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Chapter 1 : Deductive reasoning - Wikipedia

On the continent-ocean: men move in groups -- The organizers -- Community before government-- The natural law of transient communities: claim clubs and priority rule -- The natural law of transient communities: vigilantism and majority rule -- Leaving things behind -- Getting there first -- The democracy of haste -- pt. 3. The upstarts: boosters.

The Testimony of Douglas Wollmar Tony Cartalucci, Contributing Writer Activist Post Bangkok, Thailand May 24, 2011” While misguided youth light their cities on fire around the world , clashing with local police and battling with their fellow countrymen, all to the beat of US-funded opposition groups, real revolutionaries are quietly, pragmatically, and intelligently changing society. They do so not with placards, mobs, slogans, or aspirations for political power, but with the declaration, enumeration, and exercise of their innate sovereignty. While we naively hope for a political solution to mete out an equitable distribution of wealth and resources within a system created by hoarding megalomaniacs , there are those amongst us that understand the only way to solve the immense disparity throughout this world is to stop paying into the system that created it in the first place, and to take responsibility for the world around us on a local level. One such man is Mr. Douglas Wollmar of Trenton, Maine. An ordinary man and local farmer, neither a career politician nor a technocrat, Mr. Wollmar brought the issue up along with his impressive testimony, to see the ordinance pass in a 29 to 25 vote. Having been shaken from his apathy and inspired by the message of Ron Paul during , Mr. Wollmar has proven that anyone can make a difference when we stop depending on others and start depending on ourselves. Declaration of food sovereignty just the beginning? The following statement includes sections from an article by Rady Ananda titled Home Rule Takes a Beating , and should have been properly cited. I want to thank those who came today to support what has now come to be a movement that has drawn attention from around the globe. The towns of Sedgewick, Penobscot and Blue Hill, our Hancock County neighbors have started a movement and it is now time for Trenton to carry the torch. Home Rule is what has historically protected towns from overarching government regulation and control, as well as abuses by corporate interests. A legal analysis prepared by Charles Bussell, concludes that Maine has strong enough Home Rule protections to pass such ordinances.. This ordinance overrides numerous provisions in the recently passed federal Food Safety Modernization Act Not just small farms are affected by government intrusion via hyper-regulation. The FSMA now claims intrastate authority. Download Your First Issue Free! Hand milking is a perfectly acceptable method and does not need the same facilities that a machine milking operation does. Two years ago an administrative decision changed an exemption that was standard practice. It will be unconstitutional and contrary to natural law or, if you like, the will of God. No one is bound to obey an unconstitutional statute and no courts are bound to enforce it! If any person acts under an unconstitutional statute, he does so at his peril and must take the consequences. If all else fails, we the people retain the right to revolution as reserved in the Bill of Rights Articles 9 and 10 implicitly and as Abe Lincoln reminded us: Whenever they shall grow weary of the existing government they can exercise their constitutional right to dismember or overthrow it. Are you ready to lose that right? The topic of who decides what is constitutional is a point of contention, but ultimately, as it should be, it is left to the people. It would be a contradiction of American principles for the final power to lie not with the people, but rather with nine unelected lifetime lawyers. I know of no safe depository of the ultimate powers of the society, but the people themselves.

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Chapter 2 : American Civil Rights Movements | Natural Law, Natural Rights, and American Constitutionalism

On the continent-ocean: men move in groups --The organizers --Community before government --The natural law of transient communities: claim clubs and priority rule --The natural law of transient communities: vigilantism and majority rule --Leaving things behind --Getting there first --The democracy of haste --Part three. The upstarts: boosters.

This essay appears in the Winter issue of *Modern Age*. To subscribe now, go [here](#). He insists that we human beings are not bereft of guidance, since practical reason can draw on the motives that together constitute a flourishing life: We are not playthings of those motives but political and moral agents who pursue the good in the situations in which we find ourselves. The indeterminacy of moral-political life allows one to choose between virtue and vice, better and worse. Human beings and Christians cease to be acting men and are forced to choose arbitrarily. The lecture we are reproducing never remains at the level of abstraction. Manent by no means leaves us bereft of hope. There is an unchanging structure to human action that endures despite all the contemporary theoretical and practical obstacles to practical reason doing its work today. Elsewhere, he shows that in every time and place, acting man calibrates his means to the fixed ends of courage, prudence, justice, and temperance. We are no more prisoners of culture than we are playthings of our unchanging human motives. His is a theoretical perspective that takes its bearings from the acting man who must choose between good and evil, right and wrong, virtue and vice. Manent places a reasonable bet on the fact that the good is not unsupported—that the ends and purposes of human freedom are available to practical reason and a well-formed conscience. His is a signal contribution to practical philosophy. As a matter of fact, the modern political order, our political order, has never ceased to be archaic. Even today it continues to depend on the acts of those who command. If it were otherwise, we would not be so worried about the passions, reasons, and dispositions of President Donald Trump. What concerns me today are the consequences of these developments for our understanding, consequences that are inseparable from our forgetting of law. How can we close the chasm, which grows larger every day, between our social and moral experience, on the one hand, and, on the other, the language of unlimited rights, which has become the sole authorized discourse? That is, how can we escape the demoralizing division between actual experience and legitimate speech and again give voice to our social and moral experience? In the face of an-archic individualism, with its rights that no have meaning except openness to an unlimited authorization of actions or behaviors with no rule or purpose, it is tempting to posit somewhat defensively a communitarian and archaic order based on a natural law that derives its authority from a certain idea of nature, an idea understood as the objective synthesis of all norms desirable for the good regulation of the human world. This approach is a response to a very legitimate need, in the face of the virulence of the principle of subjectivity, to formulate anew the principles of an objective order. But this defensive and reactive approach, by advancing theoretical and synthetic propositions concerning human nature or the nature of the human world, repeats or imitates what it is fighting against while proposing an opposite content. In order to enter into actual practice, it is necessary to consider the question of human motives. The question of human motives I will start from the following proposition: The active presence in us of these three great motives is not up to us, even though the strength of each, their relative weight, and the way in which they affect our actions vary according to our nature, our education and, precisely, the way we are in the habit of acting. As objective components of human nature, we have them in common as human beings, and it is because we share these motives that we understand each other and that we are capable of judging one another, and moreover that we cannot avoid judging one another. One might argue that these three categories of motives are not equally natural or objective, or not so in the same way. The pleasant and the useful are notable for their stability and objectivity. It is conceptions of what is fair or just or noble that we consider to possess a certain plasticity, to the point of refusing them a natural or objective status. It cannot be denied that these conceptions in fact vary considerably according to places and times. Nevertheless, as interesting as may be the epistemological or more generally philosophical questions posed by the scope of variations in the human

