

The Rule of Law

York Railway Institute

4th August 2018

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Do we live in a Democracy?

Should we live in a
Democracy?

Natural Law

Rule of Law

The People

Government

Politicians
Public
Servants

Head of
State

Legislature

Lords

Commons

Judiciary

Court
System

Judges

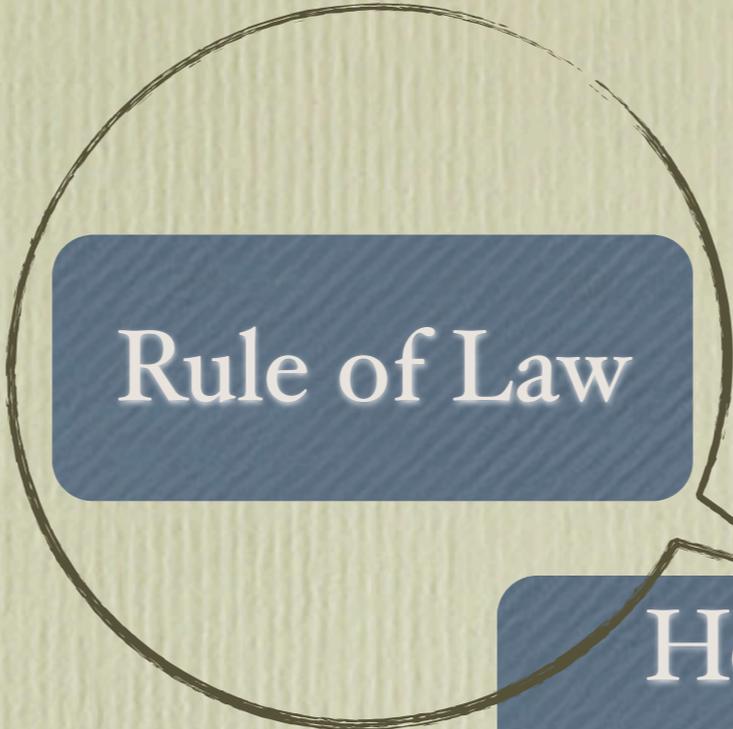
