

1. “Respect for the Rule of Law is central to our political and rhetorical traditions, possibly even to our sense of national identity.” (Fallon, 1997, at 3)
2. “It is the *law* that governs, not the intent of the lawgiver. A government of laws, not of men.” (SCALIA INTERPRETATION, at 17)
3. “The taxpayer, we believe, is entitled to rely on the rules and the answers to which those rules give rise. She should not be denied beneficial tax results which she stumbles upon or, even seeks out, in the course of her legitimate business dealings, even if those results are obviously unanticipated, unintended or downright undesirable.” Hariton, 1999, at 237).
4. “In no circumstances shall magistrates enforce a law which has not been inscribed.” (Andocides *On the Mysteries* (late 5th-early 4th c BCE)
5. People of few resources and the rich
Both have the same recourse to justice. Now
A man of means, if badly spoken of
Will have no better standing than the weak;
And if the lesser is in the right, he wins
Against the great. (Euripides, *The Suppliant Woman* (lines 433-37) late 5th c BCE)

6. ARISTOTLE

“We thus arrive at law; for an order of succession implies law. **And the rule of law, it is argued is preferable to that of any individual.** On the same principle, even if it is better for certain individuals to govern, they should be made only guardians and ministers of the law. For magistrates there must be – this is admitted; but then men say that to give authority to any one man[,] when all are equal[,] is unjust. **There may indeed be cases which the law seems unable to determine, but such cases a man could not determine either. But the law trains officers for this express purpose, and appoints them to determine matters which are left undecided by it, to the best of their judgment. Further, it permits them to make any amendments of the existing laws which experience suggests.** Therefore he who bids the law rule may be deemed to bid God and Reason alone rule, but he who bids man rule adds an element of the beast; for desire is a wild beast, and passion perverts the minds of rulers, even when they are the best of men. **The law is reason unaffected by desire.**” (Politics, 1287a)(emphasis added)

7. “And even now there are magistrates, for example judges, who have authority to decide matters which the law is to determine, since no one doubts that the law would command and decide in the best manner whenever it could. **But some things can, and other things cannot, be comprehended under the law** and this is the origin of the vexed question whether the best law or the best man should rule. For matters of detail

about which men deliberate cannot be included in legislation. Nor does anyone deny that the decision of such matters must be left to man (Politics, 1287b.15ff)

8. Aristotle, discussing various types of 'democracy', concludes that a democracy where the people, in distinction to the magistrates, are the universal arbiters, is a democracy that does not constitute what he deems a constitutional government; "Such a democracy is fairly open to the objection that it is not a constitution at all; for where the laws have no authority, there is no constitution. The law ought to be supreme overall and the magistracies should judge of particulars, and only this should be considered a constitution." (Politics, 1292a25ff)

9. "It is clear that a state is not a mere society, having a common place, established for the prevention of mutual crime and for sake of exchange. These are conditions without which a state cannot exist; but all of them together do not constitute a state, which is a community of families and aggregations of families in well-being, for the sake of a perfect and self-sufficing life." (Politics, 1280b30ff.)

10. "But we must remember that good laws, if they are not obeyed, do not constitute good government. **Hence there are two parts of good government; one is the actual obedience of citizens to the laws**, the other part is the goodness of the law which they obey; they may obey bad laws as well as good." (Politics, 1294a)

11. "The best laws, though sanctioned by every citizen of the state, will be of no avail unless the young are trained by habit and education in the spirit of the constitution, if the laws are democratic, democratically or oligarchically, if the laws are oligarchical." (Politics, 1310a12)

12. "The basis of a democratic state is liberty; which, according to the common opinion of men, can only be enjoyed in such a state – this they affirm to be the great end of every democracy." (Politics, 1317a-b)

13. "Every man should be responsible to others, nor should anyone be allowed to do just as he please; for where absolute freedom is allowed there is nothing to restrain the evil that is inherent in every man. But the principle of responsibility secures that which is the greatest good in states; the right persons rule and are prevented from doing wrong, and the people have their due. (Politics, 1318a40-1319a)

SOURCES

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