

## The Origin of Canada's Rule of Law

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Today I will discuss with you the rule of law and its origins in the common law.

I will define for you the meaning of the rule of law, and its imitator, rule by law, also known as legalism.

I will discuss how the emergence of positive law derived from legalism, replaced natural law, which is the guardian of the rule of law, and opened the door to the replacement of the authentic rule of law with rule by laws, that is disguised in the name of the rule of law.

How do we know when society is governed by the authentic rule of law, and not its pretender?

A brief history of the common law, focusing on the features of the authentic rule of law as seen through the eyes of legal scholars and jurists, teaches us the truth.

History reveals over time, how the moral foundation of law was rejected and replaced by immoral political objectives, implemented by political parties and by some of their many appointed judges.

### Source of the Common Law

The source of the common law is found in religion, and submission to the supremacy of God.

In the case of Western societies, the Law was given by God to the Jewish people in the content of the Ten Commandments.

The Law of God, established the laws of Jewish society and this Law later became the foundation of Western Christian Civilization.

The basic principles of the Law set out in the Ten Commandments serve as the Constitution between God and God's people.

The Law is religious and moral in origin. Civil law cannot be separated from the Law. Morality cannot be divorced from the Law.

The Law reveals, establishes and declares what is moral, just and right, applying equally to all people in society, for no one is above the Law.

The Law discriminates between what is moral and immoral; right from wrong; good from bad; and, truth from lies.

Any transgression of the Law is an offense against God. The Law demands unqualified obedience, in all circumstances.

The Law is an absolute unchanging moral order to which people must conform. It is not negotiable. As a whole, the Law has coherent integrity and consistency.

Education in the Law is mandatory to ensure compliance with the Law.

Application of the Law to specific cases developed a body of case law common to all – the common law.

Civil society exercises power to enforce the Law. The use of fair proportionate force protects the Law and society from anarchy and lawlessness.

The common law is founded upon and infused with Judeo-Christian morality inherent in the Law.

The history of the common law and its development suggests that the conception of justice inherited by Canada and the United States of America from England is the Judeo-Christian teaching of love.

For example, in *Donoghue v. Stevenson*, Lord Atkin took the Christian commandment to “love your neighbor as yourself” as a legal duty extending a duty of care to one’s neighbor. To be negligent and cause harm to your neighbor merited damages in a products liability case. From the source of the Law, the common law of negligence was discovered, formulated and applied as a principle of justice.

Principles of justice are thus discoverable by judges in the common law and are derived from the Judeo-Christian commandment of love.

The Judeo-Christian religions have always stressed the importance of absolute truth.

God’s word is truth, and the Law is truth.

To establish truth and justice in a country, there must be the rule of law founded upon a religious and moral foundation.

Lord Alfred Denning, considered by many to be the greatest English jurist in the past century, observed:

“Religion concerns the spirit in man whereby he is able to recognize what is truth and what is justice; whereas law is only the application, however imperfectly, of truth and justice in our everyday affairs. If religion perishes in the land, truth and justice will also.”

In his *Letter from the Birmingham Jail*, Dr. Martin Luther King Jr. stated:

“Injustice anywhere is a threat to justice everywhere.

We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly. . . .

[T]here are two types of laws: There are just and there are unjust laws. I would agree with Saint Augustine that “An unjust law is no law at all.” . . . .

Now, what is the difference between the two? How does one determine when a law is just or unjust?

A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law.”

St. Thomas Aquinas distinguished between just and unjust laws that either conformed to the natural law, or were corruption of the law:

“Human law is law inasmuch as it is in conformity with right reason and thus derives from the eternal law. But when law is contrary to reason, it is called an unjust law; but in this case it ceases to be a law and becomes instead an act of violence. . . . Every law made by man can be called a law insofar as it derives from the natural law. But if it is somehow opposed to the natural law, then it is really not a law but rather a corruption of the law.”

Thomas Aquinas believed when a law is contrary to reason it is unjust and lacks moral authority. If a law is “at variance with natural law, it will not be law, but spoil law.”

Lord Denning, the longest ever serving judge of the English Court of Appeal observed, “[a]lthough religion, law and morals can be separated, they are nevertheless still very much dependent on each other. Without religion there can be no morality: and without morality there can be no law.”

