



What does “rule of law” mean?

SS.7.C.1.9 Define the rule of law and recognize its influence on the development of the American legal, political, and governmental systems.

Passport Vocabulary

- Law
 - A rule established by government or other source of authority to regulate people’s conduct or activities.
- Rule of Law
 - The principle that both those who govern and those who are governed must obey the law and are subject to the same laws.

This document addresses the following issues:

1. The concept of the rule of law.
2. The concept of justice
3. How the concept of the rule of law is reflected in the oaths of office taken by federal officials in the United States.

1. The concept of the rule of law:

Law is understood to be a system of rules that are enforced through a set of institutions that are imposed on the entire society. Laws need not be perceived as fair or just in order to be enforceable, or for the legal system itself to operate.

The rule of law is also called the “supremacy of law”. This notion of supremacy means that there should be no discretion in the application of the laws. Otherwise, arbitrary government would result. An arbitrary government would mean that the laws would apply to some and not others.

The rule of law is very important in a democracy, particularly because, if the people do not support the government, they may revolt against it. An arbitrary application of the laws might compel the people to revolt.

The rule of law is an ancient ideal. For example, around 350 BC Plato wrote:

“Where the law is subject to some other authority and has none of its own, the collapse of the state, in my view, is not far off; but if law is the master of the government and the government is its slave, then the situation is full of promise and men enjoy all the blessings that the gods shower on a state.”

Similarly, Aristotle also supported the rule of law. He wrote that the “law should govern”. Those holding power should be “servants of the laws”.

2. The concept of justice

The concept of justice differs from the rule of law. The concept of the rule of law does not, in and of itself, speak to the notion of justice. It is entirely possible, particularly in modern dictatorships, that there is a rule of law that is unjust. Undemocratic nations that do not respect human rights commonly operate under a rule of law. By contrast, justice is often perceived as a combination of elements that include the rule of law, while at the same time considering competing claims and impartial evaluation of the facts.

One of the best known symbols of justice is “Lady Justice”, a symbol of a goddess who wields a sword that represents the court’s coercive power, scales that symbolize the weighing of competing claims, and a blindfold, which shows impartiality.

Below is an image of “Lady Justice” that includes all three symbols:



3. How the concept of the rule of law is reflected in the oaths of office taken by federal officials in the United States.

The rule of law is reflected in the oaths of office taken by federal officials in the United States.

The best known oath of office is that taken by the president:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Members of Congress take this oath of office (this oath of office is not specified in the U.S. Constitution):

“I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.”

Members of the U.S. Supreme Court take this oath of office:

"I do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me under the Constitution and laws of the United States."

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