


<https://doi.org/10.22363/2313-2337-2025-29-4-837-851>  
EDN: LAYFQN

Research Article / Научная статья

## The Rule of Law: Between Ideology and Myth

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**Abstract.** This article provides a critical analysis of the “rule of law,” viewing it as an ideologeme and a social myth. The author explores how this concept, despite its amorphous and polysemous nature, has acquired the status as a tool for addressing global challenges. The article traces the origin and functions of the myth of the rule of law, highlighting its role in the ideological legitimation of power, the formation of national ideologies, and its influence on mass psychology. Employing Roland Barthes’ approach to myth deconstruction, the author identifies rhetorical figures that render conceptions of the rule of law both persuasive and ideologically charged. It is emphasized that the idea of the rule of law often serves as an instrument for justifying hegemonic policies, creating an illusion of legitimacy, and obscuring structural contradictions. In conclusion, the article argues that, despite its mythological character, the idea of the rule of law retains social significance, and its critical understanding is essential for a sober assessment of its potential and limitations.

**Key words:** ideologeme, social myth, legitimation, political ideology, mass psychology, legal critique, legal fetishism

**Conflict of interest.** The author declares no conflict of interest.

*Received: 13th September 2025*


*Accepted: 15th October 2025*

### For citation:

Allalyev, R.M. (2025) The Rule of Law: Between Ideology and Myth. *RUDN Journal of Law*. 29 (4), 837–851. <https://doi.org/10.22363/2313-2337-2025-29-4-837-851>

## Верховенство права: между идеологией и мифом

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**Аннотация.** В фокусе исследования – критический анализ «верховенства права» (rule of law), который рассматривается как идеологема и социальный миф. Автор исследует, как это понятие, несмотря на свою аморфность и многозначность, приобрело статус инструмента для решения глобальных проблем. Прослеживаются генезис и функции мифа о верховенстве права, его роль в идеологической легитимации власти, в формировании национальных идеологий и в психологии масс. Используя подходы Ролана Барта к деконструкции мифов, автор выявляет риторические фигуры, которые делают представления о верховенстве права столь убедительными и идеологически нагруженными. Подчеркивается, что идея верховенства права зачастую служит инструментом для оправдания гегемонистской политики, создания иллюзии законности и сокрытия структурных противоречий. В заключение утверждается, что, несмотря на свой мифологический характер, идея верховенства права сохраняет социальную значимость, и ее критическое осмысление необходимо для трезвой оценки ее потенциала и ограничений.

**Ключевые слова:** идеологема, социальный миф, легитимация, политическая идеология, массовая психология, критика права, правовой фетишизм

**Конфликт интересов.** Автор заявляет об отсутствии конфликта интересов.

*Поступила в редакцию: 13 сентября 2025 г.*

*Принята к печати: 15 октября 2025 г.*

### Для цитирования:

Алалыев Р.М. Верховенство права: между идеологией и мифом // RUDN Journal of Law. 2025. Т. 29. № 4. С. 837–851. <https://doi.org/10.22363/2313-2337-2025-29-4-837-851>

## Introduction

In June 2008, a report by the Commission on Legal Empowerment of the Poor stated that “up to four billion people worldwide are robbed of the chance to better their lives and climb out of poverty because they are excluded from the rule of law”<sup>1</sup>. According to a report by *The Economist*, over the course of its three years of work, the Commission struggled to reach a consensus on precisely how the “rule of law” should “empower” the poor<sup>2</sup>. Nevertheless, even framing the problem in this way received unanimous support. A month later, a press release from the high-level “World Justice Forum” held in Vienna announced “joint programs” by its participants aimed at “strengthening the rule of law” to address issues such as “corruption, violence, disease, ignorance, and poverty” in their communities (Humphreys, 2010:1).

Professor Stephen Humphreys (Humphreys, 2010:2) believes that the apparent self-confidence surrounding the term “rule of law” stems from a belief in its almost magical

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<sup>1</sup> Poor, Making the Law Work for Everyone, Vol. 1, Report of the Commission on Legal Empowerment of the Poor (2008) Available at: [https://unipsil.unmissions.org/sites/default/files/making\\_the\\_law\\_work\\_for\\_everyone.pdf](https://unipsil.unmissions.org/sites/default/files/making_the_law_work_for_everyone.pdf) [Accessed 07th September 2025]

<sup>2</sup> ‘The Law Poor’, *The Economist*, June 5, 2008. Available at: <https://www.economist.com/finance-and-economics/2008/06/05/the-law-poor> [Accessed 07th September 2025]

role. According to him, such a belief is possible when “its object has achieved a position of such normative superiority, political authority, and ubiquity in discourse that its key postulates are largely perceived as widely shared, understandable, and unquestioned”.