Executive

Police

Prison

The People

The People



Head of State

Legislature
Lords
Commons

Judiciary
Court System
Judges

Executive
Police
Prison

The Universe / Divine
God's Law

Natural Law

Natural Law interpreted by Man:
Common Law / Equity

Rule of Law

Head of State

Top of the Human Realm

The People

Artificial Organisation

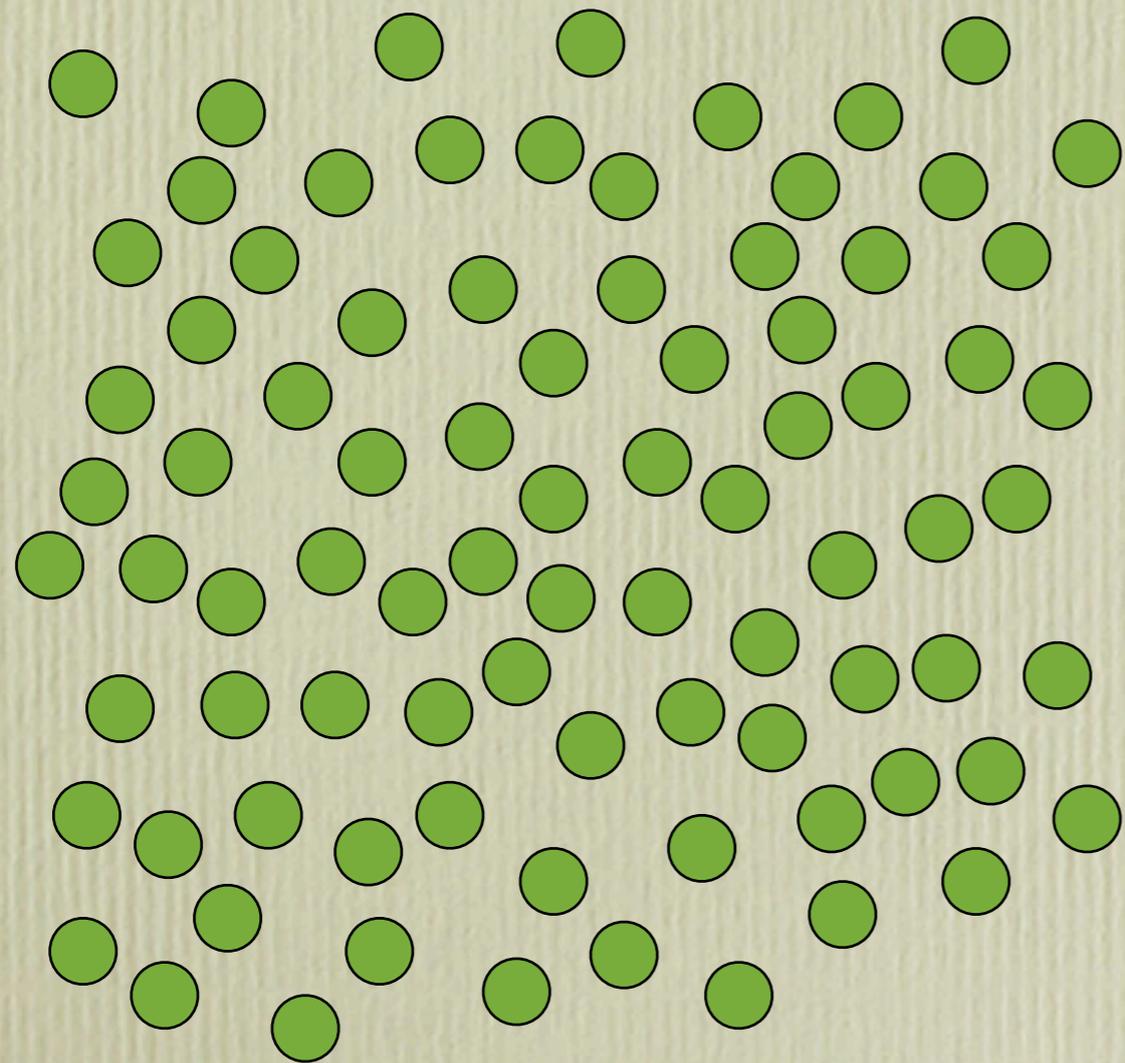
Government

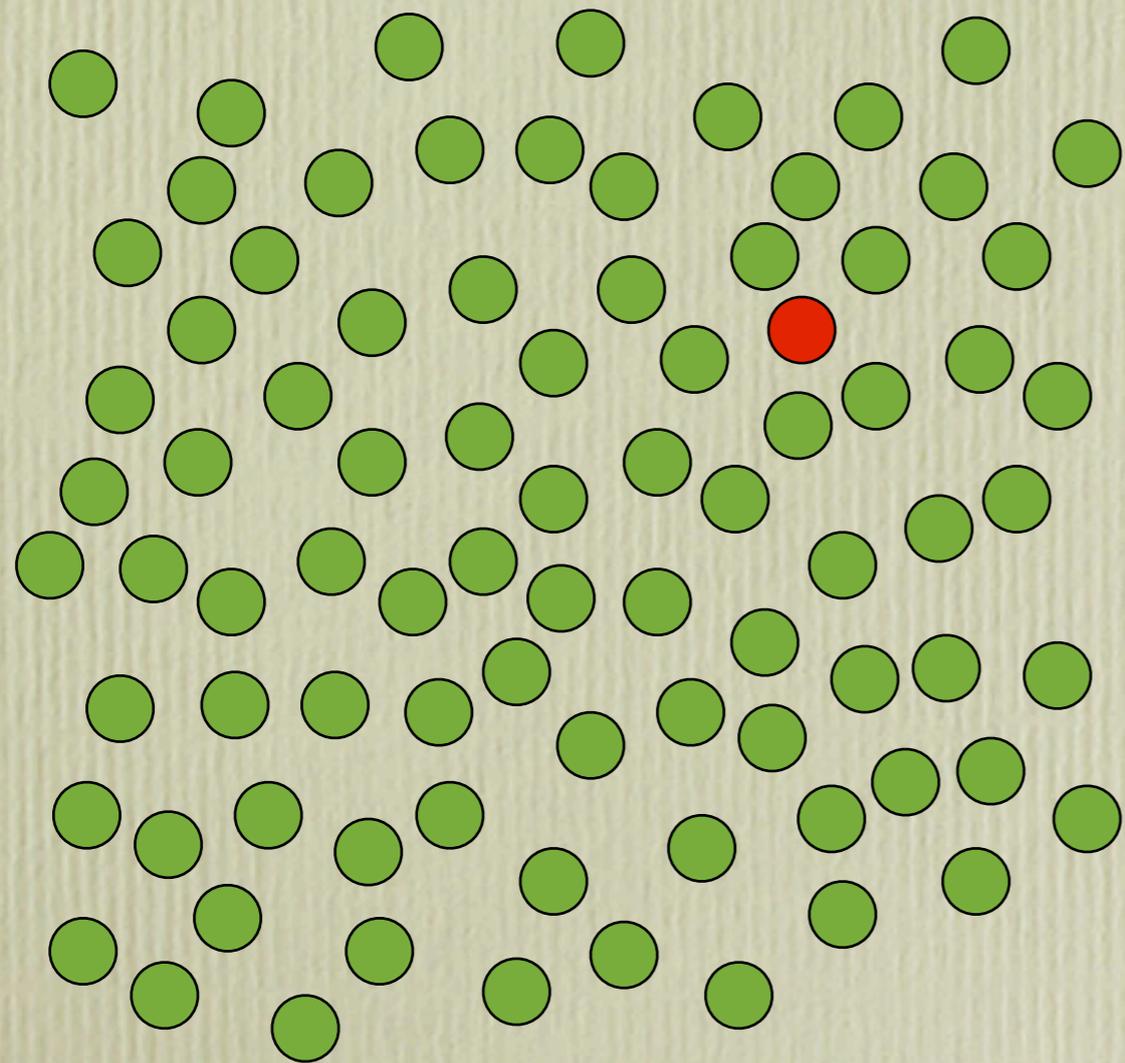
Officers that have taken Oaths

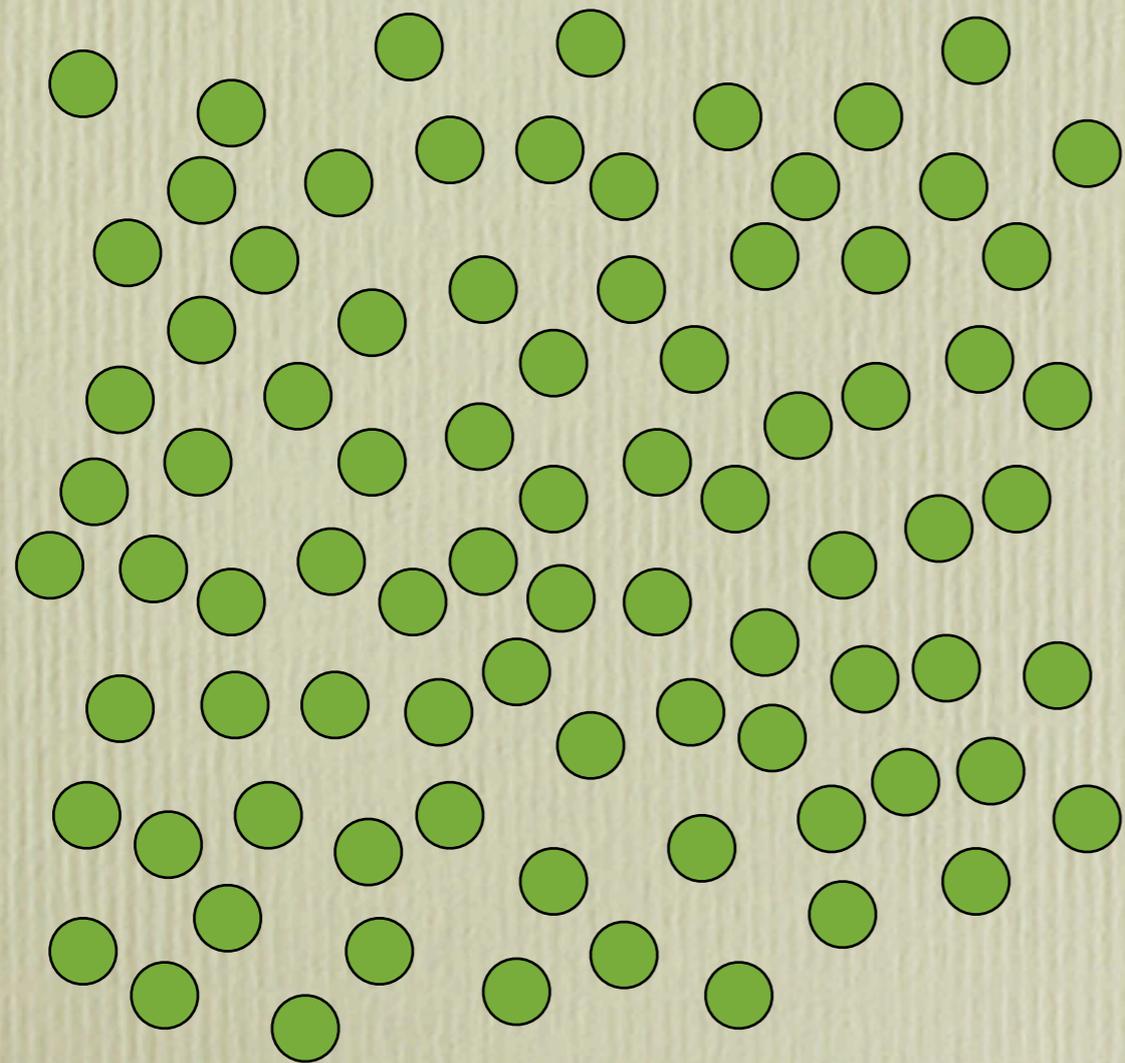
Politicians
Public
Servants

Equity

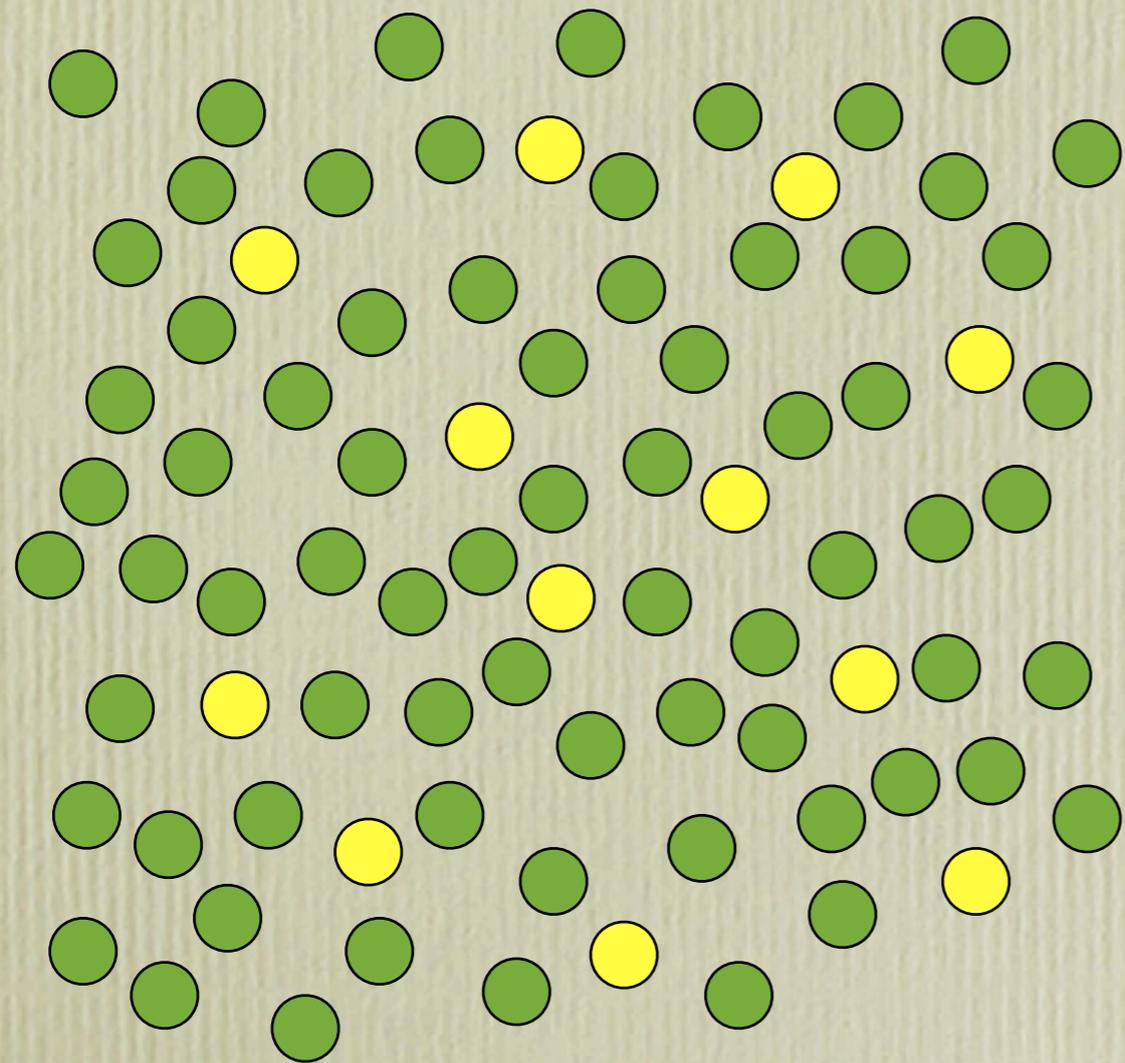
It is the people that make up a society themselves that envision the principles of fairness and justice within their own society.