We can now define the meaning of the phrase, the “rule of law.”

### The Rule of Law

I define the “rule of law” as life in a society governed by inherently just moral laws sourced from the Law given by God, where the people are submissive and obedient to the supremacy of God. Life under the “rule of law” means to live in a free and democratic society that honors God’s commands, abiding by absolute standards of right and wrong, and a society characterized by willful obedience to truth, justice and righteousness. Constitutional limits are placed on the power of government, to permanently protect the freedoms of conscience, religion, and morality from infringement. Authentic rule of law ensures equality, for no one individual or faction is above the law. All human beings, at all stages of life, from conception to natural death, have equal absolute inalienable rights to life, liberty and security of the person. The powers of the government is limited. All branches of government, whether executive, legislative, or judicial, are under the law, and accountable to moral and constitutional scrutiny to ensure conformity with the authentic rule of law. Justice, truth, freedom and democracy are the hallmarks of the rule of law.

### Legalistic “Rule by Law” under the False Misleading Label of the Rule of Law

“Rule by law” is the antithesis of the “rule of Law,” It functions as a society that is governed by legalism. The source of rule by law in today’s Western society is human reasoning that advances political goals that evolve with changing values. The laws of this society reflect a secular humanistic cluster of beliefs that breeds totalitarianism, fail to accommodate minorities, impose identity politics, fosters intolerance and promotes idolatrous self-love. These collective beliefs undermine democracy, and are perpetuated by censorship practiced by the ruling class of big tech (including Google, Facebook, Amazon, and Twitter) educators (universities, colleges, high schools), lawmakers, mainstream political parties, biased enriched media, and woke corporations, all of which to various extent, purge, cancel and prosecute dissenters with tools like hate speech laws, human rights laws, criminal laws, imprisonment, segregation, and infliction of financial harm. In this society, there are no absolute standards of right and wrong, but moral relativism. This secular regime is empowered by positive law and social conditioning through propaganda. Society is characterized by coerced

deferential obedience to legalism falsely labelled as the rule of law. Morality is divorced from law. Inequality pervades society. Legal fiction replaces truth, so people live by lies. God is no longer the source of law. The supremacy of God is not honored.

Common features to both kinds of legal regimes, are laws and judicial opinions that are accessible, known, certain, clear, and of prospective, not retrospective application. The main distinguishing difference between the two regimes is the presence or the absence of humble deference to the supremacy of God, and whether or not the branches of government obeys and enforces the authentic rule of law.

### The Corruption of the Rule of Law

God's laws that were once embedded in the common law and in jurisprudence have become relics, or fossils, replaced by laws and judicial decisions derived solely from human philosophy and rational reasoning. Court decisions now legitimize immoral conduct forbidden by the Law.

Canada's Constitution proclaims in its Preamble to the *Charter of Rights and Freedoms* that this nation's source of law is the supremacy of God, and that the government is under the authority of the authentic rule of law. The reality is that the Canadian government is atheist, for the principles set out in the Preamble are replaced by a rule by law society, where humanism prevails and God, truth and justice are lost.

In this struggle between the righteous who fight for the rule of law and the supremacy of God, and those who fight for rule by law, there will arise issues that are so controversial that this nation has become divided and is beginning to crumble from within. Today, the very existence of Canada is at stake.

### Defend the Constitution

We have reached a point in time when the abandonment of the authentic rule of law over the past decades has created a crisis that results in the rejection of historic moral values and Canada's Judeo-Christian heritage. Having experienced coerced obedience to the government, Canadians intuitively know that something is very wrong and have struggled to articulate the reason why. It is the turning away from the supremacy of God and the substitution of rule by law for the authentic rule of law that is the root cause of our constitutional crisis. It is imperative that we defend the Constitution of Canada, and actively become involved in politics and the law.

We are gathered here to restore national unity and to help you understand why the battle to include the precious phrases found in the Preamble to the Charter of Rights, "the rule of law" and the "supremacy of God," are foundational to Canada's entire Constitution. What you learn today is essential to properly interpreting the entire Constitution and to know why this nation has *de facto* segregation and is on the brink of losing its sovereignty. It is our responsibility to save Canada's Constitution and to choose judges and political leaders who understand what you learned today, and will restore the rule of law and the supremacy of God.