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Do Rights Come From God or Government?

As Canadian truckers continue the Freedom Convoy in protest of a COVID vaccine mandate for cross-border trucking between the United States and Canada, one major argument is that those mandates and other heavy-handed COVID regulations by government violate the Canadian Charter of Rights and Freedoms. In fact, the last living drafter and signatory of the Charter is suing the Canadian government over its ban on cross-border travel for those who remain unvaccinated.



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The most recent development as of this writing is that Canadian Prime Minister Justin Trudeau has invoked the Emergencies Act. In a statement, Trudeau said that he has “authorized and directed” financial institutions to begin “regulating and prohibiting the use of property to fund or support illegal blockades.” And Canada’s finance minister, Chrystia Freeland, explained that financial institutions will “temporarily cease providing financial services where the institution suspects that an account is being used to further the illegal blockades and occupations” and that “this order covers both personal and corporate accounts.” In essence, the government is now treating truckers and their supporters as non-persons, no longer possessing basic rights.

But wait: With Canadians’ rights guaranteed by the Charter, how can the government do that?

The Charter — which became part of the Canadian Constitution in 1982 — is roughly the Canadian version of the U.S. Bill of Rights, which has been part of the U.S. Constitution since 1791. But besides the age of the documents, there are some important differences between the two.

The fundamental problem with the Charter is that it pretends to *grant* rights rather than *protect* rights that are granted by God. By contrast, the U.S. Bill of Rights merely restricts the power of the federal government over those areas that would impede the exercise of God-given rights.

So, the U.S. Bill of Rights — resting on the premise found in the Declaration of Independence that “all men are created equal and are endowed by their Creator with certain unalienable rights” — limits what *government* can do. But the Charter — leaning tenuously on the erroneous premise that rights come from government — is a list of things government can take away since government claims to *grant* them.

The language of the two documents is telling: The Charter uses phrases such as “has the right” and “equal before and under the law” — insinuating that the Charter grants rights that would not otherwise exist. By contrast, the U.S. Bill of rights uses phrases such as “Congress shall make no law” (First Amendment), “shall not be infringed” (Second Amendment), and “The right of the people ... shall not be violated” (Fourth Amendment). Other amendments in the Bill of Rights likewise limit the power of the federal government to interfere with the exercise of God-given rights.

While the phrase “God-given” is not in the text, it was well-understood at the time of the writing of the



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Bill of Rights — as seen in the above quote from the Declaration of Independence — that rights come from God and that “Governments are instituted among Men” only “to secure these rights.” Illustrating that it is actually a *Bill of Restraints on Government*, the Bill of Rights ends with two amendments that further drive that point home. Amendment Nine states: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” And Amendment Ten states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

In other words, the Bill of Rights does not even attempt a complete list of rights. Instead, it restricts the actions of the federal government to only those things specifically listed as federal powers, leaving everything else off limits. Conversely, the Charter promises things that government can take away by simply creating a law that revokes what government pretended to grant.

As a natural consequence of the premise that rights come from God, the Bill of Rights arrives at the correct conclusion that government cannot touch those rights. Beginning with the premise that rights are merely privileges granted by government, the Charter ends up with the erroneous conclusion that rights are not absolute. This is seen right at the beginning of the Charter. Article 1 states:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

But if “rights and freedoms” can be “subject” to any “limits prescribed by law,” then they are not “rights and freedoms,” but *privileges* granted by government. Other sections do similar violence to rights. This writer encourages the reader to find the Charter online and read it for himself and see the consistent theme of government claiming the power to give — and *take away* — rights.

In this, the Charter reflects the same mind-set seen in the United Nations Universal Declaration of Human Rights. For while that document states, “All human beings are born free and equal in dignity and rights” (Article 1), it also claims that governments “grant” those rights. Article 8 states, “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.” And in keeping with the government-giveth-and-government-taketh-away theme, the UN Declaration — using language so similar to that in the Charter that their relationship is apparent — states in Article 29 that the “rights and freedoms” of individuals “shall be subject only to such limitations as are determined by law.”

This fraudulent view of rights is likewise found in similar documents from other countries that share the worldview that rights are “granted” by government. Examples include Australia and New Zealand, both of which have run roughshod over the rights of the people under the pretext of the COVID response, just as Canada is doing.

And while many Americans realize that their God-given rights are also often found with government bootprints all over them, the chief difference is that Americans have legal protections of those rights under the Constitution that Canadians do not have under their Constitution and Charter. Those legal protections illustrate that the U.S. Constitution is unique. It must, therefore, be protected against all threats.

Current threats to our Constitution come not only from leftists, but also from “conservatives” such as those calling for a modern-day constitutional convention (by whatever name they choose to call it).



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Threats also come from radicals on both sides calling for civil war in America, or even from those libertarians who favor tearing our country apart by state secession.

If well-informed, patriotic Americans do not do all that legally and morally can be done to preserve our Constitution, we could very well see the flame of freedom extinguished. We could wind up with a government-giveth-and-government-taketh away charter. And we see how that is working out for Canada.

As a result of the government confiscating fuel donated and purchased for the trucker protest, Canadian lawyer Jay Cameron said that the government is “rebranding the Charter.” But the very language of the Charter allows that rebranding.

And former Newfoundland Premier Brian Peckford, 79, who is the last living signatory of the Charter, is suing the government for violating the document he helped draft, claiming the government has “violated rights that [he] and others helped craft in 1981 and 1982” — showing that he appears to still think governments and their ministers can “craft” rights.

Sadly, both Cameron and Peckford miss the point: The Charter failed to protect rights as soon as it pretended to grant them. Because rights come only from God.

C. Mitchell Shaw, a freelance writer, is a strong advocate of both the free market and privacy. He addresses a wide range of issues related to the U.S. Constitution and liberty.



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