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phenomenon, these do not directly affect the practical human being, the human being in action, as agent. Of course, this does not mean that the agent is the inert site of the activity of motives, of their play or concurrence, or that the chosen action is determined mechanically by the strongest motive, or by the strongest combination of motives, however such strength might be evaluated. As I have just noted, the agent is an agent; he bears an active relation to his motives. Neither the pleasant, nor the useful, nor the noble just, fair are in his power, but the weight accorded to each, and the way they are combined, depends in the first instance on him, that is, on his disposition, on his nature as it is either perfected or degraded by his education and by the habits produced by his past actions. His dispositions with respect to the action, his virtues and his vices, are up to him. This description of the relationship between the action and the motives of action is admittedly just an overview, but it has the merit of emphasizingâ€”rightly, I thinkâ€”the objective and shareable character of human motives. Let us take a closer look at the problem. Let us start with the case, which is not so rare and which is always interesting, of a person who effectively or sincerely sacrifices the pleasant, or the useful, or both, to his or her idea of the just or of the noble. If we share his idea of the just or of the noble, or if we at least include it in the category of what is authentically just or noble, then all is well, I might say, and we admire such an agent. This is a just man, or a noble woman, and perhaps even a hero! But what happens when his or her idea of the just seems to us unjust, or if his idea of the noble seems ignoble? Can we still say that he has in practice obeyed, as an agent, the motive of the just or of the noble such as he understands it, adding only that for our part we disapprove, reject, or condemn his idea of the just or of the noble? Might we look at the crimes of Islamist terrorists in this way? How can we judiciously confront the chasm that suddenly opens up between the point of view of the agent and that of the spectator? We can begin to bridge this chasm by suggesting that the crimes justified by high ideas of the just or of the noble result from the corruption of a legitimate or authentic idea of the just or of the noble. In such cases, the agent vividly experiences the passion awakened by a certain idea of the noble or of the just; he is in a way exalted, but he lacks the adequate dispositions to lead his enthusiasm in the right direction and thus to purge it; he is looking, as it were, for a short cut and offers to satisfy his passion immediately, in a way that is crude and cruel, and that has little to do with the idea of the just or of the noble that originally motivated him or that was present more or less seriously at the beginning of the process. In the simplest case, which is not necessarily the rarest, this idea simply provided the pretext for satiating a criminal tendency. An analysis of this kind might help us to clarify the conduct of terrorists by discerning how in their case the religious motivation relates to the criminal action. We cannot say that their action is a crime without any connection to the idea of the noble or of the just that they draw from their religion or from a certain interpretation of their religion. Nor can we say that they simply obey an idea of the noble that we do not share. It is less the idea that is false than their relation to the idea. Terrorists do not concern themselves with the idea, they do not attach themselves to it, except insofar as it seems to justify their passion and their criminal drives, but they lose interest in it as soon as it might oblige them to consider more seriously the direction they are about to take. Thus, even where the noble or the just is concerned, the point of view of the observer and the point of view of the agent cannot be entirely separated. The observer, whether a professional scholar or an ordinary citizen, cannot say simply: The reference of human beings, whoever they may be, to an idea of the noble or of the just is always in principle comprehensible and shareable by all human beings, at least as a possible and meaningful perspective. If there are some forms of conduct towards which we cannot make this movement of understanding, whether these be crimes of honor or of terrorism, then we must conclude that these are forms of conduct that are just as criminal for their agents as they would be if we had adopted them ourselves. Moreover, as I have said, the acting human being is not a prisoner of his or her motives. He is not the plaything of his idea of the just. He is so much less its plaything as this idea is never completely determinate. It is surrounded by a halo of the uncertain and the problematic. These remarks are intended only to suggest that the bases of practical life are much more stable and constant than we are inclined to admit, carried away as we are by the theoretical point of view of the social sciences, and more generally by the point of view of the observer or spectator. As spectatorsâ€”and

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human beings love spectacles—we are naturally attracted and charmed by the spectacle of the diversity of human conduct that attracts our attention all the more when it is different from what is familiar to us, and that attracts it most especially if the particularity is spectacular, preferably spectacularly atrocious. This is not the best disposition for penetrating the springs of the acting animal. We must go against this tendency if we want to do justice to the point of view of action. All this matters for our approach to the question of natural law. The question of natural law presupposes or implies that we have the ability to judge human conduct according to criteria that are clear, stable, and largely if not universally shared. It demands that the motley diversity of the human phenomenon, which is apparent to anyone, be reduced to a single set of characteristics common to all humanity, and thus suitable to provide the foundation for rules of justice that are comprehensible and acceptable by all. We have suggested that the principal motives of human action—the pleasant, the useful, and the noble—constitute such characteristics. This, I say without vanity, is what I am now doing. To consider attentively the way in which human beings act, to grasp the reasons of their actions, and from this to discern the best way to judge and guide such actions—this not only involves no paralogism; it in fact constitutes the only way to proceed if we want to escape the alternative of deciding arbitrarily what rule, norm, or law we will declare valid, or on the other hand renouncing to seek it. This in any case is what I propose, and it is a modest proposition in all respects. The principle of this proposition can be summed up roughly as follows: As I have said, this is a modest proposition; strictly understood it leaves much to be desired and thus calls for complements and refinements. But it does help us arrive at practical truths on questions that it is very important for us to evaluate judiciously. Let us take first the case of a political regime concerning whose nature and merits much has been said over the last three quarters of a century, that is, the communist regime. Those who had granted the validity and the nobility of the ideal were then obliged to ask themselves whether this ideal was at least approximately realized by the regime. Among the lessons to be learned from the terrible communist experience, let us retain this one: How can the sinister phenomenon—what we see as sinister and is sinister—be regarded as showing reality when it is supposed simultaneously to indicate the sunny ideal? How then can the sinister phenomenon even be seen? Even so, it was a simple thing not to be duped, even without being seriously informed concerning the magnitude of the repression and cruelty of the regime. A judgment based exclusively on the role of the useful and the pleasant in communist life would have been incomplete but also rigorously exact. If man and woman are to find in marriage a framework and a rule of life that gives appropriate place to the three motives, then a lot of imagination is not needed to unfold the practical consequences of a natural law so conceived. Marriage will not be an association of mere consent or enjoyment, one that might be chosen, put aside, and resumed according to changing feelings, as it is regarded more and more today; nor will it be a mere arrangement of the utility of families, as it was traditionally; nor, finally, will it be a paradoxical exercise in chastity, as proposed in a certain Catholic interpretation of the natural law that is still quite widespread. It may seem that the result of applying our criteria is, if not trivial, at least disappointing, since it leaves us with a concrete but minimal characterization of the institution, without providing any explicit criterion of perfection or at least of improvement. This objection seems to me groundless. The notion of natural law neither includes nor demands an exhaustive definition of all the institutions in which human beings seek human goods. It is supposed to help us apply a simple and concrete criterion for determining whether it is possible for human nature to find satisfactory fulfillment in a given institution, political regime, or framework of action in general. Next, nothing prevents us from pursuing the reflection on the engagement of each motive according to the institution under consideration, with the understanding that—in every human institution, but in different ways according to the nature of the institution—the motive of the noble or of the just opens up a field of possibilities to the desire for improvement that is incomparably more vast than does the motive of the pleasant or that of the useful. Natural law as I propose to view it here offers precisely this advantage: If we wish for the appeal to natural law to be able usefully to illuminate the complexities and refinements of practical life, it is important that far from taking the form of a discourse that is theoretical and assertoric—and that confuses the ordinary

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regime of action with the perfect regime, each one spoiling the other”the discourse of natural law maintains in a sense the potentiality and, I dare say, the reserve of practical principles that remain implicit insofar as they have not yet commanded a concrete action. The explicit and the implicit Such an approach would make it possible to avoid what is the hazardous and occasionally ridiculous in lists of human rights. It might be said that paid vacations, or other such policies, fit no better in an account of the content of the natural law than in a catalog of human rights. This is true, but precisely a right understanding of natural law, a right understanding of its practical character, saves us from the tyranny of the explicit and the exhaustive that is the fate and the scourge of the philosophy of human rights. This philosophy, having abandoned the perspective of the agent, can guide actions only by absolute propositions that can in no way enter into practical deliberation since, once a human right has been declared, there is nothing left to deliberate, but only strictly to apply. That effectively makes it less explicit, and moreover less pretentious, but not less rigorous: So conceived, natural law is not like Kantian moral law, in relation to which the agent must always necessarily fall short. Natural law guides action but does not determine it, and thus does not command it. Only the agent, enlightened by the natural law and alert to particular circumstances, is fit to make the reflective choice that leads to effective action and commands it.

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Chapter 3 : Kant's Social and Political Philosophy (Stanford Encyclopedia of Philosophy)

Of the Nature of Laws in General Law, in its most general and comprehensive sense, signifies a rule of action; and is applied indiscriminately to all kinds of action, whether animate or inanimate, rational or irrational.

