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**Lawmakers or Lawbreakers: The Impact of Political Actors on Legal Integrity in North
America**

In Abraham Lincoln's 1863 Gettysburg Address, he famously stated the United States is a "government of the people, by the people, for the people." Nevertheless, what are the ramifications when the government no longer acts in the interest of *the people*—but instead prioritizes political gain, party loyalty, or personal power over the rule of law and democratic principles? Defined by the United Nations (2023), rule of law is "equality before the law, accountability to the law, fairness in the application of the law... and procedural and legal transparency." Rule of law is a double-edged sword that political actors wield to the fortune or detriment of their state.

The foundation of Canada's liberal democracy is built on the *Canadian Charter of Rights and Freedoms* (Government of Canada, n.d.). Alongside the establishment of legitimizing political bodies such as the Supreme Court of Canada, democratic checks and balances in North American countries ensure the viability of rule of law. This essay will argue the positive and negative: politicians and their adjacent parties can preserve rule of law by obeying the verdicts created by governing bodies. However, the extensive amounts of power at the disposal of political executives can be exploited to erode safeguards protecting rule of law.

Despite the various checks and balances in both the United States and Canada's political systems, a politician's choice to respect and comply with legal decisions actively preserves the idea that no one is above the law, including those in power. The voluntary compliance from politicians is crucial especially when the outcomes may conflict with both personal and political interests. This voluntary restraint signals a commitment to democratic norms of individual gain, demonstrating that leadership is not exempt from the rule of law. In Canada and the United States, institutions such as the Supreme Court depend on the executive branch's willingness to

enforce and respect rulings. These institutions lack a powerful degree of direct enforcement mechanisms, so their effectiveness is inherently tied to the integrity and cooperation of high-ranked political leaders. When politicians abide by decisions that may restrict their power or contradict their political agenda, leaders reinforce the foundation of rule of law. This is particularly important as these active decisions made by politicians uphold existing laws but simultaneously demonstrate that politicians are subject to the law. In doing so, politicians' actions ensure the functionality of rule of law in a state.

The SNC-Lavalin Affair of 2014 is a historical example of the importance of politicians upholding the integrity of rule of law (Wallenfeldt & Rayside, n.d.). By attempting to interfere in the corruption case that involves Quebec company SNC-Lavalin, former Prime Minister Justin Trudeau violated conflict of interest rules. Moreover, the federal ethics commissioner found that there were multiple ways in which Justin Trudeau attempted to influence the Attorney General. While never issuing a formal apology, Trudeau critically acknowledged and accepted responsibility for his actions upholding the importance of rule of law. While seemingly insignificant, Justin Trudeau's compliance protects the independence of the judiciary by reinforcing the notion that the application of the law is universal.

On the other hand, political executives are able to exploit safeguards protecting the rule of law. Despite democratic systems being designed with checks and balances, executives hold concentrated power that allows for institutional manipulation. This manipulation can occur subtly through legal mechanisms, such as issuing executive orders, appointing loyal officials to key roles, or pushing legislation that expands their executive authority (Stanford Encyclopedia of Philosophy, 2016). While appearing legitimate on the surface, they can gradually erode the balance of power and reduce the effectiveness of accountability mechanisms. Furthermore, the

perception that leaders are above the law can lead to a decline in public trust in democratic institutions. Citizens may begin to view legal protections as subject to political influence which consequently diminishes the legitimacy of the legal system. Over time, this negative cycle can create an environment where the rule of law exists more in theory than in practice, allowing for executive overreach and the gradual breakdown of democratic norms.

In 2011, Bill C-7 was introduced by former Prime Minister Stephen Harper in an attempt to amend the Constitution Act of 1867 by altering the term limits (Library of Parliament, 2011). Citing that the current Senate “is supported by virtually no Canadian” (BBC News, 2014). However, in a unanimous decision by the Supreme Court, the reform was rejected. While this attempt to alter the Canadian Senate was unsuccessful, a parallel situation can be drawn from Russia. On January 15 of 2020, the current President of Russia Vladimir Putin amended Russia’s constitution. While the current Russian Constitution forbids President Putin from seeking a third term, his new amendment overruled the previous. In addition, Putin’s reforms gave him the ability to reset his time in office to zero - thereby allowing him to continue his time in power (RFE/RL's Russian Service, 2021). President Putin’s actions illustrate how a leader’s ability to manipulate legal frameworks can override established laws and dismantle institutional constraints. While former Prime Minister Stephen Harper’s actions attempted to alter a major Canadian political institution, his attempt was denied. However, if a political executive does possess the power to alter the rules governing their own authority without checks or balances, the foundational principle that no one is above the law is eroded. Therefore, the legal system becomes a tool that legitimizes personal power rather than limiting it.

In summary, rule of law ensures that no leader, regardless of power, is immune to legal accountability. However, the leader must also simultaneously abide by the decisions made by

legal institutions. In North American democracies in Canada and the United States, institutions are built to limit executive overreach. Yet, their strength ultimately depends on whether those in power choose to uphold or undermine them. While some leaders respect institutional limits and accept legal decisions that conflict with their power, others may exploit legal loopholes and institutional weaknesses to consolidate their power. This duality shows that rule of law is not only a foundational principle, but also a crucial practice - one that can be both defended or dismantled depending on the actions of the individual in power. When leaders act with integrity they reinforce the democratic values upon which their nations are built. Conversely, when power is prioritized over principle, rule of law becomes an illusion and democracy is threatened. The future of both rule of law and democratic governance hinges not only on the design of institutions, but on the choices made by those that are entrusted to lead them.

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