

Title: Rule of Law WebQuest

Corresponding Student Center Pages: The Role of the Federal Courts; Law and the Rule of Law

Age Level: Grades 9-12

Suggested Time Needed: 1-2 class periods

Description: This webquest makes use of a website, Democracy Web, and walks students through the concept of “Rule of Law.” They will use the web site to learn the definition of rule of law as it applies in the United States and under international law. Then, they will use the site to compare nations that are ranked as “free, partly free, or not free” according to the definitions of rule of law.

Educational Objectives:

After completing this assignment, students will:

- Have developed a greater understanding of the definition of rule of law.
- Understand the necessary factors that must be present for rule of law to exist in a nation, and how and why an active court system is a necessity to the rule of law.
- Understand that rule of law is a universal philosophy, but that it does not exist in all nations.
- Compare the United States and our political system with at least two other nations, one that is “partially free” and one that is “not free.”
- Draw conclusions about what needs to happen for a people to be free.

Guiding Questions:

- What is the “Rule of Law”?
- What factors contribute to the existence of rule of law?
- How does the presence of a court system contribute to rule of law?
- Are all countries of the world equal in terms of rule of law?

Missouri Course Level Expectations:

- Principles of constitutional democracy in the United States – Analyze/apply important principles in the Constitution.
- Role of citizens and governments in carrying out constitutional principles.
- Identify and use library and media sources for social science inquiry.

Materials List:

- Access to laptops or computer lab and the internet
- Handout 1
- Handout 2
- Teacher Fact Sheet

Procedure:

1. Review/Introduce the definition of “Rule of Law,” using the Student Center pages, and the teacher fact sheet found in this packet.
2. Place students into groups of 2, 3, or 4 depending on your class size and access to computers.
3. Instruct students to navigate their internet browsers to the two pages they will use:
 - a. Student Center page - Law and the Rule of Law
 - b. Democracy Web
4. Distribute copies of Handout 1 – The Rule of Law WebQuest.
5. Allow 1-2 class periods to complete.
6. Conclusion. Go over the WebQuest responses with the class.
7. Review the Guiding Questions
 - What is the “Rule of Law”?
 - What factors contribute to the existence of rule of law?
 - How does the presence of a court system contribute to rule of law?
 - Are all countries of the world equal in terms of rule of law?
8. OPTIONAL EXTENSION
 - a. **Nation to Nation Comparison:** Have students return to their groups, and use the Freedom Map on Democracy Web to answer questions about specific countries.
 - See Handout 2

TEACHER FACT SHEET: The Rule of Law & Democracy Web

www.democracyweb.org

The RULE OF LAW, is at the heart of our American democracy, yet it is something that is hard to define and often hard for students to comprehend. The “Rule of Law” is the principle or idea that every citizen is governed by the same laws, and that those laws are applied through a fair and equal judicial process so that disputes within society can be resolved fairly and peacefully.

It is the faith we have in and to the rule of law that allows us to live in a civil society. Living in the United States, we know that everyone’s rights will be respected, and that each of us is guaranteed liberty and equality of opportunity. However, this rule of law does not exist in all places. In comparing our nation with other nations (where a strong rule of law does not exist), students can better grasp the role of the government, and especially the courts and judicial system. Students can begin to gain a greater understanding of the role that the rule of law plays in preserving democracy.

President Theodore Roosevelt once said, “Ours is a government of liberty, by, through and under the law. No man is above it, and no man is below it.” This statement embodies the idea of the rule of law. Government must seek to make laws that are the same for all citizens. The courts and judicial process then ensure that everyone is treated in the same way, that we are all accountable to the same laws, and that we can rest assured that our fundamental rights will be protected. This is the foundation of the rule of law in the United States.

In a democracy, the power of the government comes from the people. People entrust the government with power and in turn the government protects them. By creating a rule of law, the government puts into place a system of laws (and people to enforce and interpret these laws) that offers protection to its citizens. By applying those laws to everyone in a fair and just way the government gains *legitimacy*. When we as citizens deem our government to be legitimate, we are more likely to support it, and to follow the laws established for us.

Democracy Web provides some basic guidelines for defining the rule of law that might help to clarify the point for students. The site points out that there is “no set definition” for the term “rule of law” which encompass “all its practices”. The authors of the web site defer to **Rachel Kleinfeld Belton**, who identifies five characteristics or defining principles of the rule of law:¹

1. a government bound by and ruled by law;
2. equality before the law;
3. the establishment of law and order;
4. the efficient and predictable application of justice; and
5. the protection of human rights.

These principles are found in the student webquest, but you may want to present each one and ask students if they see these elements in our political system, and if so, where? This could be done either before students begin the web-quest as an introduction, OR as follow up.

