



Clifford E. Haines

Do we live in a society that truly abides by the rule of law?

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Understanding What the 'Rule of Law' Means

I don't recall hearing the phrase "rule of law" with any regularity until after 9/11.

I'm not sure why that is. Has my long-term memory gone in dotage or is it a fact that we didn't talk about it much before then? I'm not sure that the general public — to whom I think the phrase is directed — has a clue as to what it means since it took me a while, after I began hearing it regularly, to figure it out myself.

Men and women make the law. And as far as I know, other than the Ten Commandments, the law is not handed down from on high. So what's so majestic about this idea of the rule of law? Adolf Hitler operated under a rather strict rule of law, albeit as the ultimate perversion of what I think the term is supposed to mean. Both the Taliban and al-Qaida would contend that they adhere to a rule of law that drives their every action.

Inherent in our democratic definition of the rule of law seems to be the understanding that it must be fair, just and equal. Given that definition, however, do we live in a society that truly abides by the rule of law?

The evidence that I see doesn't seem too strong on that. From simple everyday concepts to issues of national importance, the rule of law seems to be ephemeral and rather loosely interpreted. Perhaps that's why extremists have been able to gain a political foothold in our country. Could it be that people would like some evidence that we are all playing by the rules and that that evidence is hard to find? It's not just that the U.S. Supreme Court changes the law because the composition of the court changes. And it's not just that Wall Street bankers seem to have their own sense of morality. The day-to-day behav-

ior of all of us seems to indicate that we have given up on the rule of law. In my community, for example, it's common to see police officers use their lights and sirens to avoid stopping for red lights, not because they're on the way to any emergency, but because it's too much trouble to abide by the same laws that govern the rest of us.

Neighborhood disputes are no longer resolved by the community or the local church. Instead they result in lawsuits because everyone seems to have his or her own set of rules. Politics is practiced as a team sport, not as an effort to reach, confirm and abide by community standards. And as one justice of the Pennsylvania Supreme Court has noted, more and more cases are being resolved by summary judgment, not in the courtroom as contemplated by our Constitution.

So what's the solution to this predicament? I think we need to focus more on the concept of the rule of law than on the phrase itself. If it is indeed the foundation of our system of rules and laws, then it has to be a fundamental part of everyone's education. I don't believe that I heard the phrase once in law school. I'm sure I never heard it in my childhood home or during my primary education. I think the phrase has become prominent because we want to believe in it, but we have yet to commit ourselves to adhering to it. If nothing else, it's something worth thinking about.

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