Any ideology is a form of conceptual mythology. However, although the idea of the rule of law is essentially mythological, it is by no means devoid of substantive content. Professor Veronica Taylor (2019:331–339) of the Australian National University, drawing on the work of the eminent British legal scholar Peter Fitzpatrick (1941–2020), shows that “modern law,” while claiming universality, unity, and omnipotence, positions itself in opposition to the “other” – colonial and traditional systems. Today's conception of the rule of law inherits these mythical traits of transcendence and omnipotence; for instance, it has served as a powerful justification for the hegemonic policies pursued by the United States over recent decades<sup>3</sup>.

To date, the “rule of law” has become a kind of ideologeme, with its actual content always representing the cumulative result of the struggle among various social forces. This polysemous and amorphous term, situated on a spectrum between science and ideology, most often tends toward the latter. Ideology fundamentally reflects people's need to find meaning in social existence, which is conditioned by their participation in diverse social practices grounded in prevailing norms and values. The content of ideological attitudes is shaped by the enduring human and societal inability to achieve precise knowledge about the world. It is famously difficult to scientifically prove the existence of a rule-of-law state (as in liberal political-legal concepts) or to demonstrate the advent of a communist future (Marxist-Leninist ideology). Therefore, a recurring question in academic circles is whether the idea of the “rule of law” possesses any genuine scientific merit or whether it merely serves as a tool of political rhetoric.

Undeniably, the rule of law holds a prominent place in contemporary legal, political, and ethical discourse. One need only consult modern finance and international policy journals or treatises on human rights to encounter a vast array of arguments articulated in terms of the rule of law concept. Unfortunately, in many of these forums, the term “rule of law” functions as a vague euphemism – a unifying institutional ideal that expresses the aspirations and self-perceptions of modern Anglo-American society.

### **The Formation of National Ideologies and the Rule of Law**

National ideologies, like nations themselves, emerged with the rise of the bourgeoisie to power and the establishment of bourgeois states. However, these ideologies undergo significant transformations as the socio-economic situation evolves. The need for a national ideology – or one could say, a social mythology – arises primarily during intensified crisis in the economy, social relations, politics, and public consciousness, when previously institutionalized norms and practices fail to function effectively, and proposed alternatives have yet to prove themselves (Mann, 2018:2–4). It is precisely at such moments that society becomes most receptive to the influence of leaders and social groups who construct plausible yet unverifiable theories about the structure of the world.

These are times when former social myths lose their former vibrancy and become mere rituals. As the American sociologist Michael Mann notes, during such periods, the influence of various idealistic doctrines experiences a resurgence (Mann, 2018:2–4). He emphasizes that one of the primary conditions for the emergence of new ideologemes or

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<sup>3</sup> The concept of the rule of law often takes the form of legal fetishism.

social myths is the presence of a real or perceived threat. It is this sense of threat, in his view, that generates the need for a new social myth<sup>4</sup>.

Here, the importance of belief in a dangerous and competitive world, as noted by J. Duckitt (Duckitt, 2009:693–719), plays a significant role. People's convictions that society is chaotic, unpredictable, and aggressive; that the existing social order is under threat of collapse; or that others around them deceive, manipulate, and seek to outwit them – essentially viewing the world as a “jungle” where only the strongest survive – create fertile ground for the emergence and persistence of the myth of the “rule of law.” This myth is designed to protect society from the threat of usurpation of power and subsequent arbitrariness<sup>5</sup>.

In 1989, the American political scientist Francis Fukuyama, then a senior fellow at the Center on Democracy, Development, and the Rule of Law at Stanford, analyzed the fall of fascist and socialist states and argued that this moment marked not just the end of the Cold War or another period of post-war history, but the end of history as such: that is, the end-point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of government (Fukuyama, 1989:4). One might agree with Fukuyama's description of the supposed historical, though temporary, triumph of the West; however, declaring the “end of history” was an imprudent claim. History invariably absorbs old ideologemes, while new ones continuously emerge through them, and during such periods, criticism of old ideas becomes tolerable (Lebon, 2023:138). Yet, given that “a social organism, like any other organism, always reacts against whoever attacks its vital conditions” (Sighele, 2011:44), new ideologies do not rise to dominance without struggle.