Comments In the very first Federalist paper, Alexander Hamilton claimed that at stake in the process of American constitution-making was a matter of world-historical importance. Indeed, the American people "as a people" would be a people without a past, a people with a future only. The progressive orientation of the American Revolution illustrates how difficult it is to define an American conservatism. The country surely does not lack some pietas, as any consideration of the temples built in Washington to honor the cult of the Founders makes plain. Yet beyond the civil-religious piety for these particular ancestors, America perhaps inherits more of an older tradition than the patriotic narrative of the American Founding, recounted above, reveals. And our forgetfulness of such an inheritance many constitute not only impiety, but injustice. Ever the conservative, Kirk attempted to demonstrate the unoriginality of the American Revolution. A Founding implies the quasi-divine legislation of an entirely new way of life, the creation of a people. Kirk, however, read the Constitution of as a reworking of traditional English and colonial American practice rather than anything new or particularly speculative. Certainly it is fanciful to imagine immediately deducing bicameralism, for example, from any postulate of natural right. For Kirk, just as the constitutions of the states were prudent revisions of colonial charters, so the U. Constitution was a slight adjustment of the Articles of Confederation. Whence came that Founding generation of Americans? On the other hand, to address such questions seriously, we cannot look only to the political order under which the founding generation were raised, for since the collapse of the unity of the ancient polis it is a mistake simply to equate the political regime with the totality of a way of life of a people. To determine who these men of the founding generation were "and who we are" we must look instead to tradition and culture, to all the elements of our civilization. Here Kirk found his field, which was fitting. For conservative theorists have always been less interested in formal political institutions than in manners and mores. Because Americans speak English, our most vivid common images and metaphors are the products of the British literary tradition. Politically, we inherit an attachment to the rule of law, a peculiarly Anglo-Saxon practice. In an earlier work, he had explored at length the deeper roots of American order "roots which he traced down the ages to Jerusalem, Athens, and Rome, before they had reached London. Kirk emphasized what we share with Europe rather than what distinguished the New World from the Old. His recounting of an America bound to a particular past was meant to provide criteria for determining proper conduct as we faced a future which increasingly had no answer to that subversive question of ideological progressives: Jaffa champions an especially philosophical version of the patriotic narrative of the American Founding. For Jaffa, the U. The propositions of natural right heralded in that document are the key to the regime. It does not articulate the central principles of our common life. Thus, to embrace their claims is to reject natural law. With their more modest view of the power of human reason to grasp the whole, conservatives find it reasonable to presume that the long historical existence of a practice or a community is itself evidence of its conformity to a Providential rational design. We know what the political good is by a reflection upon the historical experience of the community, rather than from a priori principles. Perhaps the most important thing we learn from history is that human living-together is for the good life in its totality and not merely for the securing of abstract rights with zealous single-mindedness. That for which Kirk would most fault Jaffa is his failure to acknowledge the genesis of his thought in the Enlightenment, and his failure to engage conservative arguments about the meta-rationality of tradition. This dispute about the Declaration of Independence manifests a deeper philosophical point which Jaffa wants to press against Kirk. Quite simply, tradition cannot tell you what parts of tradition are normative; only abstract principles can do that. If he did, he would reveal his defection from the natural law tradition. We may deduce different ways to achieve justice politically "i. Thinkers in the Enlightenment tradition reversed this ordering. When Jaffa

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focuses primarily on the political or constitutional implications of his natural law, he is following in a tradition which began with Hobbes. When Kirk ties together tradition and the moral law, he is at once both more traditional and more innovative than Jaffa. Above all, he is attempting in this synthesis to recognize that the right does not exhaust the good. Jaffa has a similar problem: There remains the possibility that the American regime was ill-founded. If this were true, conservative pietas for Tradition would require selective impiety toward some traditions. For Kirk, the West names a civilization tracing back more than three thousand years. The West is a name which succeeds the name of Christendom. It is the totality of our culture, our civilization, and therefore our identity. For these, the West is that community which recognizes the priority of the right to the good, and which is organized around sovereign political institutions which express this priority. Jaffa appears to hold this view. The success of the attempt remains uncertain. Penguin Books, , Modern Age, Fall , pp. This observation Kirk owed to the late M. The only constitutional peoples are those without written constitutions. Russell Kirk, *Eliot and His Age*, It will be objected that there is nothing peculiarly British about the rule of law. These concepts are similar but not identical, and our American intuitions concerning the requirements of political justice reflect the British understanding of these matters. Transaction Press, , Also fundamental are the divine revelations at the heart of the Jewish and Christian faiths. Judaism and especially Christianity are historical religions; their universalism is tied to a particular historical experience. They are not simply philosophies and in the Christian case, not primarily Law. *His Life and Speeches* Cleveland: World Publishing, , The reason Jaffa must turn our attention instead to the Declaration is the inconvenient fact that the Bill of Rights was not part of the original intention of the Founders, but a practical compromise—and a compromise demanded not by Madison and the Federalists Jaffa admires, but by the Anti-Federalists whose tradition leads to Calhoun, whom Jaffa is intent to diabolize. These reflections are meant only to begin a line of inquiry, not to provide exhaustive answers.

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Chapter 4 : Kant's Moral Philosophy (Stanford Encyclopedia of Philosophy)

A worthy follow-up to volume one of this three volume series on American History, where Boorstin takes us behind the scenes of the typical textbook names and dates during the time from the American Revolution to the Civil War.

Political philosophy is also to be distinguished within practical philosophy from both empirical elements and from virtue proper. The separation from virtue is treated later in this section. Yet Kant also included the more pragmatic, impure, empirical study of human behavior as part of practical philosophy. Practical philosophy provided rules to govern human deliberative action. In its Preface, he notes that the Groundwork is to be a preparatory book for a future Metaphysics of Morals. The book Metaphysics of Morals has two distinct parts: Kant sought to separate political rights and duties from what we might call morals in the narrow sense. He limits right by stating three conditions 6: As an example of the latter he considers trade, which for right must have the form of being freely agreed by both parties but can have any matter or purpose the agents want. While Kant must include consideration of beneficent action as part of right, he does not conclude that beneficent actions are required by right but only that most are permitted by right and others violate right. In addition to these three conditions for right, Kant also offers direct contrasts between right and virtue. He thinks both relate to freedom but in different ways: Right concerns acts themselves independent of the motive an agent may have for performing them, virtue concerns the proper motive for dutiful actions 6: In another formulation 6: In yet another he says that right concerns narrow duties and virtue wide duties 6: In the Feyerabend lectures, Kant notes that right is the subset of morally correct actions that are also coercible Kant rejects any other basis for the state, in particular arguing that the welfare of citizens cannot be the basis of state power. He argues that a state cannot legitimately impose any particular conception of happiness upon its citizens 8: To do so would be for the ruler to treat citizens as children, assuming that they are unable to understand what is truly useful or harmful to themselves. In the Groundwork Kant contrasts an ethics of autonomy, in which the will Wille, or practical reason itself is the basis of its own law, from the ethics of heteronomy, in which something independent of the will, such as happiness, is the basis of moral law 4: Further, even were there any universal desires among human beings, those desires would, as empirical, be merely contingent and thus unworthy of being the basis of any pure moral law 5: No particular conception of happiness can be the basis of the pure principle of the state, and the general conception of happiness is too vague to serve as the basis of a law. This explains why happiness is not universal, but not why freedom is universal. Still, the universality of political freedom is linked to transcendental freedom. Since every human being does enjoy transcendental freedom by virtue of being rational, freedom of choice is a universal human attribute. And this freedom of choice is to be respected and promoted, even when this choice is not exercised in rational or virtuous activity. One might still object that this freedom of choice is incapable of being the basis of a pure principle of right for the same reason that happiness was incapable of being its basis, namely, that it is too vague in itself and that when specified by the particular decisions individuals make with their free choice, it loses its universality. Kant holds that this problem does not arise for freedom, since freedom of choice can be understood both in terms of its content the particular decisions individuals make and its form the free, unconstrained nature of choice of any possible particular end 6: Freedom is universal in the proper sense because, unlike happiness, it can be understood in such a way that it is susceptible to specification without losing its universality. Right will be based on the form of free choice. The very existence of a state might seem to some as a limitation of freedom, since a state possesses power to control the external freedom of individual citizens through force. This is the basic claim of anarchism. Kant holds in contrast that the state is not an impediment to freedom but is the means for freedom. State action that is a hindrance to freedom can, when properly directed, support and maintain freedom if the state action is aimed at hindering actions that themselves would hinder the freedom of others. Such state coercion is compatible with the maximal freedom demanded in the principle of right because it does not reduce freedom but instead provides the necessary

