

# Superior Constitution

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# The paragraphs of the Superior Constitution

## §1: Who has nature-given rights?

All legitimacy is based on not violating *already achieved or directly inborn rights*. Each collection of matter having the ability to perceive happiness/unhappiness has a nature-given right to *pursue happiness* according to its fundamental nature. This includes:

- a) Adult humans (not being under guardianship) plus elements mentioned in §12a. The latter have only indirectly the *right to pursue happiness* according to their constitution on behalf of the happiness-perceiving elements of §1a that directly or indirectly make up their members.
- b) Humans who are not of legal age, included embryos with ability to perceive happiness/unhappiness.
- c) Humans who are under guardianship due to low intellectual capacity, psychical disturbances etc.
- d) Superior animals – wild ones and animals possessed by an owner.
- e) The statements in §1 a-d do not exclude other happiness-perceiving beings that will arise by evolution or human-made technology after the onset of the Superior Constitution.
- f) The State may give extra non-nature-given rights to elements mentioned in a-e as long as this does not violate the nature-given rights of elements mentioned in this paragraph's points a-e. The General Constitution and the Law give further instructions.
- g) Considering limiting cases, the State has to estimate the practical content of the actual right from a best possible objective judicial evaluation ensuring that the nature-given rights of others are not violated. The State is obliged to defend all rights of all elements of §1a-e inside the territory of the State. The practical exercise of this defense is prescribed by the General Constitution and the Law.

## §2: Who does not have nature-given rights?

Each collection of matter that does not have the ability to perceive happiness/unhappiness does not possess any nature-given rights whatsoever. This includes plants and also early human embryos and animals which are not so superior that they have developed a nerve system capable of perceiving happiness/unhappiness, but does not exclude others.

## §3: Violations of rights

An action is punishable only if it is right-violating. Rights may be violated as mentioned in §3a-e:

- a) Initiation of physical/psychical force against elements of §1a, their property or their on-going use of natural resources. i) Physical force includes murder, violence, assaults, rape, vandalism, theft, unauthorized imprisonment, occupation against owner's wish, and hindrance of established use of natural resources. ii) Psychical force is the use of non-physical activity for preventing an element of §1a from using his rational abilities during a choice of action. This includes all forms of non-physical activity *directly* addressed against another individual which this individual clearly has marked that he does not accept or which the performer ought to know that he would not accept, and which this individual has to do something actively to avoid (e.g. threats of physical violence, screaming, scolding, roaring, exaggerated sharp tone, defamation). It also includes swindle and contract breach.
- b) Psychical force also includes activity which, alone or as a participant (§3c) in a sum, inflicts elements of §1a well-founded fear by having significant danger of manifesting into physical

right violations even if such violations do not appear in practice; the danger has to provably exceed a judicially estimated threshold. In this way sincere planning for a right-violating action may also represent psychical force even if no violation is realized. Activity, which is not a call for right-violating action but which others may be affected by to carry out right-violating action, is *not* right-violating.

- c) An action may be right-violating by participating as a part of a sum in a right violation even if the part does not trigger the violation by itself. In order to be regarded as a *participant* it has to be proven beyond rational doubt that the action contributes logically to the right violation beyond the content of §3b, last part. Providing – deliberately or through gross negligence – objects that are subsequently used for a right-violating action is regarded as participation in the right violation if and only if you knew or ought to have known that the objects would be used in a right-violating manner or that the danger thereof was threshold-exceeding via §3b.
- d) Parental omission of developing a child's rational potential as mentioned in §5. Initiation of physical/psychical force against elements of §1b,c which does not contribute to develop their rational potential or to take care of their self-interest. Initiation of physical/psychical force against elements of §1b,c without permission from the parents/guardian except when being necessary for preventing such elements from acutely hurting themselves.
- e) The use of force against elements of §1d suppressing their fundamental natural instincts as mentioned in §6b.
- f) An exception from point a is if there exists an explicit acceptance of such force on beforehand (§11b).
- g) The use of force may be free of punishment in self-defense against physical or psychical force. Such force may only be directed against those who have initiated force. A self-defender may not impose aggressor with exaggerated disproportional consequences compared to the degree of severity of the right violation, and he has to make maximum efforts to prevent third party damage. If so, all responsibility for any third party damage rests upon the aggressor; in the opposite case, the performer of self-defense and the aggressor share the responsibility for the third party damage.
- h) Remaining passively to elements of §1 or their property or right-to-use-objects will never be right-violating unless you on beforehand voluntarily have committed to something else, yourself or your property poses a danger to them, or your efforts are demanded to compensate for a right-violating act that you have performed against them (cf. §4c).
- i) The State is obliged to defend rights mentioned in §3 in accordance with the principles of §1g.

#### **§4: Individual rights of adults. The right to liberty**

A rational being is a being that has the ability to process the sense perceptions by logical thinking in order to choose to perform actions so the being can influence its own destiny through technological evolution and thereby liberate itself from its natural instincts. Happiness-perceiving rational beings have a nature-given right *to liberty* according to the following definition: “*the right to think up and to choose to perform those actions which are necessary in the pursuit of maximization of self-happiness during the life span as long as one does not violate the similar right of others or other nature-given rights or their logical consequences*”.

