

RULE OF LAW	
SS.8.CG.1.3	Explain the importance of the rule of law in the United States’ constitutional republic.

TABLE OF CONTENTS

Essential Teacher Content Background Information	2
Lesson Summary	4
Suggested Student Activity Sequence & Pace	6
Civics Content Vocabulary	8
Additional Resources, Answer Keys, and Sources	9

2023 BENCHMARK UPDATES	
•	New benchmark added to the 2023-2024 middle school civics and government standards

Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

This section addresses the following topics:

1. The Definition of “Rule of Law”
2. The Conceptual History of Rule of Law
3. Key Principles of Rule of Law
4. The Establishment and Protection of Rule of Law in the U.S. Constitution

1. The Definition of “Rule of Law”

According to U.S. Courts, rule of law is “a principle under which all persons, institutions, and entities are accountable to laws that are: publicly promulgated, equally enforced, independently adjudicated, and consistent with international human rights principles”. This means that all individuals- regardless of status- are subject to the same laws, that justice is fair and impartial, and that all individuals have access to legal remedies.

2. The Conceptual History of Rule of Law

The concept of rule of law has developed over the ages, with origins at least as far back as ancient Mesopotamia, and with critical contributions made by the ancient Greeks, Romans, medieval and early modern English, and others.

The Code of Hammurabi, set down in Babylon over 3,700 years ago, is often cited as an important early milestone in the development of the idea of rule of law. This code established laws that applied to all people, rulers as well as the ruled.

Important developments were also made in classical Greece and Rome, where philosophers like Aristotle argued for the necessity of laws applying to all citizens. A key Roman innovation was a written constitution (“the Twelve Tables”), which limited the power of the government and divided up power between various branches.

During the Middle Ages, English common law made key innovations in the development of the rule of law. Magna Carta (“great charter”), signed in 1215, established the principle that even the sovereign was not above the law, among other things requiring the monarch to call Parliaments to exercise powers such as the levying of taxes and laying the theoretical basis for the concept of consent of the governed. Common law also relied on judicial decisions to develop legal precedents over time.

Rule of law has become a foundational principle of democratic societies around the world in the modern era. In the United States, the Constitution establishes a system of government based on rule of law. Though rule of law has evolved over the millennia, the key principles, such as limited and transparent government, that all individuals and institutions are bound by the law, and the legal decisions should be fair and impartial, have remained constant.

3. Key Principles of Rule of Law

Rule of law rests on several principles that are essential to ensuring a fair and just society and protecting individuals from arbitrary and abusive government. These principles include:

- A. Separation of powers: the division of governmental powers between different branches of government (legislative, executive, and judicial) to ensure that no single branch or individual wields too much power and allowing each branch to serve as a check on the others.
- B. Equality before the law: the idea that all individuals, regardless of race, gender, socioeconomic status, party, or office are subject to the same law.
- C. Protection of individual rights: The guarantee that all individuals benefit from the same rights and protections (e.g. due process, freedom of speech, and freedom of assembly)
- D. Fair and impartial justice: The standard that legal proceedings for all individuals are conducted in a fair and impartial manner, with judges and other legal officials acting independently (i.e. free from external pressures).
- E. Transparency and accountability: Lastly, rule of law requires that elected officials be transparent and accountable to their constituents, with mechanisms in place to ensure that they can be held responsible for their actions.

3. The Establishment and Protection of Rule of Law in the U.S. Constitution

The Constitution establishes and protects rule of law in the United States by creating a system of limited government, separating powers between the branches of government, providing mechanisms for those branches to check each other's power (e.g. the presidential veto, impeachment, judicial appointments, etc), guaranteeing due process, and establishing itself as the supreme law of the land. These protections help ensure that the rights of individuals are protected, and that the government operates in a fair and just manner.

