

Canada Law Journal.

VOL. XLVI.

TORONTO, FEBRUARY 15.

No. 4.

IS CHRISTIANITY PART OF THE LAW?

It has sometimes been said that Christianity is part of the common law of England, and if of England, then also of Ontario; but by this expression we must not understand that Christianity is even from a legal standpoint in any way the product of the State. No one, of course, pretends that Christianity is a religion devised and invented by the English people in the way they have devised and invented that system of law which goes by the name of common law. Christianity is not the result of popular custom crystallized by judicial decisions. It is something which existed before the common law had any existence, and when it is said that "it is part of the common law," no more would seem to be meant than this, viz., that the common law recognized, as a fact generally accepted by the people, that the Christian religion is true, and that it is beneficial to the State, that it should be protected, and that actions contrary or derogatory to that religion should be suppressed as being an offence not only against God, but against the commonwealth. Furthermore, in order to foster that religion, endowments were granted both by the State and individuals in England for the support of ministers of that religion, and many of its chief ministers were called on to take a leading part in the government of the country. The prominence and influence which the English archbishops and bishops thus early attained in political affairs in England was due, no doubt, very largely to their superior learning in an age of ignorance. A religion which was thus protected and supported by the State, and which was professed by the great majority of the people was so much a part of the constitution of things, that it came to be regarded as part of the law of the land, and offences against the Christian religion became offences against the State and punishable as such; and the Christian religion thus acquired in England a status which was unknown to the primitive church.