempered power in authoritarian regimes.

These case studies will provide a diverse set of real-world examples for evaluating the practical implications of tempering power and the tensions that arise when institutional mechanisms fail or are deliberately undermined.

4. Ethical Evaluation: Tensions Between Efficiency and Accountability

The final component of the methodology involves a critical ethical evaluation of the tensions inherent in tempering power. This section will address the ethical dilemmas that arise when the effort to limit political authority leads to inefficiency, gridlock, or weakened state capacity. The following questions will guide this evaluation:

- **Efficiency vs. Accountability:** What happens when the need for accountability and transparency in democratic governance leads to inefficiencies, particularly in times of crisis or national emergency? For example, in cases where decisions need to be made quickly (such as during the COVID-19 pandemic or national security threats), how should governments navigate the tension between acting decisively and maintaining accountability?
- **The Risk of Authoritarianism:** Can the failure to temper power in certain instances lead to the concentration of authority and the erosion of democratic values? What ethical considerations should guide the moderation of power to avoid tipping too far toward authoritarianism?
- **Moral Hazard in Power Moderation:** Could the very systems designed to temper power create complacency or inaction, leading to negative consequences? For instance, are there situations where excessive checks on power—such as judicial review or legislative gridlock—may inadvertently allow harmful policies or practices to persist due to lack of action?

This ethical evaluation will consider the broader implications of tempering power in political theory, reflecting on how democratic principles of justice, fairness, and freedom must be balanced against the practical needs of governance.

The methodology of this study—combining theoretical analysis, institutional examination, case study comparison, and ethical reflection—allows for a comprehensive exploration of the tensions inherent in tempering power. By understanding how power is moderated through institutional mechanisms and evaluating real-world applications, we can better appreciate both the successes and challenges of balancing authority with liberty in political systems. Ultimately, the paper aims to offer a nuanced perspective on the complexities of tempering power and its implications for the future of governance.

RESULTS

Theoretical Foundations of Tempering Power

Tempering power has its roots in the foundational theories of political philosophy. Montesquieu's *The Spirit of the Laws* (1748) famously advocated for the separation of powers, arguing that political liberty could only be preserved by ensuring that no single entity held all governing power. Similarly, John Locke's *Second Treatise of Government* (1689) argued for the establishment of checks on government power through the protection of natural rights and the creation of systems that ensure accountability. These classical theories laid the groundwork for the idea that the concentration of power is dangerous and that it must be tempered by

institutional structures.

In modern democratic systems, tempering power typically takes the form of checks and balances (e.g., the separation of powers between the executive, legislative, and judicial branches in the U.S. Constitution), federalism (the division of power between national and local governments), and an independent judiciary that can review and limit the actions of the government. These mechanisms are designed to prevent the abuse of power and ensure that any exercise of authority is subject to scrutiny, accountability, and limitation.

Institutional Mechanisms and Their Tensions

While the institutional mechanisms for tempering power are essential for preserving democratic values, they often introduce tensions that challenge effective governance. A common criticism is that such systems create inefficiencies and decision-making delays, especially in times of crisis. The U.S. government, for example, is often critiqued for its slow-moving political process due to the separation of powers and the need for consensus between different branches of government. While these systems prevent the concentration of power, they can also result in gridlock, particularly when political parties are deeply polarized.

Furthermore, the system of checks and balances can create situations where the executive, legislative, and judicial branches are in conflict, hindering the state's ability to act decisively. In countries with weak or fragmented political institutions, such as some developing nations, the inability to temper power properly may result in political instability or corruption, as powerful actors evade oversight.

On the other hand, countries with relatively untempered power, such as authoritarian regimes, often claim that their lack of checks on power allows for swift decision-making and efficient governance. However, this speed comes at the cost of individual freedoms and human rights, as these regimes often use their unchecked power to suppress opposition and manipulate political outcomes.

Case Studies: Practical Implications

1. **The United States:** In the U.S., the separation of powers and the system of checks and balances have often been seen as a safeguard against authoritarianism. However, these mechanisms can sometimes lead to significant delays in policy implementation, particularly during periods of political polarization. For instance, the difficulty in passing comprehensive healthcare reform or climate change legislation in recent decades reflects the inability of government institutions to act decisively due to the division of power.
2. **Hungary and Populist Challenges:** In Hungary, Prime Minister Viktor Orbán has sought to undermine the system of checks and balances by consolidating power and curbing the independence of the judiciary and the media. This has sparked concerns about the erosion of democratic norms in the country and the dangers of reducing institutional checks on executive power. Orbán's actions highlight the tension between the desire for stability and the risks of power centralization.
3. **European Union Governance:** The European Union (EU) provides a case where tempering power through a complex, decentralized system of governance sometimes produces inefficiencies. The EU's decision-making process, involving multiple institutions and member states, is often criticized for being slow and cumbersome. However, this structure is also seen as essential in preventing any one country or institution from dominating, ensuring that all members have a voice in the policymaking process.