Nonetheless, there is a rational core in Fukuyama's position. The “end of history” signifies the end of a teleological view of social progress (Fraj, 2023:261) – the emergence of a society without aspirations toward a “higher order.” In this context, Professor Elaine Scarry of the University of Pennsylvania aptly noted that “Western religion and materialism hint that the continuous work of civilization consists not in making something, but in ‘making making,’ ‘remaking making’...” (Scarry, 2018:9).

Similarly, Mark Fisher, a lecturer at the University of London, cultural theorist, and philosopher, describes a characteristic feature of capitalist realism as the “slow cancellation of the future.” He observed that the emerging general state of society is such that “life goes on, but time has stopped.” (Fisher, 2014:13). While regression and degradation do not necessarily mean a return to the Stone Age, they signify a prolonged pause in the fulfillment of society's potential.

Hannah Arendt (Arendt, 1993:32) argued that the modern world has lost traditional forms of authority – such as emperors, king, and the church – that once ensured obedience without coercion or persuasion. In this regard, the rule of law can be seen as a response to this crisis. For a certain period, it filled the authority vacuum in England and the USA, offering legitimacy through an appeal to rationality and tradition.

Nowadays, the future of society is often reduced by liberal scholars and related ideological currents to the “sustainable development goals.” This perspective leaves only one direction of progress – sustainability – and all decisions are made in the name of endurance existing systems. Implicit in this view is the idea that the social order currently

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<sup>4</sup> Therefore, threats are often created artificially.

<sup>5</sup> Even the founders of scientific communism themselves noted the attempts to replace a scientific understanding of the historical process with a social mythology, complete with its 'goddesses of justice, freedom, equality, and brotherhood.

dominating society must not only persist but also withstand challenges from initiatives perceived as hostile to it, including progressive movements.

Undoubtedly, ideas of “refusing the future” have also gradually permeated the humanities, including legal science, where there has been a retreat from the ideology of “progress” toward what is sometimes called ideology of “design”. V.M. Syrykh has commented on this trend in relation to Russian legal scholarship: “... Russian legal scholars tend to focus on less significant issues within legal science and practice, rather than engaging with fundamental questions of jurisprudence. In legal theory, the most common research topics are sources of law, legislative technique, and the systematization of legislation. In the branch legal sciences, considerable effort is devoted to preparing various commentaries on current legislation. Meanwhile, questions concerning the overall system of law and legislation, as well as the relationship between economy, politics, and law in the modern state, remain largely outside the scope of Russian legal scholars’ attention” (Syrykh, 2014).

American authors often substituted the concept of “ideological activity” with that of “psychological influence.” This shift is linked to the widespread adoption of “de-ideologization” narratives. In international relations, the emphasis moved from ideological conflict to psychological (Levin & Tumanov, 1972:5) – and even cognitive (Miller, 2023; Reding & Wells, 2022) – dimensions of influence. Concurrently, the revival of militarism, the erosion of social protections, and growing intolerance toward alternative moral values began to undermine the liberal ideals that, according to Francis Fukuyama, had ostensibly triumphed globally (Mann, 2018:594). Within this context, the myth of the rule of law became a potent weapon in such struggles, helping bridge the gap between law “on paper” and its practical operation by creating an illusion of unity and coherence amid contradictions. At the same time, it sanitizes and lends moral legitimacy to often militarized, security-driven, or profit-oriented interventions, fostering the illusion that adherence to the “rule of law” will automatically bring development and humanism. Local elites invoke this myth to promise a better life and bolster their standing through global indices, while human rights workers and project staff use it as a coping mechanism to manage the cognitive dissonance between lofty goals and the harsh realities of compromise.

Any political or legal culture possesses its own “ritual formulas” and “magic spells” that are unconditionally accepted by its members. In the West, such “spells” include concepts like the “rule of law,”<sup>6</sup> “human rights,” “freedom of speech,” “justice,” “democracy,” and others (Culadze, 2003:64). This situation is no coincidence, as the significance of the rule of law stems from the need for a legal-rational justification of political legitimacy. It performs a powerful symbolic and ritual function, participating in democratic reforms in nearly every country<sup>7</sup>.

