

Woodruff

The Rule of Law

Ideal Society

- In an ideal society, laws would take a second seat to public morality
- But, society is not ideal
 - Rulers do not always act in the interests of the people
 - Citizens are not always responsible moral agents balancing their interests with society's interests

Law and Tyranny

- Law protects us from tyranny
 - Without laws, there would be no restrictions on rulers to act as they please
 - Rulers who do or who are allowed to rise above the law, bring tyranny
 - The purpose in having laws is to make all (rulers and citizens alike) equally accountable to those laws

Democracy and Law

- Laws within a democracy are meant to
 - restrain the powerful and rich
 - protect the weak and poor
 - treat all citizens equally
- The rule of law does not make a democracy
- But, the rule of law is essential to any democracy because it provides each citizen equal status before the law

Rule of Law and Education

- If written laws are to serve a democratic purpose, then citizens must be able to read them
- Public education is essential for the rule of law to serve its democratic purpose

Rule of Law and Obedience

- Rule of law requires that all are subject to those laws
 - If rulers can ignore certain laws, then they are above the law
 - If the most morally upright person who might never break a law is allowed to be exempt from the rule of law, then the rule of law is weakened
 - If the rich can buy their way out of prosecution when they break the law, then the rule of law is not equally applied
- Civil disobedience: civil disobedience is the idea that one can protest an unjust law by breaking the law, but one is not immune from the consequences of breaking the law

Law of Nations

- Just as citizens are subject to the rule of law, so too states are subject to international law
 - Sovereign states are analogous to individual citizens
 - Just as a tyrant is an individual person, so too an individual state can become an international tyrant
- Is the U.S. as the lone super-power an international tyrant? Does it stand above international law? Should it?

Need to Uphold Law

- Socrates knew that he did not deserve death and he knew that the law must be upheld
- Why didn't Socrates break the law and escape into exile?
 - Ultimately, he knew that for the rule of law to work, it had to apply equally to all participants
 - Laws that can be broken advantage those who have the power, influence, or money to break the laws
- Equality under the law is essential to a democracy

Arguments for The Rule of Law

- Rule of law is a social good
- Rule of law is necessary (naturally)

Rule of Law is a Social Good

1. If some are not subject to the rule of law, then they stand apart from others who are subject to the rule of law.
 2. Having segments of society not subject to the rule of law weakens society as a whole since not all are treated equally.
 3. A strong society will apply the rule of law equally to all citizens.
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4. Therefore, society is best served when all are equally subject to the rule of law.

Rule of Law is Necessary (Naturally)

1. If there were no rule of law, then societies would become disorderly and chaotic.
 2. Humans cannot flourish in disorderly and chaotic societies.
 3. In order for humans to flourish in a society, individuals must create and implement laws that maintain a certain degree of order.
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4. Thus, the rule of law is necessary (naturally) for human flourishing.

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Natural Equality

Democracy and Equality

- In what respect are all humans equal?
- In what respect are all humans equal under a democracy?
- What is our human nature?

Basing Political Systems on Human Nature

- Basing political systems on human nature has the problem of either being too thick or too thin
- If human nature is considered too thickly, then the political system will be based on the nature of a particular group or culture
- If human nature is considered too thinly, then the political system will be based human biology
- Thinness leads to inaction and thickness leads to conflict

Basis for Political System

- Does an appeal to bare human nature justify democracy?
 - Can an appeal to human biology suffice?
- What qualities or properties do all human share regardless of their culture?
- Woodruff's suggestion: "We are all capable, by nature, of learning to use language to build and maintain community, through sharing in government and justice. If we are not permitted to do so, we are not permitted to realize our full potential as human beings." (138)

Democracy and Human Potential

- Democracy is that form of government that allows individuals to participate equally in the political process with the ideal of pursuing their human potential
- What qualities and capacities are essential for humans to pursue their potential?