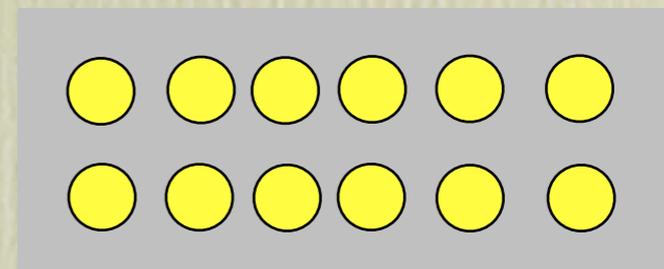
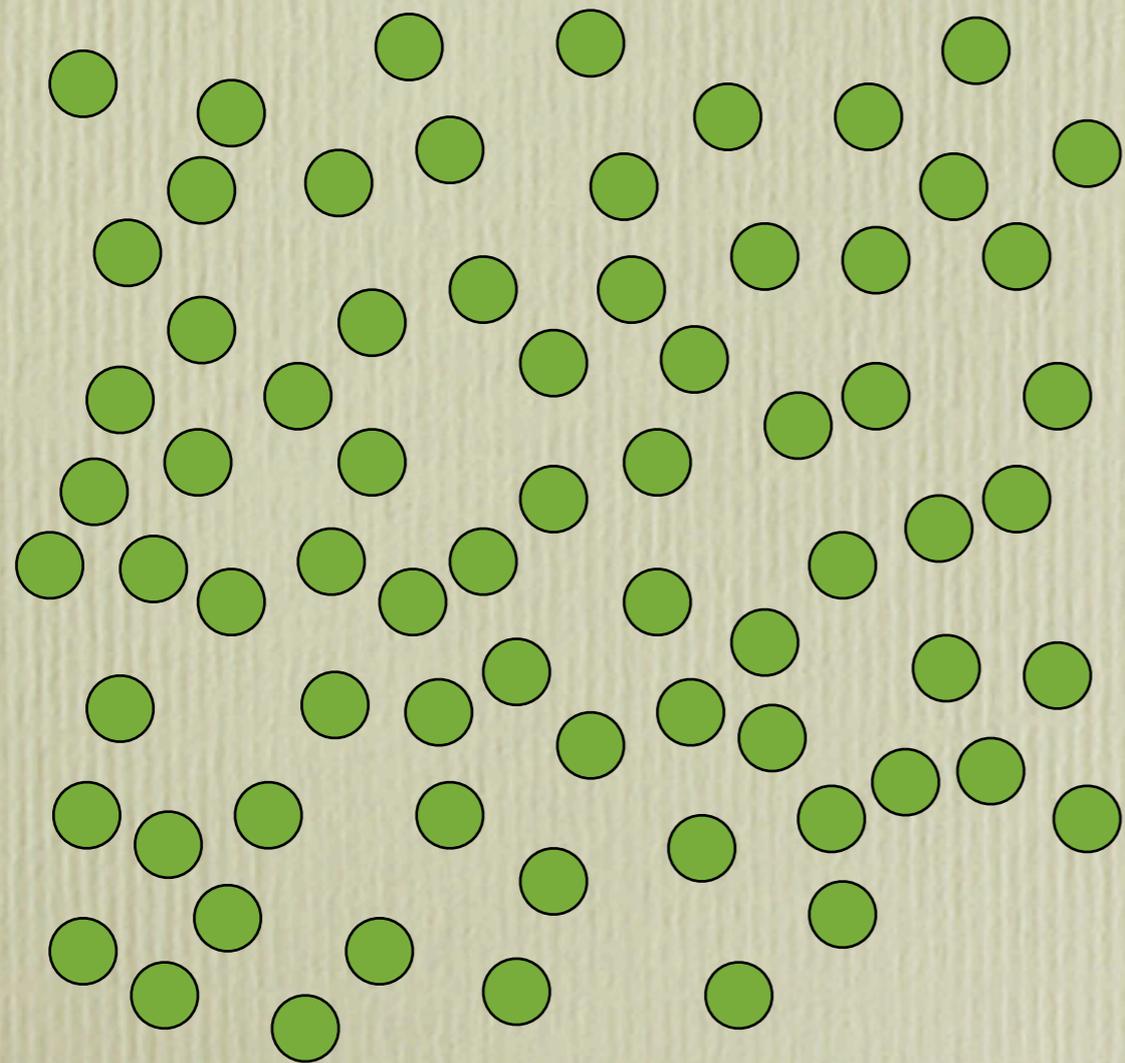




