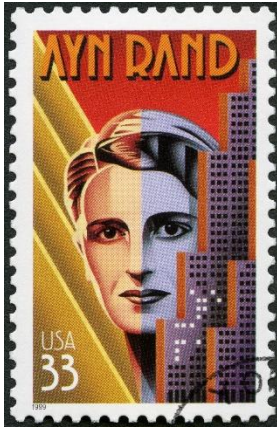


Objective Rights and Subjective Rights



There is little question of what constitutes an [objective right](#) in [land-based capitalism](#). This is essential for the proper functioning of the legal system. A typical response to such a claim is that everyone has different values, and nobody can say what is or is not an objective right.

But that is confusing apples and oranges. An objective right has no values. An objective right is the right to do whatever is in one's self-interest that does not interfere with the right of others to act in their self-interest.

This paradigm typifies objective rights, "Your life is not my problem, and my life is none of your business." It is an objective right to abandon one's children (any inability children have to cope in the world is their problem, not yours). It is an objective right to work with biohazards or nuclear weaponry in your basement. It is an objective right to build a factory in a residential area that belches out stench and makes loud noises at all hours of the night. It is an objective right to run naked through the public square.

The problem of identification comes when people apply values to objective rights. Followers of the late Ayn Rand believe that objective rights are fundamentally good and are the only rights that should be enforced.

Therefore, abandoning one's children could not possibly be an objective right. Nor could building a nuclear bomb in one's basement with parts purchased with one's own money. Objectivists and, to a lesser extent, libertarians have a round hole of goodness, and they attempt to fit the square peg of objective rights into that hole.

If acting in self-interest is necessarily good, then altruism is bad. One can say, "I protect my children because my love for them greatly pleases me." But what if a parent does not love their children? Is it then okay to abandon them to the elements? After all, their inability to cope with the frigid weather is not your problem.

On the other hand, plenty of objective rights seem to be good. For example, feeding one's family, protecting one's children, and keeping the product of one's labor. This apparent goodness of so many objective rights confuses people into

believing that all objective rights are good and leads to a distortion in the trivial definition of objective rights.

Fundamentally, objective rights are devoid of values. They are neither good nor bad. Despite this ambiguity, we can make a profound statement about objective rights.

In the absence of all other laws, objective rights define the parameters of civilization. In that sense, they are natural rights, but this is a linguistic trap designed to create an aura of goodness and one that will not be used in this book. They are simply objective rights.

Human beings have values. There are many different value systems. There is agreement and disagreement on various points with any two value systems. These value systems are motivated by our fears, desires, goals, prejudices, hatreds, loves, and love for God.

A subjective right is also relatively trivial. **I have this right because I feel that I do.** I do not care for the color of your skin, so you must die. I love my God, and my God tells me you are a sinner, so you must die.

And here, you thought objective rights were terrible because they had no values. Subjective rights are **nothing but values**, and they can be qualitatively worse!

Perhaps you are thinking, "Why would anybody base a legal system on these two horrific definitions of rights?"

However, this is not the first appearance of this pattern. In distribution theory, we saw the horrific problems of equal distribution of the ground rent to everyone as cash and the distribution of all ground rents to the government for public goods and services.

In economics, we see that a world based on efficiency is not equitable, and a world based on equity is inefficient.

We are now confronted with the problem that a legal theory based on objective rights has no values, and a legal theory based on subjective rights has no law, and we are reminded that in a pure democracy, there is no freedom. In a completely free society, there is no democracy.

Each problem is solved by pouring the right amount of each toxic compound into a vat, such that smoke and bubbles appear, the mixture begins to boil, and some new substance emerges. In chemistry and philosophy, this is called a synthesis.

In the philosophy underlying land-based capitalism, this synthesis is called the [synthesis of objectivism and subjectivism](#). The name suggests no two candidates better suited to this amazing chemistry than the toxic legal theory of objective rights and the fatally noxious fumes of subjective rights. Wait! We need to throw some democracy and freedom into the mix as well. “Double, double, toil and trouble, fire burn and cauldron bubble.”

The synthesis divides law into three classes. “Treble, treble, toil and trouble...?”

In [class I, cellular councils](#) are only allowed to pass laws protecting the objective rights their constituents want them to protect, as well as the [subjective rights](#) created by their members or the subjective rights created at a higher [level of dominion](#) and enhanced by their constituency.