Nevertheless, discussions about a crisis of the rule of law in the West have persisted for quite some time (McBride, 2009:305–315; Kajcsa, 2011:83–90; Ioannidis & von Bogdandy, 2014:59–96; Smith, 2019:561–576; Granat, 2023:1017–1034; Tushnet, 2017:17–45). It is important to note, however, that scholars have primarily examined the understanding of the rule of law that developed within the core countries of the capitalist system – namely the United States and Western Europe – during the Cold War era.

<sup>6</sup> Most likely, the end of the “rule of law” pretense will also mean the abandonment of its accompanying rituals.

<sup>7</sup> It is important to note that, to this day, the promotion of the rule of law is carried out through the “ritualized practices” of specialists (lawyers, development consultants) in special “transnational” spaces, often beyond the reach of local legal systems.

It is clear that there can be no end of ideology – only new ideological turns can emerge. Perhaps the next turn will be in the opposite direction, towards new forms of individualism or collectivism. For example, the rule of law today raises particular concerns within the framework of relatively new ideologies such as cosmopolitanism<sup>8</sup>.

Nevertheless, history is not over, nor is the need for ideology exhausted (Mann, 2018:595). It can be argued that humanity is living through one of those critical epochs in which old ideas are losing their hold on the masses while new ones have yet to fully form<sup>9</sup>. Most likely, the idea of the rule of law will share the fate of concepts like the “divine right of monarchs.” But before it finally loses its influence over the masses, it will undergo numerous transformations.

### **The Ideological Legitimation of the Rule of Law**

Legitimation, in relation to the issues under consideration, refers to a set of beliefs about the reality and legitimacy of the rule of law. Most often, ideology functions as an element of legitimation for those in power and serves to justify the exploitation of the governed. It articulates the social conditions that sustain such exploitation possible. Typically, this occurs through the manipulation of social discourse, which becomes a component of ideological practices, of which law is a part. On this point, Professor C. Douzinas rightly observed that the claim that the law is value free is perhaps the strongest ideological ruse of our time (Douzinas, 2014:188).

The rule of law itself is a form of ideologeme, whose actual content has always been the cumulative result of struggle among various social forces. This polysemous and amorphous concept, situated between science and ideology, has most often gravitated towards the latter. Consequently, it is used to denote a range of formal rights and freedoms of citizens. Whether these rights and freedoms have substantive content, and to what extent, depends less on the rule of law as an abstract concept and more on the specific system of social interactions and the “addition and subtraction” of social interests allowed within the social system. As S. Rodin and T. Perišin note, “every legal norm is a product of a specific political conflict, in which one side won. Thus, legal norms represent the result of the distribution of power in the political battles that created these norms” (Rodin & Perišin, 2018:7).

In scientific and ideological theories, the concept of the rule of law is employed in political, legal, and moral dimensions. For example, in liberal-democratic societies, the rule of law was proclaimed one of the highest values and, consequently, a measure of progress (hence the formula “Law & Development”)<sup>10</sup>. According to this measure, Western societies assess the “acceptability” of other societies based on their readiness to adopt the values of “civilized” countries, effectively recognizing foreign Western legal institutions as benchmarks.

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<sup>8</sup> This ideology of ultimate assimilation of all nations into one, subservient to global finance capital, denies nations and national distinctiveness, postulates complete indifference to local culture, and rejects the very possibility of a unique mental makeup among people belonging to one or another nation. Naturally, in the process of this denial, the rights of nations to anything at all are negated, since their very right to exist is called into question. Nevertheless, cosmopolitanism is not entirely free from its roots in national ideology; while denying everything national, it still possesses a homogenized national culture at its core, which at present is Anglo-Saxon.

<sup>9</sup> Durkheim termed such a period “anomie” (Durkheim, 1893). *The Division of Labor in Society*. The Free Press, New York.

<sup>10</sup> Research in the field of “Law & Development” has traditionally been associated with developing countries.

One of the most significant shortcomings of the idea of the rule of law is its predominantly one-sided discourse in the realm of the “ought,” rather than the “is.” The idea of the rule of law inherently appeals to justice, and it is important to remember that “any law can be defined as unjust if one considers the circumstance that the ideal it seeks to realize does not coincide with the highest and absolute idea of justice” (Grinberg & Novikov, 1977:95), which is transcendental in nature. In other words, the rule of law can be understood as an idea of justice that can never be fully realized, as full realization lies beyond human capabilities. This theoretical position, often adopted by ruling powers, conveniently justifies injustice in practice.