DISCUSSION

The concept of tempering power, while theoretically appealing as a safeguard against tyranny, presents significant challenges in practice. It is clear that institutional checks and balances are necessary for protecting

individual liberties, preventing corruption, and ensuring accountability. However, these systems can create inefficiencies, slow decision-making, and even lead to political gridlock, especially when there is no consensus among political elites or when institutional conflicts arise. The rise of populism and challenges to democratic institutions in countries like Hungary and the U.S. suggest that the balance of power is fragile and can easily tip toward authoritarianism if not properly managed.

Moreover, the process of tempering power itself—by weakening central authority or complicating governance structures—can have unintended negative consequences. In situations requiring decisive action, such as national emergencies or global crises, the failure to act swiftly can lead to worse outcomes. The global COVID-19 pandemic, for example, revealed both the strengths and weaknesses of tempering power in public health governance. In some cases, overly decentralized systems led to inefficiencies in responding to the crisis, while overly centralized approaches led to concerns about authoritarian overreach.

Ultimately, the tension between tempering power and maintaining effective governance is an inherent feature of democratic systems. Striking the right balance between limiting the abuse of power and allowing for decisive action is one of the most difficult tasks facing modern political institutions.

The concept of tempering power—that is, moderating the authority of the state to prevent its abuse while ensuring effective governance—presents a delicate balancing act. The tensions inherent in this process are complex, as efforts to constrain political power can sometimes lead to inefficiency, gridlock, or an inability to respond effectively to crises. On the other hand, weakening the mechanisms that temper power may open the door to authoritarianism, corruption, and violations of individual freedoms. In this discussion, we will delve into these tensions by addressing the key challenges and paradoxes that arise when tempering power in political systems. The discussion will focus on three central themes: efficiency vs. accountability, the risk of authoritarianism, and the moral hazards in the systems designed to temper power.

1. Efficiency vs. Accountability: A Delicate Trade-Off

One of the primary tensions in moderating political power is the balance between ensuring government accountability and allowing for the efficient functioning of the state. Mechanisms designed to temper power, such as separation of powers, judicial review, and federalism, are intended to prevent the abuse of power, but they often come at the cost of decision-making speed and the government's ability to act quickly in times of crisis.

The Cost of Deliberation

A classic example of this tension is the U.S. system of checks and balances. The separation of powers between the executive, legislature, and judiciary is designed to ensure that no branch of government can act unilaterally or without oversight. However, this system can create gridlock, especially when there is intense political polarization or when different branches of government disagree on key policies. The slow-moving nature of the U.S. political process is often criticized for its inability to enact urgent reforms or respond quickly to national emergencies, such as in the case of healthcare reform or climate change legislation.

Similarly, the federal structure of government, especially in large countries like the United States, Canada, and India, introduces its own set of challenges. While decentralization helps to temper the concentration of power and ensures that local voices are heard, it can also lead to inefficiencies when state or regional governments have differing priorities from the national government. Federal systems, in which decision-making is distributed, often experience delays and difficulties in reaching consensus on national issues. In some cases, this fragmented decision-making process undermines the state's ability to respond swiftly and effectively,

particularly during times of crisis.

Crisis Management and Swift Action

In moments of national or global crises, such as natural disasters, public health emergencies, or national security threats, the need for decisive action becomes paramount. The 9/11 attacks in the United States and the COVID-19 pandemic are prime examples of events that required governments to act swiftly and decisively. During such emergencies, the tempering of power—particularly when it leads to delays in decision-making—can have severe consequences. For instance, the early delays in responding to the COVID-19 pandemic, exacerbated by decentralized responses and disagreements between various levels of government, have been widely criticized for costing lives and damaging public health systems.

However, the desire for efficiency in times of crisis also presents risks. An unchecked or overly powerful executive may take authoritarian actions that violate democratic norms. This trade-off between speed and accountability is one of the most difficult challenges in tempering power. While governments must have the flexibility to act quickly during emergencies, the risk of overreach must be mitigated by ensuring that checks on power remain intact, even in times of national urgency.

2. The Risk of Authoritarianism: The Erosion of Checks and Balances

While tempering power aims to prevent authoritarianism, there are cases where efforts to limit government power can be undermined or even lead to the erosion of democratic institutions. In such cases, mechanisms designed to moderate authority are either weakened or ignored, which can pave the way for autocratic rule.

The Rise of Populism and the Undermining of Institutional Mechanisms

A significant example of this phenomenon is seen in countries like Hungary and Poland, where populist leaders have consolidated power by undermining the systems that are meant to temper that power. In Hungary, Prime Minister Viktor Orbán has systematically dismantled checks on his authority, weakening the independence of the judiciary, curbing media freedom, and eroding civil society. These actions have been justified by Orbán's supporters as necessary to create a more effective government, but they have significantly diminished democratic oversight. Similarly, the democratic backsliding in Poland, where the ruling Law and Justice Party has taken steps to exert control over the judiciary, highlights how efforts to increase political control can weaken the very mechanisms that prevent authoritarianism.