Adapted From: <https://plato.stanford.edu/entries/rule-of-law/> and <https://www.uscourts.gov/educational-resources/educational-activities/overview-rule-law>

Lesson Summary

ESSENTIAL QUESTION		
Why is rule of law important to the United States' constitutional republic?		
BENCHMARK		
SS.8.CG.1.3 Explain the importance of the rule of law in the United States' constitutional republic.		
CIVICS EOC REPORTING CATEGORY		
N/A		
OVERVIEW		
In this lesson students will identify the concept of rule of law and explain its importance to maintaining the United States' constitutional system.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none"> Students will discuss the impact of the rule of law on U.S. citizens and government. Students will recognize how the rule of law influences a society. Students will identify how the rule of law protects citizens from arbitrary and abusive government. Students will evaluate the impact of the rule of law on governmental officials and institutions (e.g., accountability to the law, fair procedures, decisions based on the law, consistent application and enforcement of the law, transparency of institutions). 		
BENCHMARK CONTENT LIMITS		
N/A		
CIVICS CONTENT VOCABULARY		
<ul style="list-style-type: none"> arbitrary government, checks and balances, constitutional republic, equal justice under the law, limited government, rule of law, separation of powers, transparency, tyranny 		
INSTRUCTIONAL STRATEGIES		
Close reading of text	Collaborative learning	Learning stations
MATERIALS		
<ul style="list-style-type: none"> Student digital devices or 5 classroom computers Timer Chart paper (5 sheets per class period) Markers: 5 different colors Index cards Discussion Questions for Gallery Walk Quick Write Instructions slide 		

- Court Shorts: Rule of Law video (external link)
- Impact of the Rule of Law reading
- What is Rule of Law? video (external link)
- History of the Rule of Law reading
- The Code of Hammurabi video (external link)
- How the Rule of Law Protects YOU reading
- Cherokee Nation and the Trail of Tears video (external link)
- The Rule of Law and Government Officials reading
- Trump's Not the First U.S. President to Be Arrested video (external link)
- The Rule of Law At Risk reading
- Credit Mobilier Scandal video (external link)

B.E.S.T. STANDARDS

- ELA.8.R.2.4- Track the development of an argument, analyzing the types of reasoning used and their effectiveness, identifying ways in which the argument could be improved.
- ELA.8.R.3.2- Paraphrase content from grade-level texts.
- ELA.8.C.4.1- Conduct research to answer a question, drawing on multiple reliable and valid sources, and generating additional questions for further research.
- ELA.K12.EE.1.1- Cite evidence to explain and justify reasoning.

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<p>Pacing Note: Depending on classroom abilities, this lesson may be split over the course of two days.</p> <p>Planning Note: Prior to teaching this lesson, be sure to organize your documents into stations around the room, in whatever way best suits your layout and management style. The handouts are made so that students may use their own devices to access the QR code to the video, but depending on your school and classroom policies, you may use school laptops if available, or forego the videos altogether (with slight modifications to the discussion questions below). As always, it is recommended that you view the videos before showing. In addition to the documents, each station should also have a piece of chart paper or similar hanging up and labeled with the “Discussion Questions for Gallery Walk” for each document and video.</p> <ol style="list-style-type: none"> 1. Begin class by displaying the “Quick Write Instructions” slide which asks students to think of a time when they felt like the rules were unfairly applied, either to them or someone close to them (for example: they got in trouble for something that a sibling or classmate did, or vice versa). 2. Ask the students to complete a quick write on blank paper or in a notebook recounting the experience with the following details: <ul style="list-style-type: none"> ■ What happened? ■ Why was it unfair? ■ How did this make you feel about the rules and those enforcing them? 3. Invite students to share out a few responses. As you probe their thoughts on the fairness of rules, try to lead them to the agreement that laws and rules should be enforced fairly for all people and that when they aren’t, it often erodes respect for the rules and those in charge. 4. Ask students specifically about people in authority positions: Do the rules apply to them? 5. Again take a few responses, leading students to the understanding that even those in charge have to follow the rules. Tell them that this is called ‘rule of law’. 6. Play the “Court Shorts: Rule of Law” video clip (5:07) from United States Courts to review the concept of rule of law from previous grades and deepen student understanding. 7. Explain to students that in this lesson they will be learning more about the importance of rule of law in the United States’ constitutional republic through a gallery walk. 8. Divide students into five groups. 9. Distribute markers, providing each group a different color to use. 10. Have groups assemble at the stations based on their assigned group number: <ul style="list-style-type: none"> ■ “Station 1: Impact of the Rule of Law” reading ■ “Station 2: History of the Rule of Law” reading ■ “Station 3: How the Rule of Law Protects YOU” reading ■ “Station 4: The Rule of Law and Government Officials” reading ■ “Station 5: The Rule of Law At Risk” reading 11. Explain to students that at each station, they should complete the reading, then use one device to scan the posted QR code and watch the video as a group. <p>Teacher Note: Alternatively, videos could be preloaded on a laptop that stays at the station.</p> <ol style="list-style-type: none"> 12. At their first station, have groups complete the reading and watch the video. 13. After completing the reading and watching the video at their first station, students should work collaboratively to add a written response using their assigned marker to the

