

OPINION

Now more than ever, justice through the rule of law

By James Cooper

There has been a lot of talk about justice lately. In his joint address to Congress and the American people nine days after the attack against America, President Bush stated "Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done."

With the current campaign against Osama bin Laden, his al-Qaeda network and his Taliban protectors, the military part of justice is being carried out. But long before the tragedy of Sept. 11, the American government had been bringing justice around the world, using the rule of law rather than missile strikes.

From training court administrators in the former Yugoslavia to drafting legislation for new and fairer criminal systems in Latin America, the U.S. government has provided international aid for rule of law projects. For decades, American attorneys, law professors, and legal designers have traveled the world promoting legal reform, respect for human rights and more efficient administration of justice.

This should be no surprise. The establishment of an independent judiciary, forums for human rights protection, and monitors for labor and environmental rights are all hallmarks of the modern democratic state. The rule of law is a precursor to economic growth, because businesses also want to protect shareholder and intellectual property rights.

In exporting the rule of law, the United States has inspired a new generation of legal innovators that are constructing societies in which the rule of law is respected and justice is promoted. It is not just to U.S. aid that these governments look. They have also looked to the United States for inspiration.

Countries around the world see a nation, strong and free, bent on protecting fundamental rights and freedoms. The world observed no anarchy in the midst of the election result controversy that swept the United States for a month-and-a-half last year. There were no tanks in the street, no soldiers keeping order. Aside from one mob rule scene at a Dade County ballot counting center, there was no violence.

The democratic process worked, for people followed the decisions of the highest court in the land. In short, everyone respected the rule of law.

For two years prior to the Florida election controversy, the world witnessed the executive branch of the U.S. government as it was held accountable for its actions. President Bill Clinton was engaged in the full legal process, while still sitting in office. No one was above the law, and the court process was separate from the legislative and executive branches of government.

Democratic governance requires a separation of powers and that the third power — the judiciary — be independent and free of intervention. There must be a court system that settles disputes — those between the state and an individual and those among individuals and businesses — in a fair, predictable, and efficient manner. Court decisions are enforced, fundamental freedoms are promoted, violence is punished, and public safety is protected. That's the rule of law.

Since his inauguration, President Bush has reinforced America's commitment to a just world. When he was meeting with Chilean President Ricardo Lagos at the White House wishing Peruvian President-elect Alejandro Toledo congratulations on his victory, visiting U.S. troops at Camp Bondsteel, Kosovo or building the international coalition with Indonesian President Megawati Soekarnoputri, President Bush spoke to the importance of the rule of law.

The attack of Sept. 11 is the antithesis of the rule of law. The rule of law requires that people settle their disputes in a non-violent, fair, and equitable manner that the judiciary is the mechanism empowered to resolve conflicts, and that public security and fundamental freedoms are protected in the process.

If we are to develop the framework to promote prosperity and order, and to ensure that economic justice is part of the globalization process, the international community must embrace the rule of law. By providing better access to justice, intellectual property and shareholder rights can be protected as can human, labor and environmental rights. American multinational corporations, the legal profession, government agencies and philanthropic foundations have an important role to play in the campaign against corruption, abuse of power and inequity.

The United States has much to be proud of in its efforts to achieve a world where there is public security, confidence in the judiciary, and rules that allow capital, technology, and labor to flow freely and fairly. The rule of law was an essential objective in the days before Sept. 11, and now it is even more important. The rule of law is, after all, the most potent alternative to terrorism.

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