¹ Belton, Rachel. “Rule of Law, Essential Principles,” on Democracy Web. July 24, 2012.
<http://democracyweb.org/rule/principles.php>

Below are two examples of discussion points, for principles #1 and #2:

1. *A government bound by and ruled by law:* In the United States, the U.S. Constitution is the “supreme law of the land,” and not only explains how our government is organized but defines its powers and limits. Similarly, each of the states has a constitution, thus on all levels our government is bound by and ruled by law. Government is bound by the laws, which it must follow, but so are the people. If we break the law, we can be held accountable, thus we are “ruled” by the law.
2. *Equality before the law:* The principle of equality before the law can be found in the Declaration of Independence. It is also embodied in the Bill of Rights which, in defining the basic rights and civil liberties of all American citizens, helps to ensure that they can be applied equally to all. If a person or group is denied rights, or not treated as an equal, they can use the courts to rectify the situation.

Other Important Notes from Democracy Web:

Democracy Web also points out that our Western concept of rule of law tends to “include the separation of religion and state as a basic constitutional principle, since the influence of both state and religious institutions in the application of the law could lead to arbitrary interpretations. Even in Western countries with a strong religious presence, the policies of organized religion are separate from those of the government.”²

Democracy Web and Rachel Belton identify a second definition of rule of law. In this definition, Belton asserts that for rule of law to exist, certain components must be present, and thus rule of law is based on “the institution or instruments by which the ends of rule of law are achieved.”³

These include:

1. the existence of comprehensive laws or a constitution based on popular consent;
2. a functioning judicial system;
3. established law enforcement agencies with well-trained officers.

Without these things, Belton points out that the rule of law can break down. If this happens, people may begin to question the legitimacy of their government and may lose their respect for the government and its leaders. When this happens, the basic principles of government and democracy can no longer be upheld.

² Belton, Rachel. “Rule of Law, Essential Principles,” on Democracy Web. July 24, 2012.

<http://democracyweb.org/rule/principles.php>

³ Ibid.

Handout 1: The Rule of Law WebQuest

Directions: The following WebQuest will take you to several web sites and will help you to define the principle of the “Rule of Law.”

FIRST – Go to web site for the Judicial Learning Center:
<http://judiciallearningcenter.org/law-and-the-rule-of-law/>

Scroll down to find the **The Rule of Law**. Answer the following questions:

1. I would find the words “Equal Justice Under the Law” engraved on the front of the _____ building in Washington, D.C. What do the words “Equal Justice Under the Law” mean to you? _____

2. In the U.S.A., the rule of law means that every _____ is governed by the same law, and that a fair and equal _____ exists to apply that law, and settle disputes that arise amongst members of society.
3. Rule of law helps us to maintain a civil society, where all the citizens are guaranteed _____ and _____ of opportunity.
4. What American statesman said, “Ours is a government of liberty, by, through, and under the law”? _____
5. In the U.S.A, everyone is held _____ to the same laws.

NOW – Move on to Democracy Web at www.DemocracyWeb.org. Click “Study Guide,” then select “Rule of Law” from the drop-down menu. This will take you to a page titled “Rule of Law: Essential Principles.”

Or, use this link <http://democracyweb.org/rule/principles.php> to go directly to the page.

Refer to the section **A Necessary Accompaniment for Democracy**:

1. This section tells us that the use of _____ (1A) power is considered _____ (1B) to the rule of law.
2. Use an online dictionary – and look up the words you used to answer in 1A and 1B. What do these words mean?

1A – definition: _____

1B – definition: _____

3. Based on these two definitions, what do you think that the first sentence in this section means?

4. According to this section, it is the _____ limits on power that require people to adhere to (or follow) the law.

5. The point is made that the rule of law can be defined as the “subjugation” of state power to the nation’s constitution and laws. This means that the government (state) must follow the national constitution and law of the land. In a democracy, the government abides by the law; it is not above it. In this way, the _____ becomes the “supreme” check on political power and helps to make sure that the government cannot use its power against our rights.

6. Without the regulation of state power by a system of laws, procedures, and courts _____ could not survive. Why do you think this might be true? _____

7. One of the key principles embodied in the rule of law is that the law protects the majority from the arbitrary power of the government or state, while at the same time making sure that the rights of the _____ are protected as well.

Refer to the section ***The Rule of Law: Contrasting Principles:***

1. Most of our American tradition of rule of law comes from an _____ legal tradition (as in from England/Northern Europe).

2. Based on what you know of American history, why might this be true? _____

3. Not all societies have the same ideas about the rule of law, nor do they all follow the same legal traditions or principles. This section gives you the example of the American and British principles of “_____ until proven _____” and “the right to not _____ yourself,” and the “right to a trial by _____,” which are embodied in the legal systems both the U.S.A and Great Britain.

4. Most of Europe follows a _____ legal tradition, which does not operate by any of these tenets. ***Therefore, we can assume that not all nations view the rule of law the same way, or apply legal principles and rights the same way that we do here in the United States.***

Refer to the section ***The Rule of Law: Common Definitions:***

1. This section points out that having a rule of law is important for any democracy. Even with a rule of law in place, there can be limitations placed on people’s rights and everyone might not be treated equally. Even in nations with a strong rule of law and a clear legal and judicial process there can be “deviations” from the principles of that rule of law. List the two examples of this from American history that are mentioned in this section:

Example 1 _____

Example 2 _____

2. Both of these problems have been dealt with in the United States in many ways; one via the Civil War and Emancipation Proclamation, and the other by the Civil Rights Movement. What might this tell us about the rule of law in the United States in general? _____

3. In this section, Ms. Belton identifies five basic principles that most definitions of rule of law have in common. They are:

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

4. Using the list above, can you think of an EXAMPLE FROM THE UNITED STATES for each one? In other words, where do you see these things in our country?

