



Written by [Walter E. Williams](#) on March 12, 2014

Governed by Rules, Not Men

What kind of rules should govern our lives? I'd argue that the best rules are those that we'd be satisfied with if our very worst enemy were in charge of decision-making. The foundation for such rules was laid out by my mother. Let's look at it.

My mother worked as a domestic servant. That meant that my younger sister and I often lunched at home by ourselves during our preteen years. Being bigger and stronger than my sister, I seldom divided the food evenly, especially the desserts. After a tiring day at work, Mom would be greeted by sob stories from my sister about my lunchtime injustices. Mom finally became fed up with the sibling hassles. She didn't admonish me to be more caring, fair, sensitive and considerate. She just made a rule: Whoever cuts the cake (pie, bread, meat, etc.) allows the other the first selection. With that new rule in place, you can bet that when either my sister or I divided food, it was divided equally.



You say, "That's a nice story, Williams, but what's the point?" The point is that the principle underlying Mom's rule is precisely the kind that is necessary for rules to promote fairness. In general, the rules that we should want are those that promote fairness, whether it's our best friend or it's our worst enemy who's the decision-maker. In the case of Mom's rule, it didn't make any difference whether I hated my sister's guts that day or she hated mine or whether my sister was doing the cutting or I was; there was a just division of the food.

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Think for a moment about rules in sports, say basketball. One team loses, and the other wins, but they and their fans leave the stadium peacefully and most often as friends. Why? The game's outcome is seen as fair because there are fixed, known, neutral rules evenly applied by the referees. The referees' job is to apply the rules — not determine the game's outcome. Imagine the chaos and animosity among players and fans if one team paid referees to help it win or the referees were trying to promote some kind of equality among teams.

Billions of dollars and billions of hours are spent campaigning for this or that candidate in our national elections. You can bet that people are not making those expenditures so that politicians will uphold and defend the Constitution; they're looking for favors. The Constitution's framers gave us reasonably fair and neutral rules of the game. If our government acted, as the framers intended, as a referee or night watchman, how much difference would it make to any of us who occupies the White House or



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Congress? It would make little difference, if any. It would be just like our basketball game example. Any government official who knew and enforced the rules would do. But increasingly, who's in office is making a difference, because government has abandoned its referee and night watchman function and gotten into the business of determining winners and losers. Unfortunately, for our nation, that's what most Americans want.

Thomas Paine said, "Government, even in its best state, is but a necessary evil." Our Bill of Rights is an explicit recognition of the Founding Fathers' distrust of Congress. Just look at its language, with phrases such as "Congress shall not abridge," "shall not infringe," "shall not deny," "disparage" and "violate." If the framers did not believe that Congress would abuse our God-given, or natural, rights, they would not have used such language. If, after we die, we see anything like the Bill of Rights at our next destination, we'll know that we're in hell. To demand such protections in heaven would be the same as saying we can't trust God.

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