Given that the rule of law in practice is ensured through the supremacy of the rights of the ruling minority, the essence of the problem lies not in a crisis of the rule of law *per se*, but in its development in ways that disadvantage this minority.

On the one hand, the idea of the rule of law can be viewed as a form of utopia. In this sense, it can have a constructive effect by inspiring the masses to challenge the existing legal order, question the principles organizing power, and reconsider the distribution of powers – while remaining a beautiful but unattainable ideal. This perspective recognizes that societies live in a world of ideological simulacra that, over time may approximate reality, for “reality never fully corresponds to the spiritual model that one wants to reproduce” (Grinberg & Novikov, 1977:336). Proponents of this view argue that the rule of law should be seen as an operative “meta-legal doctrine” (Hayek, 1960:151, 209), or, as Franz Leopold Neumann suggests, a secular, “quasi-natural legal doctrine” (Neumann, 1957:29–31).

On the other hand, the idea of the rule of law can serve to maintaining the status quo and preserve established power relations. In this respect, it becomes part of the dominant ideology, where its main purpose is not transformation but the stabilization of the existing legal system. Despite its “liberal origins,” today the idea aligns well with conservative ideologies, aiming primarily to uphold the political *status quo*<sup>11</sup>. However, it remains connected to liberalism, since the *status quo* it protects is a liberal legal order in which government power is strictly limited and fundamental human rights are formally upheld as the highest value (van Klink, 2022:54). Thus, the growing contradictions between the “ideal” and the “real” within the rule of law concept characterize its ongoing evolution in modern liberal democracies.

The average person often finds it difficult to think rationally and tends to rely instead on the reaction and norms of their group – whether religious, political, ethnic, or interest-based. The inherently social nature of individuals, combined with a deep need for communication, makes loneliness particularly distressing and creates a powerful feeling of “lack of support.” Therefore, people overwhelmingly desire to align themselves with a widely accepted “general opinion,” to be on the “side of good,” and to support the rule of law.

This psychological phenomenon, however, has direct and dual consequences for the legal system. On the one hand, the need for collective identity and solidarity underpins the formation of legal consciousness and fosters respect for law as a shared social value. Law becomes that very “general opinion” and “side of good,” granting citizens a sense of security and belonging within a just order. On the other hand, this dynamic reveals a critical

<sup>11</sup> By their very nature, people tend to remain in a status quo situation. They do not always abandon it quickly because any change can be risky and/or require effort. In this context, the idea of the rule of law acts as a defense mechanism in mass psychology. For example, refer to: (Baddeley, 2023).

vulnerability: when group narcissism intensifies, the group begins to perceive its norms and values as superior and exclusively correct. This creates fertile ground for legal nihilism, the justification of unlawful actions “for the good of the group,” and the construction of an “enemy image” targeting those outside the group, ultimately undermining the foundations of the rule of law. According to Erich Fromm (Fromm, 1973:178), in such groups even the most insignificant and downtrodden individual can rationalize their condition by saying: “After all, I am part of the magnificent whole of the best group in the world. And although in reality I am just a miserable worm, thanks to my belonging to this group I become a giant.”

Thus, the primary function of the rule of law as an ideologeme is to promote social integration, ensuring the identity of a group or community. What unites citizens under the rule of law is recognition of legal authority and respect for existing political-legal institutions. This connection may be fragile but should not be underestimated, as it divides “us” and “them.”

Nevertheless, within this ideologeme, citizens do not share a common ultimate goal or a clear vision of the future, unlike in many other ideologies; rather they are committed to a particular form of power organization.

The idea of the rule of law is sometimes presented as the culmination of Western civilization’s development, to which everyone outside must adapt. In such cases, the rule of law functions as a conservative ideologeme, contradicting its original open and pluralistic character. This arises because value orientations inherent in ideology often generate intolerance towards other ideals and absolutes (Gurevich, 1983:154). This can be seen as the cost of the rule of law being perceived as a dogma – that is, as a fixed set of immutable theses claiming absolute truth.

On one hand, law is often viewed as a mere transmitter of the dominant ideology established in the economic sphere and filtered through political structures. This perspective suggests there is no separate “legal ideology.” Yet it is logical to argue that the legal form itself requires a “residual” ideology that coexists alongside the dominant ideology within law. The “residual” legal ideology primarily consists of so-called “empty signifiers”<sup>12</sup>, such as “legality,” “justice,” or “rule of law.” Its main function is to support the continued existence of the legal field and endow it with priority and legitimacy over other institutional forces.

