

The Rule of Law

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SUGAR

BY RICHARD A.

SUGAR:

Serving tastings of money,
taxes and the law



My wife and I just returned from vacation in Germany. I came home with a better appreciation of the Rule of Law.

Apparently, there is an unbendable Rule of Law that when you drive on the Autobahn at less than 125 miles per hour, you must stay in the right lane. German drivers are scrupulous about obeying this Rule of Law. Germans are also scrupulous in observing the rules for buying train and bus tickets, even though tickets are only occasionally examined on board.

More seriously, in traveling through Bavaria, I was struck by the fact that in every town we visited, a grand church sat at its center, and a fortress was situated on top of the highest hill in town in order to protect its residents. I began to understand that for hundreds of years, Europe was constantly engulfed in sectarian battles, with one group invading another group's territory. Whether it was Julius Caesar and the Romans, the various popes and emperors, including Charlemagne, during the Holy Roman Empire, Frederick the Great of Prussia, or Napoleon, to name a few, one group was constantly seeking to subjugate another and place its head of state/church as the supreme ruler. All authority lay in the supreme ruler, who was the ultimate source of The Law.

The climax of this process culminated in Germany in the 20th century, when Adolf Hitler placed himself above the law, actually made himself "The Law." He became the head of the legislature, the head of the military, the head of the ruling party, the religious symbol, and the chancellor, while bulldozing his military through Europe. Uniquely, after World War II, for the first time in history, the Western Allies, who won the war, submitted their enemies (the Nazi leadership) to a public, civil trial by an independent judiciary, contrary to previous winners in battle, who generally murdered their vanquished foes. The post World War II Nuremberg trials stand today as the precedent for the international criminal court in The Hague, Netherlands, where genocide, crimes against humanity, and war crimes, no matter where located on the globe, are tested against the Rule of Law.

I came to realize that the current conflagration in the Middle East — Syria, Iraq, Libya, Afghanistan — is the perpetuation of human nature's blood lust for prestige, territory, resources, and manpower, in the absence of the Rule of Law. I came to realize how lucky we are that (putting aside the Civil War), our country is not ransacked by continued bloodletting and intramural, sectarian wars. Our governance by the "Rule of Law" has succeeded far better than our Founding Fathers anticipated.

Landing at O'Hare gave me a sense of pride, one that I haven't felt since U.S. history class in high school. *Richard Sugar is a North Shore resident who practices law in Chicago. Submit your column questions to RAS.Sugar1898@gmail.com.*