“Discussion Questions for Gallery Walk” on the chart paper at each station.

14. While groups complete the first station, circulate the classroom to check for engagement.

15. After 5-6 minutes, have groups rotate to the next station.

Teacher Note: It is recommended you set a timer and include a 1-2 minute warning after 4-5 minutes.

16. At this second station, have students complete the same process of completing the reading, scanning the QR code and watching the video, and responding to the questions/prompts on the chart paper. Each group response should be added in a different color.

17. The teacher should continue to circulate to each station, particularly monitoring the groups with slightly shorter video clips (#1 & 3-5), setting a timer if appropriate to your classroom.

18. After 5-6 minutes at the second station, have students continue to rotate, repeating steps 11-13 for all remaining stations.

19. Once each group has completed all five rotations, rotate them one more time, having students go back to their first station to read all that was added after their first response.

20. Once students have reflected at their first station, bring the class back together to discuss what was learned, talking through some of the responses on the various chart papers.

21. To finish the lesson and check for understanding, instruct students to write a response on an index card exit ticket that explains why rule of law matters, and what role each citizen plays in maintaining the rule of law.

Civics Content Vocabulary

Word/Term	Definition
arbitrary government	a government not bound by laws, exercising power in an inconsistent and often unfair way
checks and balances	a system that allows each branch of a government to amend or veto acts of another branch so as to prevent any one branch from exerting too much power
constitutional republic	a form of government in which there is democratic voting, but governmental power is limited by the existence of a constitution that protects the rights of citizens
equal justice under the law	the idea that the laws, including protections and punishments, apply equally to all citizens, regardless of race, wealth, or background
limited government	concept of a government limited in power
rule of law	the idea that those who govern must follow the laws; no one is above the law
separation of powers	the division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another
transparency	government's obligation to share information with citizens
tyranny	cruel and oppressive government and rule

ADDITIONAL RESOURCES

[Civics 360 Resources](#)

Florida Department of Education's Civic Literacy Reading List

- N/A

ANSWER KEYS

N/A

SOURCES

Stanford Encyclopedia of Philosophy: The Rule of Law <https://plato.stanford.edu/entries/rule-of-law/>

United States Courts: Overview: Rule of Law

<https://www.uscourts.gov/educational-resources/educational-activities/overview-rule-law>

Brennan Center: Why We Need to Protect the Rule of Law in the Federal Government

<https://www.brennancenter.org/our-work/research-reports/why-we-need-protect-rule-law-federal-government>

Britannica: Challenges to the Rule of Law

<https://www.britannica.com/topic/rule-of-law/Challenges-to-the-rule-of-law>

Court Shorts: The Rule of Law <https://www.youtube.com/watch?v=bmAKAHDsnGs>

United States Institute of Peace: What is the Rule of Law? <https://www.youtube.com/watch?v=IZDd2v18vfw>

NBC News Learn: The Code of Hammurabi <https://www.youtube.com/watch?v=QEko2CMykuk>

Georgia Public Broadcasting: Cherokee Nation and the Trail of Tears

<https://www.youtube.com/watch?v=PZEUPsJ4ek>

Now This News: When Was the First Arrest of a U.S. President?

<https://www.youtube.com/watch?v=HywGvVuIIY0>

NBC News Learn: Credit Mobilier Scandal <https://www.youtube.com/watch?v=RrIHrV91KXQ>

The Teacher Toolkit: Gallery Walk Instructions

<https://www.theteachertoolkit.com/index.php/tool/gallery-walk>