Accused



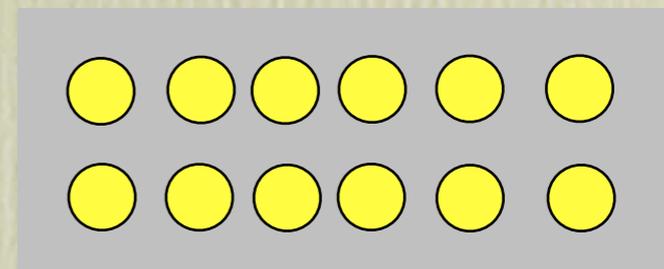
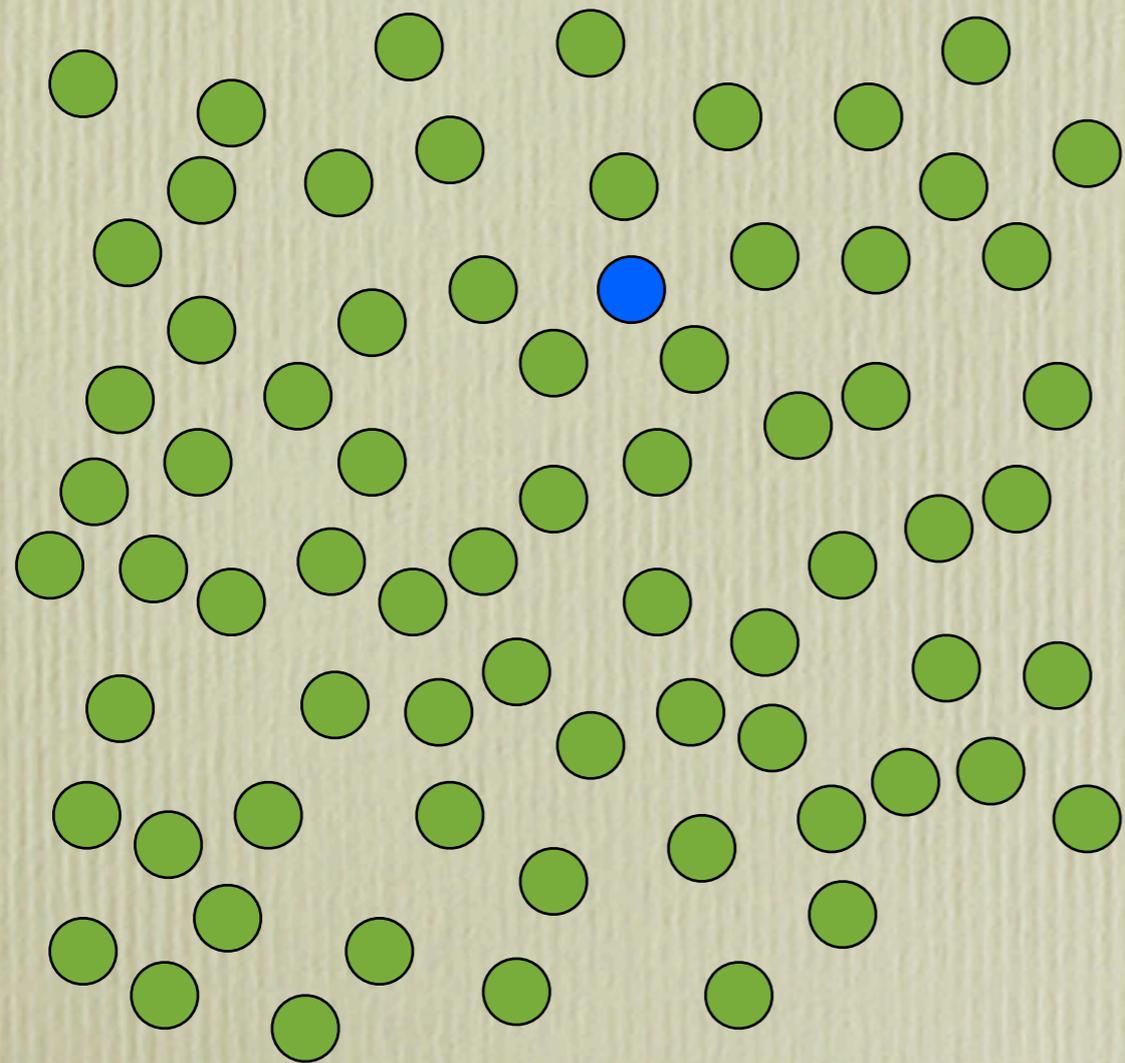
Accused



