

Rule of Law vs. Rule of Men

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All of the governments that mankind has instituted in the history of the world can be divided into two categories. Any and every state can be categorized into either rule of law governments or rule of men governments. History has proven that any nation founded upon the shifting sands of the whim of men will always degenerate into oligarchy and tyranny. However, a nation of virtuous, educated people, which is founded upon and holds to the bedrock of a rule of law system, will maintain prosperity and freedom despite the natural occurrences and challenges of history. This elementary yet strikingly relevant dichotomy is misunderstood by many Americans. And, this misunderstanding is one of the many reasons why our nation has been mistakenly led away from a rule of law system toward something that was not intended by our Founding Fathers.

First, it is important to define the two systems. A governmental system ruled by men is any system in which fallen man directs the course of the nation. This includes not only dictatorships and oligarchies where one man or a select few call all of the shots, but also democracies where majority opinion rules without any restraints or protections for minority opinion and individual liberty. According to our Founding Fathers, democracies were as dangerous as any form of government. Benjamin Franklin defined democracy as “three wolves and a lamb voting on what to have for lunch,” and explained that true liberty is “a well-armed lamb contesting the vote.” In sum, any rule of man system, whether mob rule or rule by the elites, is destined for failure. Liberty and property will not be protected under such systems, and the nation will ultimately suffer under tyranny.

A rule of law system is quite the opposite. In a rule of law system, the nation possesses a set of guidelines usually in a constitution, which sets the terms for governing. Only according to those blueprints for governing, then, can any men write and execute additional laws. The constitution is the law of the land, and everything else must be measured up against it. A constitutional republic is such a form of government. The constitution is written to assign tasks to the various branches of government and to assure the God-granted liberty and property rights of every citizen. Then, representatives of the people govern according to the constitutional limits of power with a constant concern for individual liberty and constitutional integrity.

Unfortunately, many Americans have become confused regarding these two drastically different systems for governing. Americans have been taught in school, by the media and by politicians that democracy is good, and that the more democracy we have, the better. This mistaken view is not simply a semantic error, as some might assert, but it is a dangerous misunderstanding. Most Americans actually believe that the majority ought to rule; they do

have a correct understanding of democracy, but they mistakenly advocate it because that is what they have been taught to do.

The biggest danger in a democracy is that the very things that government is instituted to protect (liberty and property) are in constant danger to the whim of the majority. In a democracy, when a crisis occurs (whether real or manufactured), the majority calls for government solutions. Then, when politicians answer that call and government grows in size and influence over peoples' lives, there is an equal and opposite decrease in the amount of liberty and property maintained by the people. 20th century American history shows this process in action. Interestingly enough, as the government gains more and more power, the majority actually begins to lose its voice and the nation descends into oligarchy and ultimately tyranny.

The only alternative for citizens who want to keep their liberty and property unmolested by majorities or oligarchs is the constitutional republic rule of law system. Our government was intended to be such a system. The Federal Government has a job description laid out clearly and concisely in a few-pages-long document. And, in case we didn't catch it on the first read through the Constitution, the 10th Amendment reminds us that any powers not given to the Federal Government are reserved to the states or the people. The obvious central concern of the Founding Fathers in including this emphasis was to limit the amount of power that the central government would be able to wield regardless of what man might say.

The constitution was not meant to be read as a collection of mere suggestions for governing. The language is clear: "Congress has the power to..." etc. The literal rigidity of the document itself was described well by Thomas Jefferson when he exclaimed, "Let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution." The proverbial chains of the rule of law are meant to bind men down from their wayward tendencies.

Once upon a time in America, citizens and politicians alike had a constant concern for the U.S. Constitution and the Bill of Rights; laws were written and executed according to its mandates. Those were days when government was limited in its function because the politicians knew that their job description was limited indeed by the expressed powers of the Constitution itself. Those were the days before the "elastic clause" had been stretched to the moon and back. And, those were days when the liberties of the citizens were top priority. Today, we would do well to remember that the law of the land ought to rule and that people (politicians or majority opinion) can only act according to that rule of law. If we continue to move simultaneously toward democracy and oligarchy we will be disappointed to see that our future belongs to tyranny. Some day each ignorant citizen will wake up to these realities and will lament, as Woodrow Wilson did years after the creation of the Federal Reserve System, "I have unwillingly ruined my government."