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background conditions needed to secure freedom. The amount of freedom lost by the first subject through direct state coercion is equal to the amount gained by the second subject through lifting the hindrance to actions. State action sustains the maximal amount of freedom consistent with identical freedom for all without reducing it. Freedom is not the only basis for principles underlying the state. The freedom of every member of the state as a human being. The equality of each with every other as a subject. The independence of every member of a commonwealth as a citizen. The direct link to action comes when pursuing that autonomously chosen conception of happiness. Equality is not substantive but formal. Each member of the state is equal to every other member of the state before the law. Kant exempts the head of state from this equality, since the head of state cannot be coerced by anyone else. This formal equality is perfectly compatible with the inequality of members of the state in income, physical power, mental ability, possessions, etc. Further, this equality supports an equality of opportunity: Independence concerns citizens as subject to laws they give themselves, i. While this principle appears to require universal democratic decision making for particular laws, Kant instead understands this principle on two levels, one of which is not universal and the other of which is not for particular laws. At one level, that of participation in determination of particular laws, citizenship does not extend to all. Kant excludes women and children, weakly claiming that their exclusion is natural, as well as anyone who lacks economic self-sufficiency. Hence decision making is not universal. At the second level, he claims that all members of the state, as subjects of the law, must be able to will the basic law that governs them. Hence decision making at this level is not for particular laws. Particular laws, in contrast, are to be determined by a majority of the citizens with voting rights, as will be discussed in section 4. Social Contract Kant provides two distinct discussions of social contract. One concerns property and will be treated in more detail in section 5 below. This original contract, Kant stresses, is only an idea of reason and not a historical event. Any rights and duties stemming from an original contract do so not because of any particular historical provenance, but because of the rightful relations embodied in the original contract. No empirical act, as a historical act would be, could be the foundation of any rightful duties or rights. The idea of an original contract limits the sovereign as legislator. The consent at issue, however, is also not an empirical consent based upon any actual act. The set of actual particular desires of citizens is not the basis of determining whether they could possibly consent to a law. Rather, the kind of possibility at issue is one of rational possible unanimity based upon fair distributions of burdens and rights in abstraction from empirical facts or desires. His first example is a law that would provide hereditary privileges to members of a certain class of subjects. This law would be unjust because it would be irrational for those who would not be members of this class to agree to accept fewer privileges than members of the class. One might say that no possible empirical information could cause all individuals to agree to this law. If the tax is administered fairly, it would not be unjust. Kant adds that even if the actual citizens opposed the war, the war tax would be just because it is possible that the war is being waged for legitimate reasons that the state but not the citizens know about. Here possible empirical information might cause all citizens to approve the law. The possible consent is not based upon a hypothetical vote given actual preferences but is based on a rational conception of agreement given any possible empirical information. The social contract is not a historical document and does not involve a historical act. In fact it can be dangerous to the stability of the state to even search history for such empirical justification of state power 6: The current state must be understood, regardless of its origin, to embody the social contract. The social contract is a rational justification for state power, not a result of actual deal-making among individuals or between them and a government. Another link to Hobbes is that the social contract is not voluntary. Individuals may be forced into the civil condition against their consent 6: Social contract is not based on any actual consent such as a voluntary choice to form a civil society along with others. Since the social contract reflects reason, each human being as a rational being already contains the basis for rational agreement to the state. Are individuals then coerced to recognize their subjection to state power against their will? A substantial difference between Kant and Hobbes is that Hobbes bases his argument on the individual benefit for each party to the contract, whereas Kant bases his argument on Right itself, understood as freedom

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for all persons in general, not just for the individual benefit that the parties to the contract obtain in their own particular freedom. Republics, Enlightenment, and Democracy Kant was a central figure in the philosophy of the Enlightenment. The private use of reason is, for government officials, the use of reason they must utilize in their official positions. The public use of reason is the use an individual makes of reason as a scholar reaching the public world of readers. For example, the same member of the clergy could, as a scholar, present perceived shortcomings in that very same doctrine. Similarly, military officers can, using public reason, question the value or appropriateness of the orders they receive, but in their functions as military officers, using private reason, they are obliged to obey the same orders. Since the sovereign might err, and individual citizens have the right to attempt to correct the error under the assumption that the sovereign does not intend to err: One might expect from this emphasis that Kant would insist that the proper political system is one that not only allows individuals to think for themselves about political issues, but also contains a mechanism such as voting to translate those well reasoned opinions into government policy. One would be wrong. Kant does not stress self-government. Despotism is their unity such that the same ruler both gives and enforces laws, in essence making an individual private will into the public will. Republics require representation in order to ensure that the executive power only enforces the public will by insisting that the executive enforce only laws that representatives of the people, not the executive itself, make. Kant does, nonetheless, think that an elected representative legislator is the best form of a republic 8: Whether elected or unelected, the moral person who holds legislative power is representative of the people united as a whole, and is thus sovereign. When Kant discusses voting for representatives, he adheres to many prevailing prejudices of the time 8: He holds that a single individual or small group can themselves adequately represent the people at large simply by adopting the point of view of the people. Insistence on a representative system 8: Nonetheless it is clear that Kant holds that such an elective representative system is ideal. Republican constitutions, he claims, are prone to avoid war because, when the consent of the people is needed, they will consider the costs they must endure in a war fighting, taxes, destruction of property, etc , whereas a non-republican ruler may be insulated from such concerns.

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Chapter 5 : Real Revolutionaries

Virginia's day Rule is a procedural rule of court adopted by the Virginia Supreme Court and applies to all Virginia courts. As applied to criminal cases, it gives three weeks after conviction for a criminal defendant to provide new evidence for consideration.

Theory[edit] The examples and perspective in this article may not represent a worldwide view of the subject. You may improve this article , discuss the issue on the talk page , or create a new article , as appropriate. January Learn how and when to remove this template message The word property, in everyday usage, refers to an object or objects owned by a person – a car, a book, or a cellphone – and the relationship the person has to it. Factors to consider include the nature of the object, the relationship between the person and the object, the relationship between a number of people in relation to the object, and how the object is regarded within the prevailing political system. Most broadly and concisely, property in the legal sense refers to the rights of people in or over certain objects or things. Supreme Court Justice and professor of law at the University of Pennsylvania , in and , undertook a survey of the philosophical grounds of American property law. He proceeds from two premises: Wilson traces the history of property in his essay "On the History of Property. That theory was brought to a focus on the question of whether man exists for the sake of government, or government for the sake of man – a distinction which may derive from, or lead to, the question of natural and absolute rights, and whether property is one of them. While he doubts this is so, he nonetheless states: Or was it, by a human establishment, to acquire a new security for the possession or the recovery of those rights? Useful and skillful industry is the soul of an active life. But industry should have her just reward. That reward is property, for of useful and active industry, property is the natural result. Wilson does, however, give a survey of communal property arrangements in history, not only in colonial Virginia but also ancient Sparta. Non-legally recognized or documented property rights are known as informal property rights. These informal property rights are non-codified or documented, but recognized among local residents to varying degrees. Priority[edit] Different parties may claim a competing interest in the same property by mistake or by fraud. For example, the party creating or transferring an interest may have a valid title, but may intentionally or negligently create several interests wholly or partially inconsistent with each other. A court resolves the dispute by adjudicating the priorities of the interests. The term "transfer of property" generally means an act by which a living person conveys property, in present or in future, to one or more other living persons, or to himself and one or more other living persons. To transfer property is to perform such an act. Property rights and rights to people[edit] Property rights are rights over things enforceable against all other persons. By contrast, contractual rights are rights enforceable against particular persons. Property rights may, however, arise from a contract; the two systems of rights overlap. In relation to the sale of land, for example, two sets of legal relationships exist alongside one another: More minor property rights may be created by contract, as in the case of easements , covenants , and equitable servitudes. A separate distinction is evident where the rights granted are insufficiently substantial to confer on the nonowner a definable interest or right in the thing. The clearest example of these rights is the license. In general, even if licenses are created by a binding contract, they do not give rise to property interests. Property rights and personal rights[edit] Property rights are also distinguished from personal rights. Practically all contemporary societies acknowledge this basic ontological and ethical distinction. In the past, groups lacking political power have often been disqualified from the benefits of property. In an extreme form, this has meant that people have become "objects" of property – legally "things" or chattels see slavery. More commonly, marginalized groups have been denied legal rights to own property. These include Jews in England and married women in Western societies until the late 19th century. The dividing line between personal rights and property rights is not always easy to draw. The question of the proprietary character of personal rights is particularly relevant in the case of rights over human tissue, organs and other body parts. For example, government intervention that

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controls the conditions of birthing by prohibiting or requiring caesarian sections. Whether and how a woman becomes pregnant or carries a pregnancy to term is also subject to laws mandating or forbidding abortion, or restricting access to birth control. English judges have recently made the point that such women lack the right to exclusive control over their own bodies, formerly considered a fundamental common-law right. Also in the United States, it has been recognised that people have an alienable proprietary "right of publicity" over their "persona". A particularly difficult question is whether people have rights to intellectual property developed by others from their body parts. In the pioneering case on this issue, the Supreme Court of California held in *Moore v. Regents of the University of California* that individuals do not have such a property right.

Classification[edit] Property law is characterised by a great deal of historical continuity and technical terminology. The basic distinction in common law systems is between real property land and personal property chattels. Before the mid-century, the principles governing the transfer of real property and personal property on an intestacy were quite different. Though this dichotomy does not have the same significance anymore, the distinction is still fundamental because of the essential differences between the two categories. An obvious example is the fact that land is immovable, and thus the rules that govern its use must differ. A further reason for the distinction is that legislation is often drafted employing the traditional terminology. The division of land and chattels has been criticised as being not satisfactory as a basis for categorising the principles of property law since it concentrates attention not on the proprietary interests themselves but on the objects of those interests. Real property is generally sub-classified into:

The general principle is that a person in possession of land or goods, even as a wrongdoer, is entitled to take action against anyone interfering with the possession unless the person interfering is able to demonstrate a superior right to do so. In England, the *Torts Interference with Goods Act* has significantly amended the law relating to wrongful interference with goods and abolished some longstanding remedies and doctrines.

