

Part One, American Government and U.S. Constitution

Lesson 21: *Government by Law, Not by Men*

(Principle 22)

Name: _____

Part II: The Founders' Basic Principles – 28 Great Ideas that Changed the World

Lesson 21 Time: 29:01 [for Sunday, July 27, 2014]

The 5000 Year Leap: 22nd Principle, Reading Assignment: (pages 243-247);

Government by Law, Not by Men

Lesson objectives: As a result of this lesson, the student should be able to discuss the following questions/topics:

1. HOW CAN ONE TELL WHEN A NATION IS BEING RULED BY THE "WHIMS OF MEN"? (PAGE 243)

Whims of Men

- o nothing is dependable
- o no rights are secure
- o things are always in a constant state of flux
- o nothing is predictable

2. DEFINE LAW. IN A FREE SOCIETY, TO WHOM SHOULD THE LAW APPLY? (244)

Law is defined as "Rule of Action"

- o binding on all people *and rulers*
- o gives stable frame of reference
- o one can make plans for the future
- o rights and duties are defined
 - security
 - freedom from fear
 - freedom to act
 - sense of liberty

3. WHY IS THERE NO LIBERTY WITHOUT LAW? (244)

[*rulers* are people who can and will change unwritten laws that remove liberty]

4. ACCORDING TO JOHN LOCKE, WHAT DOES LAW DO FOR MAN? (244)

Locke

- o Without fixed and enforceable law, man might as well be in the jungle.
- o Natural man (man without law) is an enemy to God (Natural Law)
- o men give up power to society they enter into

5. HOW DID JOHN ADAMS AND ARISTOTLE DESCRIBE THE BLESSINGS OF FIXED LAW? (244-45)

Aristotle [And Adams]

- o Law is reason without passion
- o preferable to any individual

6. WHAT DID PLATO ADVOCATE AS THE BEST WAY TO GOVERN? (245)

Plato

["The Republic" – book he wrote founders sought for help, became rejected]

- o Best society governed by people
- o on the spot decisions
- o force the people to do what is best (quote [-Locke would reject])
- o [written] laws are second best

7. WHAT'S THE BASIC DIFFERENCE BETWEEN THE FOUNDERS' VIEW OF LAW AND PLATO'S VIEW? (246)

Locke

- o Purpose of law is not to restrain
- o but to enlarge and preserve
- o Where there is no law, there is no freedom

8. HOW DID THE FOUNDERS FURTHER CLARIFY WHAT GOOD LAWS SHOULD BE LIKE? (246-47)

Good Law

- o not so voluminous it can't be read
- o understandable
- o not too many changes
- o Example of Jefferson
 - rewrote civil and criminal codes of Virginia
 - suggested for 2014, rewrite some of 1,000s of laws (state, local, or even federal!) today that could be simplified, then submit to legislative body for replacement/adoption.