

AFFEERCE Legal Theory



Readers should be familiar with the relationship between [objective and subjective rights](#). This relationship sheds great light on the question of separation of powers between the [direct democracy](#), the representative or [cellular democracy](#), and an [independent judiciary](#). It provides a precise resolution to any conflict between freedom and democracy, or equity and efficiency.

Class I

When legislation is passed by a [district council](#), it must protect and only protect an [objective right](#), [a constitutionally granted right](#), or a right created by the direct democracy at the same or higher [level of dominion](#).

If the court in [judicial preview](#) decides the legislation meets these criteria, it is declared [class I](#) and implemented. However, if the legislation is found to violate an objective right, or cause an objective right to be violated, or demand that an objective right be violated, it requires ratification by the direct democracy and is not class I.

A piece of class I legislation has three parts. They are [the prohibition, the extent, and the punishment](#).

Class II

If exercise of the objective right under question creates what [a reasonable person](#) would believe to be a negative externality, or if a reasonable person would believe that exercise of the right would create what a reasonable person would believe to be a negative externality, the action is declared [class II](#) and must be ratified by a 2/3 plurality of the associated [dominion](#), where a quorum is over 50% of the adult population of the dominion. If the action arose from or is ratified by such a body, it is implemented.

The most common objective rights violated by class II legislation are the objective rights to deny access of property rented for [exclusive use](#), and the right to use property as desired.

Class II actions are classified as rights, laws, covenants, taxes, contracts, and injunctions. All are [subjective overrides](#) of an objective right.

Class II rights are considered [subjective rights](#) or [access rights](#). Both violate objective rights. The former is more emotionally motivated and the latter more traditionally motivated. A class II right can be protected by class I legislation or class II legislation. That is, once a class II right is established, the district council can be charged with protecting it through legislation.

Class II laws can enforce any action a reasonable person would agree prevents or reasonably aims to prevent what a reasonable person would deem a negative externality due to the exercise of an objective right.

Class II [covenants](#) assign certain obligations to owners of individual properties or classes of property that mitigate the objective rights of exclusive use. A reasonable person must agree that failure to meet these obligations would not be in the dominion's interest.

[Permissible class II taxes](#) are enumerated in the Federation Constitution. All other taxes are considered [class III](#).

Class II contracts are used to allow a negative externality in exchange for an obligation or are [signed as part of a dominion-owned business venture](#). In the former case, ownership of the contract lies with the residents residing at any time in the future in the set of level-1 dominions that comprised the signing dominion. In the latter case, ownership of the contract lies with residents of the signing dominion at the time of signing, regardless of where they might move in the future.

Class II contracts are constitutional if ownership is properly weighed between initial consideration and ongoing consideration. Contracts require judicial preview. The district council will manage or coordinate contract negotiation.

A class II injunction can be issued only if the dominion is open to negotiation and proposes a contract, with ongoing consideration that a reasonable person would agree is fair.

Compensation for a class II ex post facto law or covenant, or injunction where negotiations fail, is equal to 133% of the [depreciated replacement cost](#) of the structure where production or other business activity is halted directly, or indirectly, if it's part of the same property. The right to terminate negotiations rests solely with the business owners. This is not a treble and ground rents are not affected.

Class III

If a right, law, covenant, contract, or injunction, is found to violate one or more objective rights without a relationship to a negative externality as described above, the action is declared class III and must be ratified by 5/6 of the associated dominion, where a quorum is over 2/3 of the adult population of the dominion and "no" voters have the [option of demanding a treble](#) before the action can be implemented. This is referred to as the treble option. A treble entitles the "no" voter to treble insurance, in addition to the 133% compensation.

A vote of [sovereignty](#) is class III. An action that distinguishes people by something other than their actions is class III. An action requiring certain behavior, rather than forbidding certain behavior, is class III.

Any tax not explicitly allowed in the Federation Constitution is class III.

Explicit exile of a person or class of persons from a non-sovereign dominion is class III. Exile is enforced by the [VIP](#) which will deny any transactions initiated from a region in which the convicted is exiled.

Expanding legislation of a higher-level dominion [with a punishment that is more lenient](#) is class III, unless the legislation only covers crimes exclusively in a broader extent. For instance if the extent of a higher-level grand larceny is \$20,000 or more with a punishment of 5 years in the penitentiary, a more lenient sentence could be imposed with class I legislation for grand larceny of \$15,000 - \$19,999.

General Concepts

Repeal of class I, class II, and class III actions requires a simple majority (not plurality) of the direct democracy and need not go through judicial preview. Actions passed by the direct democracy must be repealed by the direct democracy, Actions passed by the council can be repealed by either the direct democracy or the council. Proposals for repeal can originate with either.

Regulation recommendations by [VSGs](#) should be declared class II in judicial preview before being presented to the dominions for possible adoption.

Legislation violating rights, structures, or procedures found in the Federation Constitution is unconstitutional, unless the constitution explicitly permits them in a sovereignty and they can be reasonably declared class III.

If legislation fails to have a single prohibition, optional extent, and punishment described by time in the penitentiary, it is unconstitutional.

Action petitions with the signature of at least 10% of the dominion's adult population will go to judicial preview and be placed on the ballot. If judicial preview finds the action to be class I, a plurality of the dominion is needed to pass the action, bypassing the district council. A petition can be disqualified in judicial preview because the materially same petition was already balloted and defeated within the past six months.

Contracts

Contracts the enforcement of which violates objective rights are not enforceable. That is, contracts of collusion, indenture, or silence are not enforceable without a financial remedy. The financial remedy must be just compensation and is subject to objective scrutiny by the judiciary.