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

5. Ms. Belton also notes that in the United States and the Western (European) tradition, we tend to include the separation of _____ and the state as a basic constitutional principle.

Refer to the section ***Institutions of the Rule of Law:***

1. In this section Ms. Belton defines the institutions within society that help us to achieve the rule of law (or which help to ensure that it remains in place). These are:

- A. _____
- B. _____
- C. _____

2. Using the list above, can you think of an EXAMPLE FROM THE UNITED STATES for each one? In other words, where do you see these things in our country? In your state? In your city?

- A. _____
- B. _____
- C. _____

3. Ms. Belton notes that without these institutions the rule of law might break down, and people might lose respect for the government and laws. Why do you think this would be dangerous?

Refer to the section *The Will of Society*:

1. In this section, Ms. Belton notes that one factor needed to achieve the rule of law is the “will of society” to enforce the basic principles of equality, fairness, and justice. Read the rest of this section and briefly describe is meant by the “will of society.”

NOW – Use the TABS at the top of the page to go to the sections on **GERMANY**, then **SINGAPORE**, and then **SAUDI ARABIA**. For each, scroll down and read the section on **RULE OF LAW**. Then answer the following questions:

1. After reading about the rule of law in these three places, which seems the MOST like the United States?

_____ Why do you think this is so? _____

2. Which of the nations is LEAST like the United States, or seems to have the most challenges to the rule of law?

_____ Why do you think this is so? _____

3. Look under “elements of law” in the Saudi Arabia tab. What common actions does law prohibit in this nation that most Americans view as personal freedoms?

4. Stay in this section. What does it tell us about the rights of women in Saudi Arabia? _____

5. Can “rule of law” truly exist if the laws and rights given to citizens are not given to all citizens equally (as in men and women, people of all races)? Why do you think this?

Handout 2: Map of Freedom: Comparing the Rule of Law, Nation by Nation

Directions: At this point, you should have some understanding of the “Rule of Law.” This is the idea that nations must have a system of law that is applied equally to all citizens, by a justice system that is fair, for democracy to exist. Today, not all nations have a rule of law, nor are all nations democratic.

For this activity, you will choose 2 nations to compare with the United States. You will look at how/if a rule of law exists in your nations of choice, and at how they are the same or different than the United States.

FIRST - Go to the Freedom Map on the Democracy Web page at www.DemocracyWeb.org Click “Map of Freedom.”

Or, use this link <http://democracyweb.org/new-map/> to go directly to the page.

The Freedom Map has the United States in GREEN, meaning it is a FREE nation:

- It lists the U.S.A as one of the world’s longest surviving democracies.
- It points out that we have a wide degree of religious freedom.
- It also points out that our limited government is founded upon principles like separation of powers, which ensures that no branch or part of the government can become too strong or threaten democracy.
- It also points out that the U.S.A is a federal system in which the national government has power, but so too do the states. This ensures that powers are divided and limited, and makes tyranny less likely.

YELLOW nations on the map are those that are considered to be PARTLY FREE. Click on a YELLOW nation:

What nation did you choose?: _____

What number is this nation given for POLITICAL RIGHTS? _____

1* = highest and reflects the MOST freedom – 7* is the lowest and reflects the LEAST freedom.

What number is this nation given for CIVIL LIBERTIES? _____

1* = highest and reflects the MOST freedom – 7* is the lowest and reflects the LEAST freedom.

Click on “FREEDOM IN THE WORLD REPORT” and find the section on Political Rights and Civil Liberties. Read this section and summarize the challenges faced by this nation in the space below:

How might this nation meet some of these challenges, or, what might need to change in this nation for the people to gain more freedom? _____

RED nations on the map are those that are considered to be NOT FREE. Click on a RED nation:

What nation did you choose?: _____

What number is this nation given for POLITICAL RIGHTS? _____

1* = highest and reflects the MOST freedom – 7* is the lowest and reflects the LEAST freedom.

What number is this nation given for CIVIL LIBERTIES? _____

1* = highest and reflects the MOST freedom – 7* is the lowest and reflects the LEAST freedom.

Click on “FREEDOM IN THE WORLD REPORT” and find the section on Political Rights and Civil Liberties. Read this section and summarize the challenges faced by this nation in the space below:

How might this nation meet some of these challenges, or, what might need to change in this nation for the people to gain more freedom? _____

NOW – Go back to the Map of Freedom once more for some general questions.

1. In what region of the world do you see the greatest amount of RED on the map? (These are nations which have great challenges to freedom.)

2. Can you think of reasons that these parts of the world might have more challenges than the nations found in the GREEN portion of the map? (Green nations have the MOST freedom.) You may want to consider things like geographic location, history, etc.

3. If you were a member of Congress or President of the United States (one of the freest nations of the world), ***what could you do to promote the rule of law and democracy in some of the least free nations? Why might you want to do this?***
