

# Lesson 1



# THE RULE OF LAW

SS.7.C.1.9

# 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 ***United States Constitution*** is the the highest law in this country.

# Statutes



- **Statutes** are the specific application of Law.
  - *Laws are passed by the legislative branch* and become law. They are found in statute books.
  - The judicial branch interprets statutes, on appeal, and the interpretations become "case law".
  - People are required to obey both statutory and case law because they are the laws of the jurisdiction in which they are enacted and interpreted.

# The Rule of Law



- The **rule of law** is also called the “***supremacy of law***”.
  - This means that there should be no discretion in the application of the laws.
  - *No one is above the law*
- Otherwise, arbitrary government would result.
  - An **arbitrary government** would mean that the *laws would apply to some and not others*.
- *Arbitrary - Based on random choice or personal whim, rather than any reason or system.*

# The Rule of Law



- 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 - History



- 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”.

# The Rule of Law



What is the rule of law?

The **RULE OF LAW** means *everyone must obey the law*, including citizens, non-citizens, and government leaders.

The police and the courts enforce the laws.

The police and the courts must also obey the laws.

# The Concept of Justice



- Justice differs from rule of law.
- Rule of law does not, in and of itself, speak to the notion of justice.
  - There can be rule of law that is unjust (dictatorships)
  - Undemocratic nations that do not respect human rights commonly operate under a rule of law.
- Justice is a combination of rule of law, and considering competing claims and an impartial evaluation of the facts.



# 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*
  - a **blindfold**, which shows *impartiality*.



# Rule of Law and the Oaths of Office



- **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."
- **What words or phrases in this oath reflect the Rule of Law?**

# Other Oaths



- **Congress:**
  - “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. “

# Other Oaths



- **U.S. Supreme Court**
  - 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.