Transfer of property[edit] The most common method of acquiring an interest in property is as the result of a consensual transaction with the previous owner, for example, a sale or a gift. A person may also obtain an interest in property under a trust established for his or her benefit by the owner of the property. It is also possible for property to pass from one person to another independently of the consent of the property owner. For example, this occurs when a person dies intestate, goes bankrupt, or has the property taken in execution of a court judgment.

Priority[edit] Different parties may claim an interest in property by mistake or fraud, with the claims being inconsistent of each other. For example, the party creating or transferring an interest may have a valid title, but intentionally or negligently creates several interests wholly or partially inconsistent with each other. In this section "living person includes a company or association or body of individuals, whether incorporated or not, but nothing herein contained shall affect any law for the time being in force relating to transfer of property to or by companies, associations or bodies of individuals.

Lease[edit] Historically, leases served many purposes, and the regulation varied according to intended purposes and the economic conditions of the time. Leaseholds, for example, were mainly granted for agriculture until the late eighteenth century and early nineteenth century, when the growth of cities made the leasehold an important form of landholding in urban areas. The modern law of landlord and tenant in common law jurisdictions retains the influence of the common law and, particularly, the *laissez-faire* philosophy that dominated the law of contract and the law of property in the 19th century. With the growth of consumerism, the law of consumer protection recognised that common law principles assuming equal bargaining power between parties may cause unfairness. Consequently, reformers have emphasised the need to assess residential tenancy laws in terms of protection they provide to tenants. Legislation to protect tenants is now common.

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Chapter 6 : Natural Law and Human Motives | Intercollegiate Studies Institute: Educating for Liberty

The transients: joiners. On the continent-ocean: men move in groups --The organizers --Community before government --The natural law of transient communities: claim clubs and priority rule --The natural law of transient communities: vigilantism and majority rule --Leaving things behind --Getting there first --The democracy of haste --pt. 3. The upstarts: boosters.

March 10, Once again we see a resurgence of interest in intentional communities and in Utopian experiments in living communally. Even Time Magazine is advocating such ways of living as a solution to the problems of modern living. Over the last ten years I have made forays into alternative living; finding and testing out Utopian intentional communities. My intention was originally to escape from the dog-eat-dog world of capitalism and join one such community. However the results of these life experiments threw up a body of evidence that, I feel, disproves the viability of such forms of living. The following are observations from residential visits to the Findhorn Foundation, Scotland, an ecological communal farming community on the border between Scotland and England, and an anarchist commune in Wales, with further observations on Auroville, India, Esalen, California and the history of Utopian attempts since the middle ages. Intended as evidence of what can go wrong within communal living experiments, these points may also shed some light on why hundreds of such communities since the 19th century did not survive beyond one generation and frequently collapsed after only a few years. It is hoped that lessons can be learned from honestly admitting to these failures. The Communities Both Findhorn and Auroville were established as separatist Utopias, retreats from the western world, created in the s. Bound together by loose aggregations of diverse belief systems these were intentional communities “communities forged not by history, culture or clan but by the intention to be self-sustaining Internationalist Utopian communities. While many such ventures failed intentional communities since the s have now shrunk to worldwide in the last 30 years these are now two of the largest spiritual centers in the world. They have large residential communities of around each, while at the same time supporting themselves by running courses for numbers of visitors Findhorn has 1, paying guest per year and Auroville over 50, visitors. Both communities originated from the mixed bag of ideals within the hippie era, but have now developed ways to survive within capitalism. Both have moved away from self-subsistence as a means of economic survival towards what could be termed Spiritual Tourism or Spiritual Education. On their own terms, they are thriving, however, viewed through the prism of their own claims about themselves and their founding beliefs, they have problems. And not only that, they have problems in common, which are shared with other intentional communities and this is evidence that these kinds of issues are systemic and intrinsic and maybe even foundational to intentional communities. The following are things I have diagnosed from first-hand observation that go wrong when we try to turn Utopia into a real location. This was also the justification that the hippies used for practically everything. The theory goes like this: Instead of acting in the world, all you have to do is become a peaceful, non-violent person “a model human, and others will follow your model. This is how you change the world, by focusing entirely upon yourself. Ironically, intentional communities also make a lot of money from self-discovery courses. The many divergent and different countries of the world are not going to adopt the standards of intentional communities so this whole idea of being self-perfecting model humans is myopic and even narcissistic. It is also a way of thinking only in terms of intentions and not of consequences. You may declare outstanding universalist intentions for world peace, but what are the actual consequences of twenty people in the western world deciding to go on a fast in protest against GM crops? What are the consequences for the Global economy of people in the west dropping out of the consumption cycle and growing their own vegetables? And this narcissism is self-reinforcing as the failure of the rest of the world to adopt all your choices and opinions, become just more evidence of how ethically superior you are. Those who use organic food as a metaphor for self-perfection fail to grasp that not everyone in the world can afford to eat or grow organic vegetables and to drop out of capitalism: Ergo “perfecting

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yourself is a minority pursuit which would actually have damaging repercussions if adopted by society at large. No Lawyers Please” The Utopian Door Police The idea that intentional communities will only permit the entry of certain kinds of people has a long history and may have its roots in monotheistic religions which have a Heaven for those without sin, or further back within the Greek idea of Elysium, home of the Demi-Gods and heroes regular mortals excluded. While in the Solarian City, sodomites are punished with death, social engineering also takes place: The Thought Police and doublethink of Orwell is just the negative face of what in the history of Utopianism is seen as a positive force. The overriding idea is that if Utopia is attempted without the very best and most ethical of the species without behavioral engineering, mind alteration and eugenics, then new members will carry in contamination from the old world and destroy the Utopia. The body can be managed, punished and changed whereas the outside world cannot. Food is usually prepared collectively with people with little or no experience of cooking taking turns on rota. In Findhorn, ironically, vast amounts of vegan mayonnaise and ketchup are used to fill in for the lack of flavor. This creates feelings of guilt. People talk more than in any other community about how much they miss their decadent old treats” chocolate biscuits, meat, potato chips, sauces etc” and they pride themselves on how well they are resisting the urge for such temptations. Like medieval doctors discussing the consistency of excrement, looking for signs of spiritual improvement, such conversations are not uncommon in intentional communities. Diet becomes a signifier of moral superiority. Thus macrobiotic vegans are at the top of the pecking order, with vegetarians in the middle and carnivores are very often not even permitted entry to the community. The Purity Race to the Bottom As intentional communities are some of the only harbors left for people who are essentially craving the same experiences that led people in past eras to severe asceticism, to vows of silence, to the abandonment of all property, the punishment of the mortal body or to becoming anchorites, people who are drawn to such experiences are revered and protected within intentional communities. One of the problems of this is that the proximity to those who are involved in self-punishment-unto-death leads the other members of the community to revere these people too highly and to feel guilty that they too are not making enough sacrifices” that they are too tied to bodily pleasures and modern inventions. Thus, in Community X, there have been those who have rejected modern medicine, and who have become severely ill as a result. Also, diets geared towards austerity and partaking of the minimum for daily sustenance are not good for growing children, and having an entire community living on very low energy, a state of exhaustion is not good for morale or for communication, either with each other or with outsiders. When self-imposed suffering and refusal of all pleasures becomes the goal of a community, it accidentally triggers conflict within its ranks. Those who are suffering from lack of sustenance, are want to accuse others of hiding forbidden foods, partaking of forbidden pleasures. Forms of envy and craving are twisted into an ever more austere puritanism, and witch hunts of those who are not behaving and consuming austere enough begin. This race to the bottom towards the way of life of the most austere, can begin simply, with say a vegetarian community bending towards the dietary needs of vegans for all communal meals, out of respect for the higher austerity-factor of the vegan diet. Then, those who are involved with the more ecological practice of macrobiotic eating, can complain that the vegan diet is dependent upon expensive imports, which create carbon emissions in shipping, etc so then the community attempts to be both Vegan and Macrobiotic” eating only that which can be grown within the community. This is the danger when austerity is elevated above natural bodily needs and a community can quickly amplify austerity into a competition, in which those who eat least and eat the most austere food are seen as having more spiritual currency. She was found dead in the mountains of the remote Scottish Highlands. Entropy Projects get abandoned in intentional communities. As individual inner motivation and goal orientation are frowned upon, projects lose energy very quickly and are often even sabotaged by others. Rooms packed full of junk with a hand-drawn sign on the window that reads: These places become cluttered with half-completed art projects and abandoned attempts at making extra money through crafts or home produce. In Community X for example, I witnessed an abandoned attempt at digging a well, an abandoned reservoir, a broken polytunnel, an abandoned tractor and an abandoned plan to rebuild