Developing this thesis leads to a paradoxical conclusion: “law occupies a central place in ideology” (Douzinas & Gearey, 2005:221), and simultaneously, “ideology occupies a central place in law.” This duality is crucial for a critique of ideology within the legal field, which must account for the coexistence of the dominant ideology (ideology in law) and the ideology inherent in the legal form (legal ideology). Each deserves separate critique, especially since dominant ideologies evolve over time, while the ideology of the legal form tends to remain constant (Sulikowski et al., 2020:17–40).

### **The Myth of the Rule of Law in Mass Psychology**

The transformation of bourgeois ideology into mythology was facilitated by the widespread dissemination of irrationalism, which replaced the rationalism (adherence to

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<sup>12</sup> In the terminology of the Argentine political philosopher Ernesto Laclau, the “rule of law” can be classified as an “empty signifier.” An “empty signifier” is a kind of “signifier without a signified.” Laclau explains that the temporary filling of such categories is the result of political competition. For example, refer to: Ernesto Laclau, *Emancipation(s)* (London-New York: Routledge, 2007), p. 36.



higher values) characteristic of the period when capitalism was forming. According to Max Weber, irrationality becomes most evident on the eve of major economic crises and world wars. This process was an ideological reflection of changes in social reality. Since the mid-19th century, irrationalism has been a distinctive feature of bourgeois consciousness, serving as a philosophical expression of the crisis of bourgeois ideology (Gurevich, 1983:7).

At the beginning of its history, the rule of law was perceived as a state of society where a “transition from royal sovereignty of divine origin to national sovereignty” had been accomplished (Agamben, 2011:163). On one hand, the institutionalization of the rule of law is associated with the dismantling of mythical and sacral representations in the political-legal sphere (Hubner, 1996:332). On the other hand, during its period of triumph, this idea became surrounded by numerous idealistic conjectures. Although, like any ideology, it only indirectly reflects accurate knowledge about society, state, and law – compensating for this deficiency through beliefs, conjectures, and theories – the idea of the rule of law still mobilizes strong emotions and messianic hopes. In their pursuit of the rule of law, peoples overthrew regimes deemed dictatorial or incompetent, but the masses rarely agreed on which regimes should replace them. The average person could hardly articulate a clear idea of the rule of law, the rule-of-law state, or civil society.

For a political regime to function effectively, “it must itself be perceived by citizens as a proper form of government” (Held, 2014:269). The “strength” of the ruling minority as a source of social influence is largely determined by how it is perceived by others. Studies have shown that this “strength” increases when the behavior of the minority is seen as autonomous and independent (Nemeth & Wachtler, 1973:65–79).

According to Professor Ofer Sharone of the University of Massachusetts Amherst, the rule of law is a powerful mass illusion, analogous to religion in its psychological origins and functions. Applying Freud's analysis of religious illusion to the rule of law, Sharone argues that the rule of law serves as an abstract substitute for the father, mediated by judges, just as God is mediated by priests (Sharone, 1994:329–378). However, the sacralization of law is real only when it is completely separated from politics. In this respect, legal norms erase the roots of their “political” genesis, as political decisions cannot preserve the symbolic appearance of the sacred without contradicting the thesis of “rule of law, not men.” This arrangement creates a form of communication between an abstract legislator and an abstract citizen, leaving no place for political discourse. Consequently, the ruling minority also acquires a property of impersonality. Thus, a clear line is drawn in the mass consciousness between law and politics, with the thesis of the impersonal nature of “ruling” law becoming the basis for manipulations, making “any thought in the direction of politics, to one degree or another clearly formulated, unthinkable” (Ellul, 2023:64).

In the work of Roland Barthes (Barthes, 1996:312), myth is understood as a “semiological system that strives to turn history into nature.” In this context, Barthes's deconstruction of myth can be successfully applied to the rule of law, aiming to reveal the rhetorical figures that make it simultaneously persuasive and ideologically charged:

1. According to Barthes, “vaccination” as the measured admission of imperfection involves acknowledging accidental evil to better conceal fundamental evil. A vivid example is the activity of the U.S. Supreme Court, which may recognize and correct individual “errors” or “excesses” of the system. This role functions as a “vaccinator”: a small dose of criticism and self-correction strengthens the immunity of the entire system, creating an illusion of fundamental self-sufficiency, criticality, and capacity for correction.

