**Unit VI, District Question #1 - May 2014**

*Why does the United States’ commitment to the rule of law appeal to other peoples?*

* *How would you explain the meaning of the rule of law?*
* *How do America’s founding documents express the nation’s commitment to the rule of law?*

**P1**. To explain the meaning of rule of law, we turn to the words of Thomas Paine who wrote in *Common Sense*: “...in America, the law is king. For as in absolute governments, the King is law, so in free countries, the law ought to be king; and there ought to be no other.” Therefore, rule of law means that not only the citizens, but also the government, must follow laws.

**P2.** Empirically, rule of law also reflects the belief that there are individual human rights that should be protected and untouchable to any government. James McClellan wrote that rule of law is “A government of laws, not of men.” Rule of law ensures the legal protection of natural and political rights.

**P3.** The concept of rule of law dates back to the Magna Carta of 1215. When King John signed the Magna Carta, he guaranteed the barons’ rights would protected by the law. The adoption of this document spread rule of law consistently through English politics and jurisprudence, and later led to the adoption of rule of law in America.

**P4.** The Declaration of Independence of 1776 was also influenced by the natural rights philosophers of the Enlightenment. Under the rule of King George III, the inalienable rights that the colonists valued were violated. In response, the Declaration embodied the idea that all people are endowed with inalienable rights, and that it is the government’s duty to secure these rights.

**P5** The Supremacy Clause in Article VI of the Constitution of 1787 upholds that the Constitution is the highest form of law in the land, and that federal laws supersedes state law. This is essential in guaranteeing that individual liberties are held above any piece of state legislation. The Constitution is the highest law, and reflects the principle of justice that rule of law embodies.

**P6.** An example of how rule of law is executed in America can be seen in the Federalist Papers. In *Federalist 57*, James Madison defends the establishment of the House of Representatives, claiming that it demonstrates the equality in republican government which promotes merit and rule of law. Additionally, Alexander Hamilton wrote in *Federalist 78* that, “the complete independence of the courts is peculiarly essential in a limited Constitution.”

**P7.**The Bill of Rights of 1791 represents the culmination of rule of law. These ten amendments contain fundamental freedoms encompassing the idea that rights should be protected by law and not by man. The Bill of Rights protects these individual rights by enshrining them as law.

**P8.** Because rule of man does not protect justice, in America, although we have leaders, the country is governed by law. Because of this, natural rights can be guaranteed. As seen in *US v. Nixon* (1974), even the president is not above the law. Rule of law is also effective in America because of its sheer size. With such a large country, everyone’s rights can be protected by law and not by a single ruler. Yet it is not this way in countries like China, Syria, Russia, and North Korea.

**P9.** The American principle of rule of law can be seen as inspirational to other countries. The French Constitution of 1791, Polish Constitution of 1791, and Latin American constitutions included similarities to the American Constitution.

**P10.** On the other hand, recent studies and legal writings are raising questions about the effectiveness of our Constitution. Other countries, such as Canada, constitutionally guarantee equal rights for women and people with disabilities, and allow for affirmative action. But the American influence of the rule of law cannot be ignored. Today, republics are more common globally, and more countries are recognizing the effectiveness of rule of law. Rule of law is inevitably spreading, and for good reason.

**P11.** Thank you for your time, we are now ready and eagerto discuss our response with you.