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stone houses, to enable the inhabitants to move out of caravan living into more stable housing. Everything lingers in a non-judgemental state of entropy and sinks into decay, while nature, time and the outside world gallop onwards. He meant this critically, in the sense that all Utopias are burdened by the need to stick to one single plan without divergence and that this leads to stagnation. The economic and existential stagnation that is seen everywhere in communist countries, and that leads to their demise, is apparent on a micro scale in intentional communities. Failure comes from failure to admit failure. There is one other great de-motivator: Although they may not like to admit it to themselves or to others, people in intentional communities also smoke a lot of weed. The sheer number of eco-projects that fail reveals that there is a causal connection between overblown Utopian intentionality, mistake denial and failure. When people tell themselves lies about the actual results of their plans, then bad planning and disappointing outcomes continue and continue to get worse. They also will make no attempt to rectify the miscalculation that led to the lack of food, so the next year the same mistake is repeated again and no back up plans made. In intentional communities, there are outbreaks of hunger, diarrhoea and food poisoning, and rather than blame the root causes, the negatives are transformed miraculously into positives. Mention of power is seen as an oppressive remnant of the outside world, capitalistic brainwashing, etc. People who vote against a motion are slowly coerced and bullied until they fall into line. Problem-solving through consensus-only voting is also extremely slow. Those who continue to disagree with the majority are eventually forced out so that consensus is reached. This also makes it impossible to remove leaders, who, since they have been there since the start, have never been elected. Dissenters cannot even begin to mount an opposition. The experience of even the most anarchist of communities is that, over time, hierarchies do form. When this happens censorship of language occurs and no-one can question those who actually hold power. These elders live in large heated stone houses on the property and there is a hierarchy that descends down through communal wooden houses to communal caravans. As these leaders are not elected they cannot be unelected. The class hierarchy that has developed in a place that insists that everyone is equal can only be explained by investing the elders with higher spiritual stature. As if by symbolic resonance, the issue where this question of power becomes most apparent is that of electrical power. In Community X there are between residents at the bottom of the denied hierarchy who run up immense heating bills through attempting to heat caravans through the long hard winters. In a place which touts itself as an eco-community, such old un-insulated temporary caravans that have become full-time homes burn up much more carbon than a regular house and fail the insulation and safety standards guidelines set by the EU. Caravan dwellers have then to turn to cheaper gas heating which places them in serious danger from carbon monoxide emissions. The anti-individualism also magnifies the status of leaders. This was clear in Findhorn, with the leadership of Eileen Caddy, who was treated like a demi-god with quasi-supernatural powers. Snuffing out individualism and permitting only positive-group-speak results in only conversations and actions which cause no offense to anyone and which only everyone will understand. Dumbed down, petty, small talk about the daily activities is commonplace, as is covert bitching and banal repetitions of positive expressions, mantras, quotations learned by rote, etc. This has been reported as a problem among communitarians since the 1960s. In any community where equality is enforced, people with talents and unique qualities tend to be shamed into acting with less ambition and into suppressing their talents. If you are good at singing, or writing or gardening, you will make others who do not share your talents feel inferior, so in the interests of equality and peaceful co-habitation you must be less good at what you do and pretend not to be passionate about it. The result is a race to the bottom in mediocrity in which the people who are good at nothing enjoy watching all the talented people sink down to their level. People with artistic talents are particularly targeted. As a result of the envy and resentment that creative people create, these people are told they must run workshops and share their art skills. In this way the real threat caused by the artistically talented is defused and suppressed and mediocrity reigns. Witness the communally painted rainbow murals and hand-print group paintings that are found within intentional communities. Kitsch is more than merely mediocre or lazy art, it is the deliberate stamping out of all individual self-expression. Jokes usually are based

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on confessions of inadequacy and personal failings, on prejudices and unfortunate moments in life, embarrassments and so on. However, all such negativity is outlawed and as a result humor vanishes from the intentional community. Many multi-faith organizations actually frown upon humor and laughter. Eventually humor becomes feared.

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Chapter 7 : Russell Kirk's Unfounded America | Intercollegiate Studies Institute: Educating for Liberty

Natural law can tell us what proper law is; what law should be. Take away the word "really" from your question: one can posit law that contradicts natural law, and it is absurd to deny that a law is a law.

The author does more analysis and theorization than laying out events or facts. The author is completely free of the shackle of "political correctness". Under his pen, anyone or anything, even including those deemed as demigods, heroes, idols, sacred doctrines by the common views or traditions, can be dissected, demystified, criticized, ridiculed, without mercy. The comments are somewhat on the cynic side and occasionally overstated, but the book is certainly very thoughtful and thought-provoking.

The Versatiles New England 1. The sea was very important. It was the first place where community began to form on the ships coming over. Fishing became the main industry of Massachusetts Bay like tobacco in Virginia and cotton in the South. After the Revolution the sea allowed an endless search for new markets for old commodities and vice versa. Samuel Shaw the first American ship to China--ginseng exports began. The great resource in NE was the resourcefulness A. The great resource in NE was the resourcefulness of the people they had no crop to raise. Food spoiled very quickly in the hot American weather. The growth of cities put people farther away fresh food and there was a great increase and use of iceboxes. He had to create a market for cold products and encouraged a taste for cold drinks. He solved the technical problems of building an icehouse. He experimented with insulating material in Havana. His exports reached as far as India. Granite was cut by drilling holes and making a cut between the holes for square granite. This was the key technique. The Bunker Hill monument was the first time these new techniques were used on a large scale. The American System of production born from ingenuity resourcefulness, scarce labor, vast materials, abundant water power, growing markets. While the new processes were known in England they could not overcome the tradition bound ways of doing things separate. In England each process in textile production was done by a separate producer spinner, weaver, dyer, printer. All of this was done under one roof in America b The new factories also appeared because there was a lack of craft knowledge in America. The Lowell system dealt with a new way to house factory workers. The Lowell girls would spend a few years in the factory to earn a dowry. The uniformity system allowed products to be produced without a great deal of specialized knowledge firearms production. Government subsidy was essential to establishing the American System. New Englanders developed an American system of law as distinctive as the American system of manufacturers. NE lawyers were imaginative importers, rather than bold or original inventors. A main feature of NE public life was its abundance of reform movements. Municipal city reform like street cleaning, water supplies, sewage system, Dorothy Dix reform of insane asylums. Education for blind and deaf. Social reforms like temperance. Union reform allowing workers to unionize. This was the new space-free man the joiner. The other type was the upstart or booster 1. On the continent ocean men moved in groups. The lone traveler is a myth. People needed community and traveled in groups. The settlers went together. The few explorers did go alone. The travelers needed others for protection to corral the wagons on the Sante Fe trail. These were the leaders of the traveling communities. They had to organize the various facets of a trip. These organizers often later moved into areas of politics. A kind of Mayflower Compact was made by each group traveling west. Laws were made quickly. There were only a few easily understood crimes. The key forces which shaped these governments were 1 majority rules. Natural law of transient communities claim clubs and priority rule: How could Western claims be established? The claim clubs could establish residence before an actual surveyor came. These were mostly awarded on first arrival basis. This priority function caused men to hurry West. Vigilantism also grew in these communities without government. The transients left many things behind in their past. The Westward movers had to travel light. Space and weight had to be conserved for food and water. Women were most commonly left behind. The mining camps were mostly masculine. A technology of haste

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developed. John Fitch made the 1st US steamboat. The Watt and Boulton engine was also used by Oliver Evans for industrial work. A great number of steam boats had accidents on the Mississippi. Explosions were also common. The RR made a path of settlement. The RR was a technology of haste, of progress, Ex. The first transcontinental RR each company was allowed to build as much east or west as they could until they met up and they were paid my the mile. This fast construction left little room for safety or comfort accidents were frequent. This was like our auto accident rate in the 20th not much public outcry. The American RR had to run on steep grades and sharp curves. Jarvis built the Bogie truck 4 small wheeled truck to support the forward end of the locomotive. English built for the future--strong and sturdy. Americans built for the present. Fast, week, and unstable. The democracy of haste: When the transients settled down they became upstarts or boosters. The business man was a distinctive product of the New World. Seeking to interfuse public and private property. William Ogden the 1st mayor of Chicago was a great booster public improvements like a drawbridge, canals, RR, water and sewage system, parks. The upstart cities in America were cites without a past. The first task of the printer was to bring into existence a community in which the newcomer could survive. They hoped to attract settlers and justify the cities claim as a separate region. Hotels were a distinctive American place. They were places of the public. New indoor bathrooms, lighting techniques, electricity. The reading rooms here predated the public library. People ate in a large room with other people. This was a way of life for Americans, quick community. Under pressure to build houses quickly with few skilled carpenters the upstarts invented new ways of building. Balloon Frame is the pejorative name because it was supposed to be too light to work. It was dependent on the mass production of nails. This was one of the central institutions for the city. The early colleges were extensions of churches. The Rooted and the Uprooted Southern whites--rooted in their production system-- and blacks--uprooted from Africa 1. How the planter lost his versatility:

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Chapter 8 : philosophy of law - Why would all law be positive law? - Philosophy Stack Exchange

the doctrine that all events, including human action, are ultimately determined by causes external to the will.