Meanwhile, systemic contradictions and structural violence inherent in the law of a particular state remain unnoticed.

2. The rule of law often appears in discourse as an abstract, metaphysical ideal divorced from its real history, expressed through interruptions and reinterpretations. Its content has radically changed depending on political interests: in some eras, it protected freedoms; in others, it masked repression. However, a “de-historicized” approach allows it to be presented as a universal and apolitical value, rather than as a product of specific historical events such as struggles for power, colonial projects, class compromises, and unique cultural traditions (Holterhus, 2018:4).

3. A complex and multifaceted cultural phenomenon like the rule of law is often reduced to a set of identical and unquestionable clichés: “the rule of law is freedom,” “the rule of law is the protection of human rights,” “the rule of law is the triumph of justice,” and so forth. This reduction enables the term to be easily manipulated for political purposes, labeling some states as “civilized” (aligned with these clichés) and others as “backward” or “despotic” (attributing to them the exoticism of arbitrariness).

4. The interpretation of the concept of the “rule of law” frequently employs a “zero degree of argumentation,” where a concept is explained by itself to avoid substantive content. In discourse, this manifests as circular definitions and tautologies such as “the rule of law is the rule of law,” “the dominion of law,” or “subordination to law.” These formulations create an illusion of meaning yet evade critical questions like: *which specific law? And in whose interests?* Tautology thus serves as a rhetorical device that halts critical thought.

5. The rule of law is a context-dependent ideal (Wendel, 2012); however, Barthes’ concept of the “quantification of quality” reduces any quality to quantity to comprehend reality “more cheaply,” avoiding its complexity. The most complex social phenomenon – including history, culture, legal consciousness, and informal practices – are thereby reduced to numerical indicators. This creates an illusion of objectivity and comparability but impoverishes the concept’s content, stripping it of both its normative and contextual dimensions. The proliferation of global rule of law indices illustrates this tendency most vividly.

6. A social myth often takes the form of a statement or maxim that conceals its human origin and presents the world as given. The classic maxim “the rule of law, not men” exemplifies this. It masks the fact that law is created, interpreted, and applied by specific people within specific power institutions. This myth conceals law’s human (and thus potentially erroneous, self-interested, political) dimension, creating an image of law as superhuman, nearly divine in its objectivity and neutrality.

The conducted analysis demonstrates that the rhetoric of the rule of law abounds with figures described by Roland Barthes in his analysis of the myth. The function of the myth of the rule of law is not to obscure the concept, but to impoverish it, dehistoricize it, and ultimately legitimize it, making its content acceptable and even beneficial to a select group of people. In this way, the historically formed and politically engaged project known as the “rule of law” is transformed into something self-evident, eternal, and beyond criticism. Only a critical perspective on the myth of the rule of law allows us to restore its historicity, complexity, and political nature.

The myth of the rule of law positions law as part of an illusion of a linear, technocratic, apolitical process of reforms, thereby hiding the complexity, politics, and distributive

conflicts involved. Simultaneously, it positions law as the sole legitimate and necessary social regulator for economic growth, displacing or subordinating other social norms.

Therefore, two distinct understandings of the rule of law should be distinguished based on social position: the understanding held by elites and that held by the rest of the population, since both the governed and the ruling are subject to the influence of ideology. In this sense, every state is limited by the ideology of the ruling classes, as well as by ideological ideas so deeply rooted in the consciousness of the broader masses that ruling circles dare not ignore them for fear of jeopardizing their own domination (Levin & Tumanov, 1972:4–5).

One can agree with G. Le Bon that the number of guiding ideas in every civilization is always very small (Lebon, 2023:125), and the idea of the rule of law can undoubtedly be considered as one of these. However, an idea influences behavior only after it descends to the level of feelings – in that stable and unconscious region where the motives of our actions are formed (Lebon, 2023:127). As Erich Fromm (Fromm, 1950:32) noted, a collectively shared attitude, even if irrational, provides individuals with a sense of community, security, and stability. Thus, the strength of the idea of the rule of law lies not only in its normative content but also in its ability to take root in the collective unconscious as the socio-psychological foundation of the legal order.