Jury



Accused



Jury

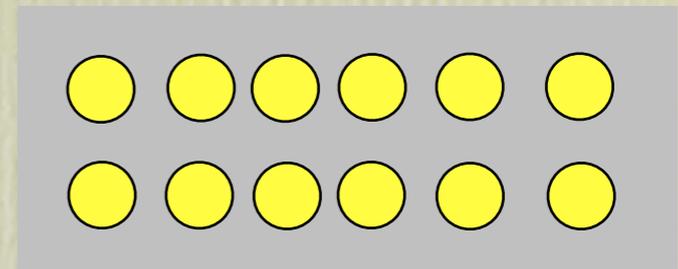


Accused

How Natural Law is manifested through Human Conscience



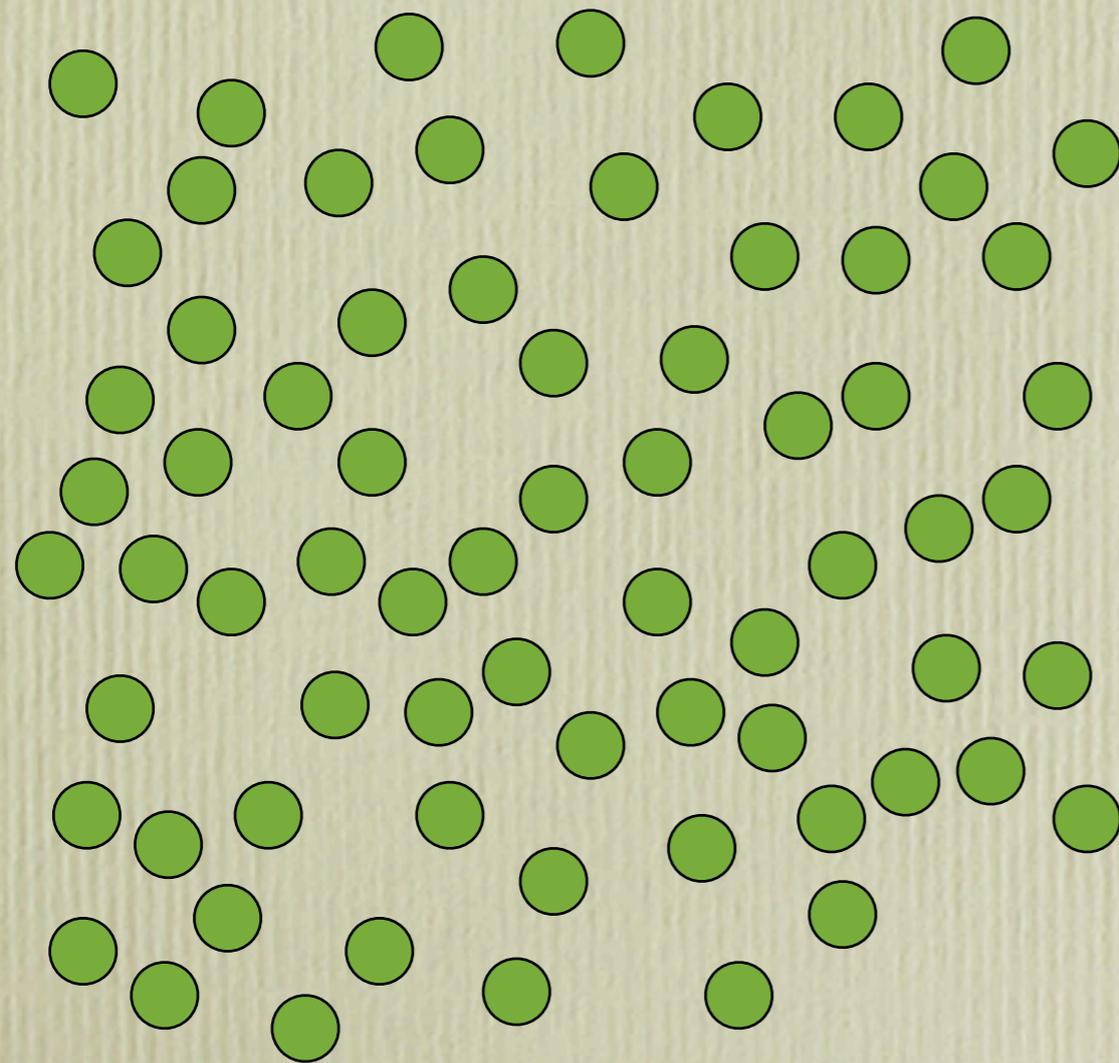
Convener



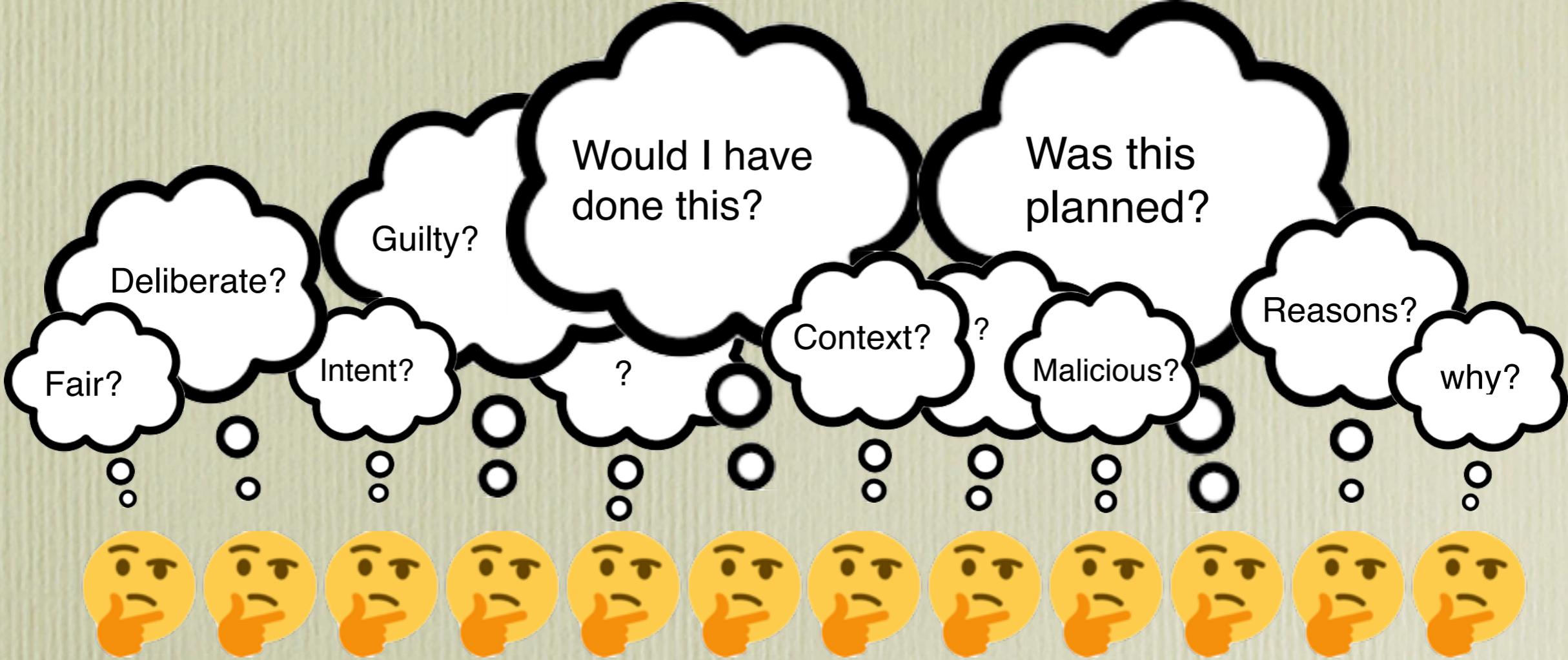
Jury



Accused



= Justice