The sanctuary movement has been around for more than 3, years, but its emerging institutional form is an adaptation to current conditions. Sanctuary for Central American refugees actually began as a day-to-day response to arriving refugees. None of us realized what we were getting into. In April, I knew and cared little about Central America. For example, I could not have named the archbishop who had been murdered the year before in El Salvador. I did know quite a bit about the borderlands between New Mexico and Organpipe, south to Huachinera and the Yaqui River, having ranched, cowboied, horse traded, worked for both the Forest Service and the Park Service, and guided student groups in the area, but I took the fence for granted and had never been particularly interested in border problems. The only time I had ever gone over the fence was to stop a grass fire in Mexico that threatened the Coronado National Memorial. The following day I went looking for him. The day after that, having learned that refugees were pouring across the border but were being caught and returned by federal officials, my wife Pat and I set up an apartment for them in our home. It was soon jammed full. Assuming that life-and-death crises of this kind are always short-term emergencies, we held nothing in reserve, but in the course of the next few months we began to realize, as our energy and resources dwindled, that the emergency was chronic and the crisis in Central America may be no more than the beginning. Similar experiences were occurring in churches and homes throughout Mexico and along the length of the border. When Central Americans are desperate, they usually go to a church. In Mexico and along the border, parish priests, church secretaries, sacristans, catechists--all who spent much time at a church--were likely to be asked for help, and the help the refugees needed was, above all, protection from capture by government officials. As church workers met refugees and learned why they were fleeing El Salvador and Guatemala, they also began reaching out to them and offering them shelter in their homes. Southside has no fancy rugs, bejewelled crosses, or other valuables that the refugees might ruin or steal. Until I set out to look for that Salvadoran refugee, I knew no clergy and next to nothing about organized religion. I had grown up in Wyoming, with an outlook that could be characterized as pagan redneck. In my late twenties, though, I had turned Quaker--which involved a change of direction rather than a change of beliefs. When I learned what was happening to the refugees, the Quaker network was the only one I knew that would be capable of a nationwide response, so I began alerting Quaker meetings. Here is some of what I wrote on 12 May and mailed out to about meetings and individual Quakers throughout the United States: The creation of a network of actively concerned, mutually supportive people in the U. Letter A refugee support network began to appear even where no refugees had yet arrived, and relays formed to help them reach any part of the United States or Canada. John Fife, the pastor of Southside Presbyterian Church, had a good deal to do with informing and mobilizing Presbyterians nationwide to provide most of the initial communications and material support. Quakers tended to do much of the relaying. The sanctuary network was really already established and ready to serve, in every denomination that became involved, and existing interfaith associations helped link the denominational networks. It was simply the church being the church, but it soon became a recombinant "church" beyond the fullest ecumenical sense of the term. Our language has no word for the community of faith communities that has emerged as we have joined to provide sanctuary. As it turned out, though, during those first weeks of network development, the group that was most involved in helping refugees arrive safely in Tucson was not a religious organization but a goat-milking cooperative. We called ourselves "Los Cabrerros Andantes," which is a multiple play on words that indicates a recognition of our kinship to the archetypical caballero andante, Don Quixote de la Mancha. We had just completed a three-year exchange with semi-nomadic goat ranchers in the Baja peninsula, adapting bucks capable of siring more productive does to the range and herds between Mulege and La Purisima. Here is how we understood this exchange, as I had written about it in for The Dairy Goat Journal in an article on the goat cheese economy of the South Baja sierras: There is another kind of economic

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development that is an aspect of community growth rather than political subjugation or technocratic alienation. Most of the time, most of us love life; we want to meet and know others--other people, animals, plants, lands--and, regardless of mixed motives, we care about those we come to know. Meeting, knowing, and caring, we cultivate symbiotic bonds that enhance the harmony, diversity, and beauty of life on earth. As symbiotics, economic development is the active expression of our love of life; it is human cultivation of the inclusive community that has sometimes been called "the peaceable kingdom. The Dairy Goat Journal August Religio, the Latin word from which the word "religion" is derived is usually traced etymologically to the same source as the words such as "ligament"--the idea of binding together. Religio refers to the binding together of human beings into communities, but I take this limitation to the human to be a matter of focus rather than separability. Treating the place of humankind within nature as though we were a state within a state leads, as Spinoza observed, to endless absurdities and pathological maladaptation. As related to human association, religio is manifested as the civil condition. Religio and civility are, respectively, the active and passive aspects of human bonding into a people. As the Greeks understood it, civil association--the polis--consists of those people who constitute one body in the sense that they settle their disputes through persuasion rather than warfare. Religion translates this condition into communion characterized by love, and politics translates it into solidarity characterized by a common enemy, but as civil association it means that, no matter how thoroughly we come to despise one another or to pursue irreconcilable goals, we will not resolve our differences by means of violence. As civility, sanctuary revises the way Europeans have understood the relation of religio to the state, government, politics, and civil society during the last four centuries. We are accustomed to thinking of the nation-state as the political form that contains civil association. Unless we live here in the borderlands. Here, those our government calls aliens are often people we know as family, friends, fellow communicants, co-workers. The reason that Dred Scott could, in the words of Chief Justice Taney, be "bought and sold, and treated as an ordinary article of merchandise and traffic, whenever profit could be made of it," was that the Supreme Court considered blacks to be aliens imported into the body politic. It separates what have come to be conceived as two different worlds, the First World and the Third World. If the observance of basic human rights becomes institutionally rooted in the borderlands, these worlds will merge. They will merge because this country we call "the borderlands" is not a place between two worlds but is defined by the fault line that is its heartland. It has no outer boundaries. The fault line is created by conditions that may lead to a radical fissure rather than fusion. In contrast to efforts in the name of universal human rights to extend civil association beyond national boundaries, the national security state internalizes the rule of war that prevails among nations. In the name of national security, it overrides constitutional restraints that are essential to civil association and the rule of law. The fact is, whether we consider civility or friend-enemy divisions, national boundaries no longer serve very well to segregate the rule of law from the rule of war. Subordinating human rights to the national interest as seen through a rigid friend-enemy ideology creates an underclass of people who are below the law. Here in Texas, I once tried to comfort a woman who had been raped and then sold to be used as a prostitute. At the risk of being knifed by the man who bought and imprisoned her, local citizens had helped her escape. At the risk of being prosecuted by the federal government, we then saw to it that she reached her family in Los Angeles. A few blocks from my home in Tucson, I once spent the small hours of the night searching for accident victims who were hiding from ambulance attendants and police. When I found them, I then had to locate doctors who would set their broken bones without informing the police. Even where the local government declares sanctuary, which means that undocumented refugees can safely contact the police or other emergency services, they live in constant fear that someone will report them directly to the INS [Immigration and Naturalization Service]. Anyone can exploit this fear. They are below the law because little that could happen to them would be worse than capture. Undocumented refugees in the United States form a significant portion of an underclass that is below the law. Increasingly, the undocumented poor are politically-targeted refugees, a social class that is systematically subjected to the violation of basic rights to life, liberty, and dignity. This saying has been around ever since some Border Patrolman noticed that catching