The rise of populism has proven to be a significant threat to tempering power in many democracies. Populist leaders, often capitalizing on dissatisfaction with traditional elites, tend to promote centralized authority and diminish the effectiveness of institutional checks. The populist anti-institutional rhetoric—which portrays established democratic norms as obstacles to the will of the people—can erode support for checks and balances, leading to the hollowing out of democratic institutions. This presents a paradox: the very mechanisms designed to limit power can be undermined by those in power, leading to authoritarianism under the guise of populist reform.

The Erosion of Institutional Norms

Even in more established democracies, institutional erosion can occur when power becomes too concentrated. A government may push the boundaries of constitutional limits, using executive orders, emergency powers, or legal loopholes to bypass legislative approval. Over time, these breaches of norms can weaken the public's faith in the legitimacy of democratic systems and encourage the acceptance of authoritarian measures as necessary to maintain order.

This tension between the need to temper power and the danger of slipping into authoritarianism suggests that democratic systems must be vigilant in protecting the very mechanisms that keep power in check. The erosion of these systems poses a significant risk not only to the quality of governance but also to the long-term stability of democratic institutions themselves.

3. Moral Hazards: The Unintended Consequences of Power Moderation

While the desire to temper power is rooted in the intention to protect individual freedoms and prevent authoritarianism, there are unintended moral and practical consequences that arise when power is excessively constrained. One such moral hazard is the potential for inaction or excessive caution, particularly when institutional mechanisms are overly restrictive or when leaders are unwilling to act decisively for fear of overstepping their bounds.

Political Gridlock and Ineffective Governance

In democracies that emphasize checks and balances and strict limitations on government power, there is a tendency for political gridlock to emerge, particularly when political parties are deeply polarized or institutional conflicts arise. A paralysis of governance can occur when elected branches of government fail to reach consensus, or when the actions of one branch are blocked by another. This gridlock often results in the failure to enact needed reforms, pass budgets, or address urgent societal issues such as healthcare, education, and economic inequality.

For example, in the United States, the budgeting process often becomes a battleground where ideological conflicts between the executive and legislative branches lead to lengthy delays in funding critical programs. Similarly, the inability to pass comprehensive immigration reform due to entrenched political polarization is a direct result of gridlock exacerbated by the system of checks and balances. While these mechanisms aim to prevent the concentration of power, they can also lead to political inaction when consensus is impossible.

The Risks of Overregulation and Inflexibility

Overregulation of government action in the name of maintaining balance can also create inflexibility, especially in rapidly changing global contexts. Governments that are excessively cautious may miss opportunities to act in ways that align with evolving needs. The EU's response to crises such as the refugee crisis or the Greek debt crisis, for example, was frequently hampered by its complex decision-making process, which required consensus among multiple member states and institutions. While the EU's system of checks and balances is essential to preserving democratic values, it can also hinder timely and effective decision-making in critical situations.

An Unstable Middle Ground

Perhaps the most difficult aspect of tempering power lies in finding a stable middle ground. If too much power is concentrated in one branch of government, authoritarianism becomes a real risk. If too many constraints are imposed, the state may become unable to function effectively. Finding the right balance between these two extremes—empowerment and constraint—is an ongoing challenge for democratic states. What is clear, however, is that an overly cautious approach to tempering power can be just as harmful as an overly aggressive one. Inaction, slow response times, and the inability to make decisions in a timely manner can undermine citizens' faith in democratic governance and lead to political instability.

The tension between tempering power and ensuring effective governance is one of the central challenges in political theory and practice. While institutional mechanisms designed to moderate power—such as checks and balances, the separation of powers, and independent judiciaries—are crucial for preserving democratic

freedoms and preventing authoritarianism, they can also result in inefficiencies, gridlock, and political inaction. In the worst cases, these mechanisms may be undermined altogether, leading to the erosion of democratic norms and the concentration of power.

Ultimately, the challenge lies in striking the right balance between the need to limit power to protect individual freedoms and the necessity of allowing governments to act effectively in the face of both everyday governance needs and crises. Finding this balance requires ongoing reflection and adaptability, as political systems must evolve in response to new challenges while maintaining the values that temper power in the first place.

CONCLUSION

Tempering power through institutional checks and balances is a core principle of modern democratic governance, aimed at preventing the abuse of authority and safeguarding individual freedoms. However, the mechanisms designed to limit power often create tensions that challenge the effectiveness and efficiency of governance, especially in times of crisis. While democratic systems of tempered power offer protections against authoritarianism, they also face the risk of political gridlock, inefficiency, and weakened state capacity. Balancing the need for oversight with the need for decisive action remains one of the most complex challenges in political theory and practice, and contemporary case studies provide valuable insights into the strengths and limitations of these mechanisms in different political contexts.

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