Jury

= Not Guilty
= End of Statute

Guilty

Guilty

Guilty

Guilty

Guilty

Guilty

Guilty

Guilty

Not
Guilty

Guilty

Guilty

Guilty



Jury

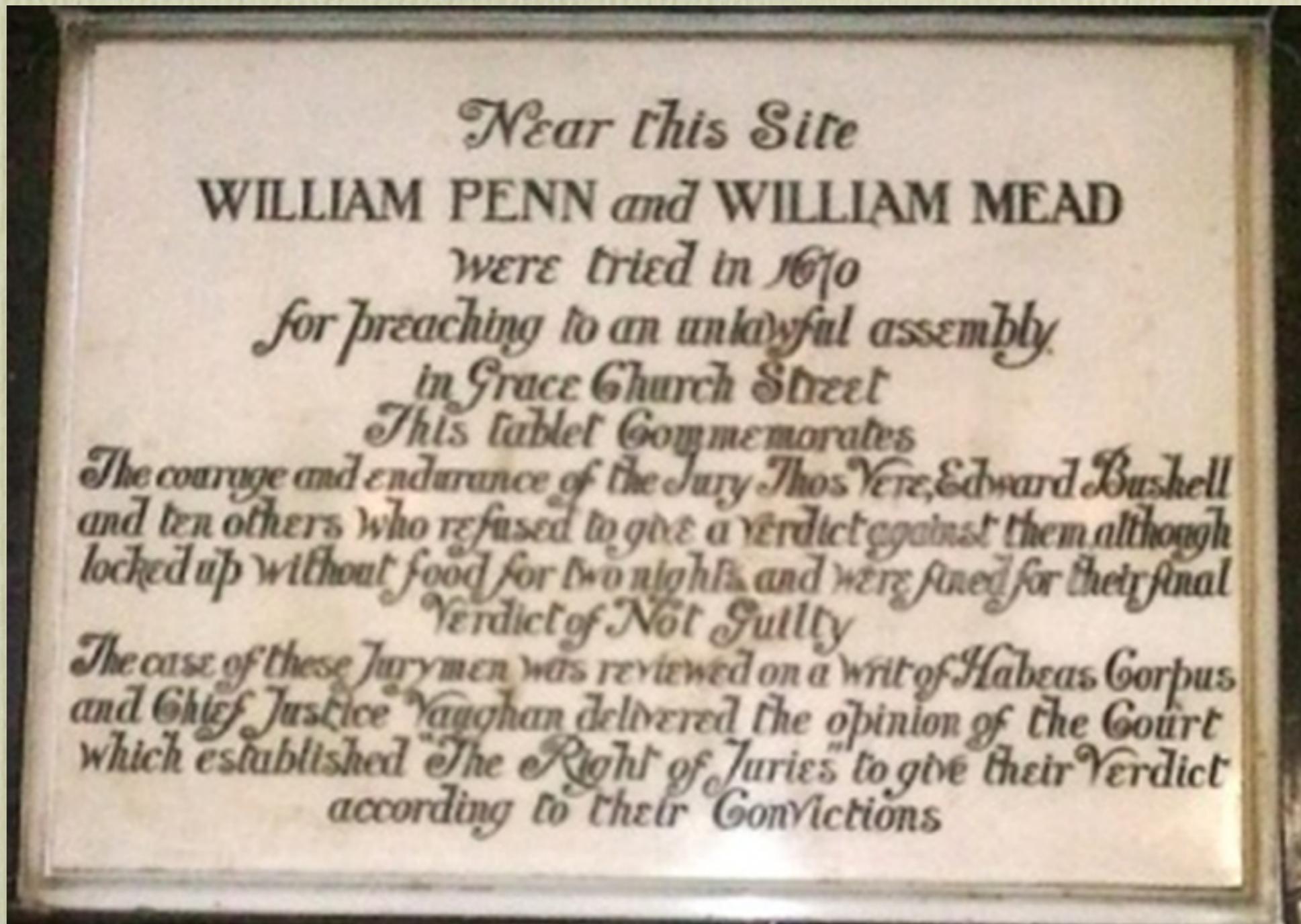
Trial by Jury

The phenomenon long upheld by civilised people...