Analyzing the genesis of any idea, Gustave Le Bon notes that an idea must first be accepted by a small number of “apostles,” whose faith or authority confers great prestige (Lebon, 2023:129). Such individuals can include, for example, the Founding Fathers of the United States; otherwise, how can one explain that 55 wealthy white men adopted a Constitution claiming to establish the most democratic state in the world?<sup>13</sup>

If over a long period the idea has “crystallized” and penetrated the masses, it then forms a kind of dogma – an absolute truth rarely contested. For any political power, it is fundamentally important to activate infantile reactions and scenarios, where the true nature of socio-economic and political processes is obscured by images, myths, and simulacra. One can agree with Professor N.A. Vlasenko that the debate over whether to enshrine ideological foundations (ideas of duty, patriotism, justice, etc.) in law is ultimately inconsequential, as authorities will find effective ways to introduce ‘necessary’ ideas to the masses regardless (Vlasenko, 2022:55). This is largely because most people accept established ideas transmitted by public opinion and upbringing without critical reflection (Lebon, 2023:136). Once an idea has triumphed and entered the realm of feeling, it remains protected from encroachment, even scientific critique (Lebon, 2023:131). Simultaneously, the term “rule of law” can serve as a tool for devaluing critical thinking, as propaganda language evokes feelings that produce not only thoughts but reflexive responses.

The polemics surrounding the rule of law exemplify the kind of pervasive but hard-to-identify propaganda that Jacques Ellul described. The terms expressing the properties of the rule of law are difficult to articulate clearly. Agreeing with Ellul that the presence or absence of the rule of law feels like a societal “climate” or “atmosphere”, one can conclude that this propaganda ensnares individuals through morals and customs, often without their awareness. The idea of the rule of law, when internalized by the masses, creates new habits that become internal convictions. People grow accustomed to new criteria for judgment and choice and develop an illusion that they have personally justified these attitudes. Yet,

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<sup>13</sup> The draft of the US Constitution was signed by only 39 delegates.

as Ellul asserted that in this new attitude there is something special: it completely coincides with what is generally accepted in this society; it is collective (Ellul, 2023:66).

This is why two aspects should be distinguished in the idea of the rule of law. One aspect is connected with the rational cognition of the social world, involving various kinds of theoretical judgments about how it should be improved at different stages of history. The other aspect is equally tangible and related to those characteristics that reflect the sensory side of human existence. Emotions, by limiting cognitive abilities, also play a critical role in decision-making, productivity, and general well-being.

In this debate, Professor Hilliard Aronovitch (Aronovitch, 2007:790) of the University of Ottawa and Professor Martha Nussbaum (Nussbaum, 2004:65) of the University of Chicago have taken a “cognitivist” position, viewing emotions not as blind feelings but as a form of judgment or appraisal (for example, anger is a judgment that one has been treated unjustly). Neuroscience research by Antonio Damasio (Damasio, 1994; Damasio, 1999) demonstrates that the ability to assign value and make choices is closely linked to emotions, suggesting that without emotions, rational thinking cannot function fully. However, judgments contained in emotions differ from deliberate, articulated judgments, raising the question of the extent to which we are responsible for them.

Professor Helena Whalen-Bridge of the National University of Singapore (NUS) Law School argues that developing a concept integrating rationality and emotions is necessary to protect and maintain the rule of law. In particular, positive emotions such as hope and secular faith play key roles in countering cynicism and despair, which otherwise paralyze citizens’ will to fight for a just legal system (Whalen-Bridge, 2025:3).

## Conclusion

In this respect, the idea of the rule of law, within its psychological dimension, is represented by a constant shift in the balance between rational and sensory aspects of implementation, which is reflected in the perception of the concepts “rule of law” and “rule by law.” In the case of the rule of law, the sensory aspect typically dominates and people feel that one can or cannot act in certain ways primarily under the influence of emotions. In contrast, the perception of “rule by law” shifts the balance toward a more rational and critical understanding of a complex, polysemous reality.

Even when criticizing the idea of the rule of law as a social myth, it is important to remember that social mythology is not simply a product of errors or ignorance. It is a form of semantic construction, and with historical records of these phenomena, we can retrospectively understand how the structures of earlier legal consciousness functioned and developed. In this respect, myth carries value, as changing its social environment – the general and transient system in which it is placed – allows for precise regulation of its effects. Understanding the mythology of the rule of law does not absolve us of moral responsibility, but instead helps us soberly assess the idea’s possibilities and limitations, manage expectations, and avoid self-deception in its promotion.

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