

## 13.5: Rule of Law

### Learning Objectives

- Explain “rule of law”

The United States Federal Courts defines the rule of law as a principle under which all persons, institutions, and entities are accountable to laws that are:<sup>[1]</sup>

- Publicly promulgated
- Equally enforced
- Independently adjudicated
- And consistent with international human rights principles.



In an educational publication, the American Bar Association uses quotes to highlight four aspects of the rule of law: due process, separation of powers, an open and transparent system of making laws, and predictable and uniform application of the laws.<sup>[2]</sup> To quote U.S. Court of Appeals Judge Diane Wood: “Neither laws nor the procedures used to create or implement them should be secret; and . . . the laws must not be arbitrary.”

An American Bar Association publication puts that framework in context, noting that the rule of law is effective because the majority of citizens recognize the importance of adhering to the law. That is, we see obeying the law as a fundamental requirement of our social contract and essential to maintaining social order. In short: “in return for the benefits of social order, we agree to live according to certain laws and rules.”<sup>[3]</sup>

### Practice Question

<https://assessments.lumenlearning.co...essments/14331>

1. "Overview - Rule of Law." United States Courts. Accessed June 12, 2019. <https://www.uscourts.gov/educational-resources/educational-activities/overview-rule-law>. ↩
2. "What Is the Rule of Law." ABA Division for Public Education. Accessed June 12, 2019. [www.americanbar.org/content/dam/aba/migrated/publiced/features/Part1DialogueROL.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/publiced/features/Part1DialogueROL.authcheckdam.pdf). ↩
3. Ibid. ↩

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