...the consciences of a Common Law Jury of twelve form a safer, purer tribunal than those of specially appointed individuals holding permanent offices lucratively remunerated and bound to enforce the government's legislation.

Kenn d'Oudney - Democracy Defined: The Manifesto

Judging on Conscience



Trial by Jury

Statement attributed by Bancroft in *History of the US Constitution* to judge Theophilus Parsons at the Massachusetts Constitutional Convention:

If a juror or any citizen accepts as the law that which the judge states, then that juror or citizen has accepted the exercise of absolute authority of a government employee and has surrendered a power and right that was once the citizen's safeguard of liberty

Democracy: What it is not

- Suffrage? Totalitarian, Communist, Fascist states
- Referenda? Mass voting
- Legislatorial voting by representatives
- Creates consensus politics

Demokratia

- Demos: the People
- Kratos: sovereignty, kratein: to rule
- Derived from the Hellenic Athenian Constitution
- Government by Trial by Jury
- Sovereignty of the individual citizen-juror as the final arbiter of law

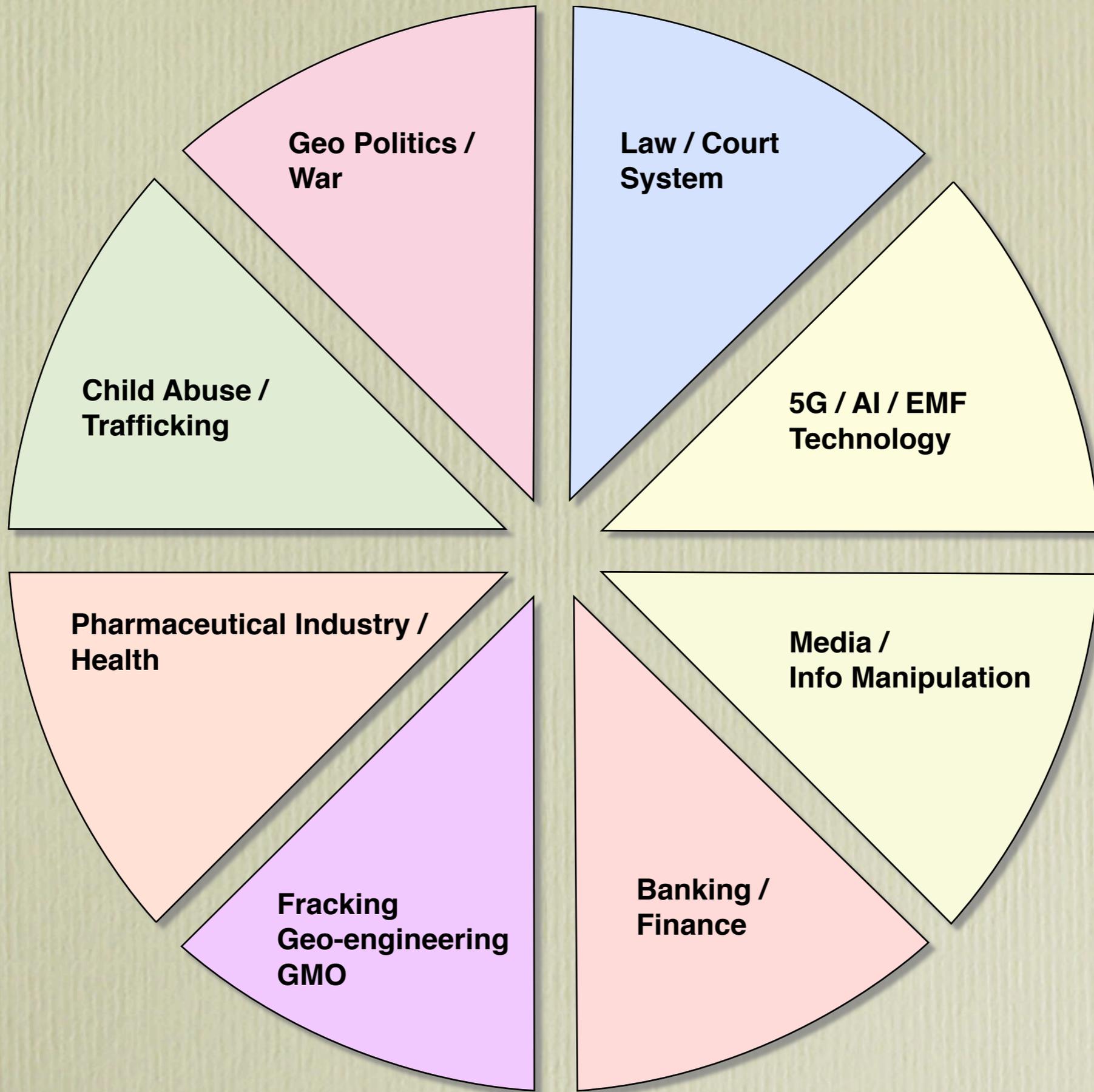
Exousia Rights

- Cleisthenes 507/508 BC
- Exousia rights: right to attend, debate, vote,
Trial by Jury for accused
- Empowering citizens with Judicial Authority as
Jurors

The Ultimate Power

...the empowerment of citizens by bestowing on them judicial authority as Jurors in Trial by Jury in which laws and measures passed by legislative majorities in the assembly could be judged, overruled and annulled whenever this was deemed by the Jurors necessary to serve justice, liberty and the interests of the people.

James Wilson





Common Law
Trial by Jury

Sovereign
National Credit
(Bradbury Pound)