

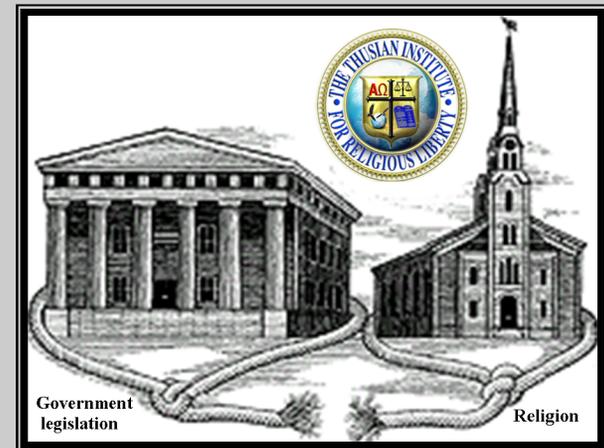
Footnotes

1. Taken from the essay entitled The Origin Of Rights & Purpose Of Government by A.K. Pritchard.
2. Taken from the essay entitled The Origin Of Rights & Purpose Of Government by A.K. Pritchard.
3. Taken from the booklet entitled Rights Principles by Nyron Medina, p. 13-14. (recommended for further reading on this matter).
4. Taken from the First Amendment of the Bill of Rights of the American Constitution.
5. Taken from Matthew 22:21.

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Your Human Rights Education Provider

Government, Legislation & Religion in a Republic



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GOVERNMENT

It would be best to begin with what is the purpose of government. Though it's a topic of a significant degree of debate it is somewhat commonplace that the purpose of government is to protect the rights of its citizens and to preserve justice according to some encyclopedias. However to answer the question more definitively: government is to *acknowledge*, and *legally guarantee the protection and security* of the inalienable and inviolable rights and freedoms of every member of its citizenry. Its structure and function must include a system of checks and balances to perpetually ensure the rule of law, not dictatorship and tyranny. The first right or Religious Liberty must be constitutionally guaranteed its free and full exercise and recognized as a matter of individual conscience and the Creator, which renders it off-limits to legal regulation and determination. Notwithstanding that no crimes or anti-rights practices carried out in the name of God or Religion should go unpunished.

Early America advanced these said principles of government. Thus according to the American Declaration of Independence, *"We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed..."*

*"This idea, that human rights are the gift of God and not government, separates the U.S. from many other nations who hold that these rights are granted by government, and are in fact owned by government. Have you ever heard someone utter the phrase "the government gave me the right to...", or similar words to that effect? If you were to ask the common person on the street where we obtain our rights, most would reply from the government, or from the Constitution. He who grants rights may also take rights away!"*¹

"Those who founded this country, and established our Republican form of government wanted there to be no misunderstanding about certain issues, whether some rights were indeed rights or not, and so they enumerated some of them, but DID NOT GRANT, CREATE, ALLOW, ENDOW, etc., any human right. The fact is, one could do away with the entire bill of rights and not destroy any of our rights, because the bill of rights does not grant rights it only prevents the government from infringing upon our rights as stated in the preamble to the bill of rights "TO PREVENT MISCONSTRUCTION OR ABUSE OF ITS POWERS."² (emphasis original).

But why is it necessary for a government to constitutionally acknowledge that human rights are inalienable or God-endowed? It is necessary since such a position would reflect that government's *estimation and regard* for individual rights, which in turn affects its legal *treatment* of persons' rights. If a government doesn't hold that men's rights are inalienable they obviously would hold that they are the managers of citizens rights, hence the ones to *provide* and

withdraw these very rights. The danger with this stance is that it makes the government gods to the people with legal power over the peoples rights.

Whilst governments don't and can't grant rights, what is commonly referred to as government given rights are most often what we at the Thusian Institute for Religious Liberty calls *Provinities*. Medina in his book entitled *Rights Principles* expounded on the concept as follows.

*"What is a **Provinity**? It is a legal **provision** for the **opportunity** of all to do certain things. Legislation that gives legal provision for the opportunity to receive some state benefit.*

*There are **two types** of **Provinities**. They are:*

- i. **NATURAL PROVINITIES***
- ii. **OBSCENE PROVINITIES***

*What is **NATURAL PROVINITTY**? It is a legal **provision**., by legislation, of the opportunity for all to gain some benefit that is **natural** to man. Example: The opportunity to have access to a government health institution, or to a government grant for legal aid, etc.*

*What is an **OBSCENE PROVINITTY**? It is a legal **provision**, by legislation, of the opportunity for all to gain some benefit that is not natural to man but is rather morally wrong or obscene in its structure. Example: Sodomite marriages, Polygamy, etc."³*

THE PURPOSE OF THE LAW

Like government the purpose of the law is also to protect the rights of the people, but through an elaborate system of justice. Frederic Bastiat in his essay entitled *The Law* commented,

*"When law and force keep a person within the bounds of justice, they impose nothing but a mere negation. They oblige him only to abstain from harming others. They violate neither his personality, his liberty, nor his property. They safeguard all of these. They are defensive; they defend **equally the rights of all**." (emphasis added).*

GOVERNMENT'S LEGAL RELATIONSHIP TO RELIGION IN A REPUBLIC

*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press..."⁴ This is how America's Bill of Rights states their government's relationship to religion; which is the *safest* and most *pro-rights* position to adopt. Unfortunately we do not have a similar provision in our Trinidad and Tobago Constitution. Particularly since in the past we have had Sunday laws and other anti-rights religious laws even up to today in such places as the Middle East, Asia, Europe, etc. There are also many advocates today that favour the legal establishment and protection of their religion; which is a case of enforcing and protecting religious belief systems, **not** citizens rights.*

Jesus Himself preferred the separation of religion from legislation model. He said, *"Render therefore unto Caesar the things that are Caesar's; and unto God the things that are God's".⁵*