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people and putting them back on the other side of the fence fails to prevent them from trying until they get through. In the past, Border Patrol agents adjusted by learning to think of their job as a game, no more absurd than running back and forth on a football field. But it is now taking on a new seriousness as the national security state insists this is no game but a form of war: The control and integrity of our borders is at stake; the undocumented poor are invaders; the border is a frontline that must be militarized. The Immigration Act increases the stakes, pushing un-documented workers more definitively below the law, making them the property as well as the prey of coyotes who link their need for employment to the market for their labor. Whenever a worker is below the law, the relation of subjugation-and-dependency between employer and worker is clearly that of master to slave. This is, in fact, the definition of slavery, as formulated by the ancient Greeks and reaffirmed in the Dred Scott decision: Slaves are persons within the body politic who are not protected from arbitrary detention, assault, and exploitation. This suggestion ignores the fact that the state itself is the primary threat to the rule of law. Government officials will insist that sustained civil initiative is always unnecessary and is therefore criminal behavior--that it is "civil disobedience" at best. Even those who engage in civil initiative often assume it is civil disobedience. Conceptually, this confusion is the primary obstacle to the maturing of civil initiative into a fully functional, constitutionally integrated institution for the protection of human rights. Even when civil disobedience assumes some of the functions of civil initiative, it is conceived in terms of opposition to unjust laws rather than compliance with supreme laws of the land that mandate the protection of basic rights. In its Gandhian form, its accountability to the legal order is close to that of civil initiative. But, having evolved to overturn laws or even topple governments, civil disobedience is maladapted to serve as a surrogate for civil initiative. Much that would be appropriate as civil disobedience to nullify unjust laws tends to destroy the very laws that civil initiative strives to preserve. Much that would be reasonable as a pre-revolutionary strategy to overthrow the legal order would be irrational as a practice for extending the rule of law. Indiscriminately fused with civil disobedience, civil initiative would become do-gooder vigilantism. Civil initiative means doing justice, not just resisting injustice. This usually requires that we assume governmental functions on an emergency basis. Freedom of men under government is to have a standing rule to live by, common to everyone of that society, and made by the legislative power erected in it; a liberty to follow my own will in all things, where that rule prescribes not; and not to be subject to any inconstant, uncertain, arbitrary will of another man. John Locke had an easy answer: When a government betrays its trust, just shatter civil society and start over. It may seem even easier to veterans of the Sixties who think in terms of street theater. After meeting thousands of victims of civil war over the course of the last seven years, I have come to feel a deep respect for the humanity as well as the realism of Thomas Hobbes. Few disasters are worse than the shattering of civil society. In any case, if we are to extend rather than abandon the rule of law, the easy answers are an evasion. The right to revolt is as irrelevant as the right to lobby. When the life and liberty of human beings are at stake, the situation calls for the protection of those who are being violated--not the overthrow of constitutional government and not the passing of still more laws in hopes that officials will begin complying with them. The accountability of civil initiative is to the rule of law rather than to government officials. It must be tailored accordingly.

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Chapter 9 : Why Utopian Communities Fail - Areo

This distinguishes municipal law from the natural, or revealed; the former of which is the rule of moral conduct, and the latter not only the rule of moral conduct, but also the rule of faith. These regard man as a creature, and point out his duty to God, to himself, and to his neighbor, considered in the light of an individual.

United States -- Civilization -- Boorstin has always done very interesting things with the materials of the American past. Trained as a lawyer, with the sympathies of a historian and the instincts of a sociologist, he has looked at the familiar from unexpected angles. More often he has prospected on territory that others in search of more obvious ores have left unclaimed. Less attracted by past politics than many of his brethren, he has increasingly concentrated his attention on what he calls the American experience. By this he means the way people in this country have lived out their daily lives as, over the years, dramatic changes have occurred in our means of production, communication systems, population distribution and cultural sanctions. Fifteen years ago he published a book that examined the experience of the people in the Colonial period. This was followed in by a volume that carried the record through the Civil War. Now, with the appearance of "The Americans. The Democratic Experience" the enterprise is completed. By any criterion -- size, variety of subject matter, philosophic import -- this is a project designed on the grand scale. The first volume opened as the Arabella made her landfall off Cape Sable on June 6, 1492, as the first American set foot on the moon. Long as is this passage of time, the transit of social and spiritual space is somewhat greater. Almost the first sentence in the first volume is "Never was a people more sure that it was on the right track. In so vast an enterprise, there is bound to be room for claims to correction and pleas for modification of emphasis or judgment. I made a list bearing on matters on which I have some knowledge in the present volume. It cites two errors of fact and indicates places where I wish Mr. Boorstin had said more, a larger number of places where I wish he would have said less, the names of some men I think he should have mentioned and discussed, and certain issues or events on which my opinion was different and presumably more firmly grounded than that of Mr. Boorstin. On reading this list over I decided not to offer it in evidence here. Laid against the imposing achievement of this work it all seemed small-minded and unproductively petulant. And what is the nature of that achievement? Boorstin has, in the first instance, written a big book filled with arresting quotations from past observers of the American scene; delightful portraits of inventors, organizers, go-getters, scholars, con-men, engineers and reformers that he has, often enough, rescued from oblivion; clear and simple description of industrial processes; entertaining reports on customs, habits and states of mind. The range of information is remarkable -- from how a calf is branded or how a noun became a verb to the way soap flakes are packaged or what celluloid did for photography. For all this disparate material it becomes increasingly obvious Mr. Boorstin has effective organizing principles. He concentrates his primary attention on the torrent of goods and services that has flooded through the society in increasing volume throughout the last century. He looks upon the torrential outpouring as a process and sets out to analyze it systematically -- origins, course of development, methods of distribution, rates and measures of consumption and discernible consequences. Along the way he looks at most of the things we have made and bought to simplify and expedite or extend the progress and reach of our daily lives, both the self-evident and the less obvious -- automobiles, phonographs, frozen foods, cameras, cash registers, telephones, glass, elevators, flush toilets, cast-iron radiators, computers; the list is virtually endless. He then looks at the way these things have been distributed, or, increasingly, pumped under subtle pressures into society. From the general store in the small community we are taken to the mail-order houses, the department store, the five-and-ten, the drug store that sells almost everything and on to the contemporary triumph of the supermarket. Along the way, Mr. Boorstin discusses the expansion of credit, the creation of the installment plan, the entrapments of advertising, the development of reliable statistical procedures an especially effective section, all of which when brought together are designed in part to control and in larger part to expand the volume of goods and services pushed into society. The implications of all

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these marketing improvements are nicely suggested in the examination of the modern Christmas as an exercise in the higher symbolism of enforced consumption. From time to time Mr. Boorstin draws back from his descriptions of things and processes to consider possible consequences. One of his principal conclusions is that each new good or service designed, as in a democracy it should be, to simplify the business of living for everyone appears to act often as a subtle force to increase the disengagement of the individual from the previous reality. He is interested in the attenuating influence of each particular. What happens to the sense of the real when a man ceases to bargain over the cost of an article lying before him on the counter and, instead, writes off to buy at the fixed price some article that he has read about in a catalogue? What happens when one exchanges the plot of ground he stands on for 10 shares of stock in a company 1, miles away? What happens when the memory, treasured through the years, of attendance at a single concert by Jenny Lind is displaced by the opportunity to recall the voice of Joan Sutherland on tape at any hour of the day or night? What happens when written words organized within the iron scheme of grammar are supplanted by a newspeak that is without form -- and often void -- and that is transmitted along the waves of the air to everyone everywhere? What happens when the thing itself -- the actual occasion, the real event -- becomes transformed in every household, six and a half hours a day, into a shifting image on a inch tube? And, finally, what happens when certain ineluctable restrictions of nature are broken through by machinery man has made? For the most part Mr. Boorstin is content to have settled conclusions or positive answers on such matters to one side. But every now and then he suggests that the sum of all the attenuating circumstances he offers in evidence is a force that puts everyone into what he calls an "everywhere community. It is a place of non-events and extremely ambiguous portents where action, often enough, is transformed into "experience-at-a-distance. Now, like the Lady of Shalott, we seem "half sick" from the weight of shadows. It is a chilling diagnosis. The support given it by Mr. And the prognosis is yet more chilling. With great ingenuity we have devised a system which produces an incessant discharge of changing goods and services. This system is what we now call a technology. Technology derives its refreshing energy from the ideas of science, and science proceeds by a steady expansion of knowledge. Hence from the continuing excitements of science this technological system has developed a powerful momentum. Indeed the classical separation between thought and action has been broken through. It was "a great designe, and subject to unconceivable perills and dangers. In announcing the first volume in the series 15 years ago, they spoke of Parrington and Beard. Here the comparison is with Tocqueville. And anyway everybody has always fallen short of Tocqueville somewhere and probably always will. The fact is that in this case not only the publishers but all those interested in this country and its future are on to a very good thing. Not the least of his impressive contributions is the fact that in writing this book Mr. Boorstin has recovered so many of the resources of history as a means to further understanding of the present and more intelligent planning for the future.