In [class II](#), a 2/3 plurality of the dominion can [override an objective right with a subjective right](#) or enhance a subjective right created at a higher level of dominion. There is a further qualification on subjective rights in class II. A judge at the level of dominion must agree that [a reasonable person](#) would concur that exercising the objective right produces a negative externality.

In [class III](#), a subjective right can violate an objective right or override an objective right where no negative externality exists. A 5/6 plurality of the dominion must ratify a subjective right at class III, and “no” voters are given the [option of being trebled](#) with a [33% premium](#) on their structures as a condition of passage. The Elsie Toolkit maintains the anonymity of “no” voters selecting the treble option until the funds are raised.

There are fundamental objective rights written into the [constitution](#) that cannot be overridden at a lower level (only by constitutional amendment at the federation level). These are the right of an individual or group to surrender or reclaim [sovereignty](#) at will, [exit rights](#) for individuals and sovereign groups, the [right to life for children](#), the [right of animals not to be subjected to unnecessary pain](#), and the right of sovereign individuals and sovereign groups to [treble land](#).

A few subjective rights are written into the constitution and in effect for the entire Federation. These are the right to nutritious meals, warm and safe shelter, quality

medical care, and the right of both the victim and defendant to reject the defendant's asset forfeiture in criminal proceedings. Only those Earth Dividend benefits considered essential in all conceivable sovereign political economies are written as subjective rights in the constitution.

Unlike objective rights in general, subjective and fundamental objective rights cannot be overridden at lower federation levels. Subjective rights and fundamental objective rights can only be enhanced as one descends to lower levels of federation.

In a process called [judicial preview](#), a court in the [independent judiciary](#) determines whether a purported right is a fundamental objective right, an objective right, enhances a higher-level subjective right, diminishes a higher-level subjective right, overrides the exercise of an objective right that a reasonable person would agree causes a negative externality, overrides an objective right that has no associated externality, is a violation of a subjective right, or is a violation of an objective right.

Suppose the legislation under judicial preview involves punishment for a rights violation. In that case, the court determines whether the extent of the breach is narrower than the extent at a higher level and whether the punishment is as severe or more severe than the higher level.

Because the defendant's asset forfeiture can be rejected by either the defendant or the victim, all punishments are expressed in terms of penitentiary time, even those where asset forfeiture is typically negotiated for all or part of the sentence. This trivializes the comparison of severity with higher-level legislation.

There are only two possible rulings on legislation, edicts, injunctions, and contracts from sovereign dominions. They are constitutional or unconstitutional. There is no mechanism for a judicial preview of sovereign legislation, so rulings are after the fact.

Sovereign legislation, like legislation from the cellular or direct democracies, is unconstitutional if it overrides a fundamental objective right, diminishes a higher-level subjective right, or violates a subjective right. Unlike non-sovereign dominions, the extent of the punishment's violation or severity is irrelevant to sovereign legislation.

Suppose the fundamental objective rights are not defined or enhanced at lower levels of dominion. In that case, it is up to the judiciary to interpret the meaning of the right to life for children and the right of animals not to be subjected to unnecessary pain.

Sovereign violations of, or diminishment of subjective rights, are cause for interventions by the judiciary to remind the adult whose subjective rights are being violated that they enjoy full exit rights and to answer any questions about the implications of exercising those exit rights. Sovereign violations of the fundamental objective rights, or the constitutionally protected subjective rights of children, must be remedied at once or will be remedied through intervention by regional police or the [Federation Military](#).

For non-sovereign dominions:

- Legislation enhancing a fundamental objective right or subjective right is class I.
- Legislation punishing violators of objective or subjective rights is class I if the extent is as narrow or narrower than higher-level extents, and the punishment is as severe or more severe than higher-level punishments; otherwise, it is class III.
- Both the direct and cellular democracies can initiate and pass class I legislation
- The creation of a new subjective right is class II.
- Edicts, injunctions, and contracts are class II. The judiciary can also initiate injunctions when the democratic mandate is unclear.
- Legislation overriding an objective right where a reasonable person would assume a negative externality is class II.
- Class II legislation, edicts, injunctions, and contracts terminated by the other party can be repealed by a majority of the direct democracy.
- Legislation overriding an objective right with no reasonable externality or simply violating an objective right is class III.
- A declaration of sovereignty is class III and has no path for repeal.
- Class III legislation, outside of sovereignty, can be repealed by a 1/3 minority of the direct democracy.