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FOCUS

THE SUPREME COURT AND THE RULE OF LAW

EDITOR'S NOTE

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The rule of law is a fundamental principle embraced in the contemporary constitutional democracy. Under the separation of powers, courts can make more contribution than strengthening the rule of law by focusing on the application of norms and procedures. Courts, especially the Supreme Court of a democratic state, are the guardians for protecting rights and advancing inclusiveness. To understand how the Supreme Court function in different democratic societies can help us to know the verities of rule of law and their significance to the world.

This issue introduces two papers contributed by the presidents of the Supreme Court from two countries with great difference of history and culture. Professor Eckart Ratz, the President of the Supreme Court of Justice of the Republic of Austria, expounds on the tasks and the function of the Supreme Court of Justice of Austria and its relation with the Court of Justice of the European Union. He explains the approaches the Supreme Court of Justice takes to maintain judiciary independence, to deal with civil and criminal appeals and to improve fundamental rights protection. Professor Yong-Hoon LEE, former Chief Justice of the Supreme Court of the Republic of Korea ("South Korea"), gives an overview of the strive for rule of law in South Korea and the Supreme Court's role in building up South Korea a law governed country. His description of the South Korean experiences explains the cultural reasons for the twists and turns in realizing the rule of law in South Korea. The similarities and differences of what Supreme Court can contribute to the rule of law in a European country and an East Asian country will provide different perspectives for exploiting the most feasible way for a country to pursue its rule of law.

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