- a) Elements of §1a are (or function indirectly as) happiness-perceiving, rational beings and therefore, they have the *right to liberty*.
- b) Elements of §1a may not legitimately violate the similar right of similar elements, neither the rights of other elements mentioned in §1. This also applies for the State.
- c) Neither the State nor anyone else has the right to impose any kind of slavery, involuntary servitude or similar upon any element of §1a except as punishment or repair for a right-violating action.
- d) Eventual other non-human rational, happiness-perceiving beings that might arise after the onset of the Superior Constitution will have the similar rights. Such a new rational being must have a nature enabling it to respect the rights of elements in §1 and to carry out its own technological evolution liberating the being from its natural instincts.
- e) The State is obliged to defend the rights in §4 in accordance with the principles of §1g.

### **§5: The rights of children and others under guardianship**

- a) The nature of the child is a potential rational being and thus, a child has *potential right to liberty*. Elements of §1b have a nature-given right *to parents* in the sense that the biological parents (or others who have adopted this function) are obliged to be a leader for the child in order to develop its inborn rational genetic potential into an adult human being who is able to use the *right to liberty* for maximizing self-happiness according to §4. The duty of the parents includes the right to maintenance, care, natural biological development (health), upbringing, and fundamental education.
- b) A parent is a person who voluntarily has accepted the obligations in §5a either by making the decision of producing a baby or by entering into a contract accepting this responsibility.
- c) Elements of §1c have the rights as mentioned in §5a until they can live without guardianship – eventually for the rest of their lives.
- d) The State is obliged to defend the rights in §5 in accordance with the principles of §1g.

### **§6: Animals' rights**

- a) Superior animals have an instinctive, happiness-perceiving nature. According to §1, elements of §1d therefore have a nature-given right *to act in accordance with their fundamental instincts*, but such elements do not possess the *right to liberty* since they are not rational beings.
- b) The State, in cooperation with the most outstanding experts on the subject, shall make a best possible objective judicial estimation of the limits of “*in accordance with the animal's fundamental instincts*” for each species. The Law gives further instructions.
- c) Eventual other rational, happiness-perceiving beings than the humans will have the *right to liberty* if they comply with the criteria of §4d in the future.
- d) The State is obliged to defend the rights in §6 in accordance with the principles of §1g.

### **§7: The right to life**

- a) Each individual of §1a has the *right to life*; i.e. the right to perform those actions needed for sustaining life as long as he does not violate any rights of any element mentioned in §1.
- b) Elements of §1b-c have the *right to life* in the sense that the parents or guardian are obliged to ensure “*survival within the scope of reasonable technology*” according to the principles of §5a.
- c) No contemporary non-human being has the *right to life*.
- d) Eventual other rational, happiness-perceiving, future beings than the humans will have the *right to life* if they comply with the criteria of §4d.
- e) The State is obliged to defend the rights in §7 in accordance with the principles of §1g.

### **§8: Self-determined abortion**

- a) Women have unlimited right to self-determined abortion as long as the embryo's nerve system is not developed in such a way that it has the ability of perceiving happiness/unhappiness (e.g. pain).
- b) After the embryo is developed to a level where it possesses the ability of perceiving happiness/unhappiness (e.g. pain), it is counted as an element of §1b and has rights thereof.

### **§9: Establishing property right and right to use**

Property is a physical or intellectual manifestation arising from the use of the *right to liberty* to process natural resources away from the natural state into a state of increased usability. *Property right* is “*the right to acquire property and to dispose this property as long as the owner does not violate the similar right of others or violates other nature-given rights or their logical consequences.*”

*Right to use* is “*the right to continue an initiated use as long as one does not violate the similar right of others or violates other nature-given rights or their logical consequences.*” This right arises by using the *right to liberty* to initiate the use of an unused and non-owned natural resource or land area without processing it away from the natural state.

- a) Each element of §1a has the right to pursue to work up *property right* on non-owned land areas and natural resources. It is the preparation of the land area that gives rise to the *property right* and not the area in itself. The *property right* may be transferred to other elements of §1a,b,c,e as a consequence of the *contractual freedom* (§11).
- b) Each element of §1a may try to establish *right to use* on non-owned and unused natural resources or land areas. The *right to use* may be transferred to other elements of §1a,b,c,e as a consequence of the *contractual freedom* (§11).
- c) An element of §1a who has a *right to use* on a land area (or similar) – without the existence of other's *rights to use* – may sovereignly convert the area to a state that implies *property right*. If two or more elements of §1a have *rights to use* on the same area, all parties have to agree (cf. §11) if anyone are to convert the area into *property right*.
- d) Establishing *right to use* to professional fishing and hunting on non-owned resources may occur by the ones traditionally having performed fishing/hunting on a particular resource, acquire *right to use* to a part of the annual increase of the actual resource.
- e) Conflicts over who has the right to establish *property right* or *right to use* are settled by the principle “first come, first served”.
- f) It is not possible to achieve *right to use* on property of elements of §1a through continuing use (by prescription); rights on such property may only be achieved through an accepting agreement.
- g) The State does not possess the right to discriminate any element of §1a in connection with §9 with reference to “public considerations”, “the peoples' best”, “the total maximization of happiness” or “just distribution” etc. The State may only intervene if the establishing violates the rights of elements of §1.
- h) When a worked-up property or land area for practical purposes decays to a state similar to the natural state or to a state without increased usability compared with the natural state, the *property right* ceases, and each element of §1a has the right to pursue to establish new *property right* without compensating the former owner. The *right to use* ceases when the initiated use ceases. The practical accomplishing is prescribed by the Law.
- i) The State is obliged to defend the rights in §9 according to the principles of §1g.

### **§10: Property right and free enterprise**

- a) As a consequence of §4 and §9, each element of §1a has the right to acquire property as long as he does not violate the similar right of others or the rights of other elements of §1.
- b) Each element of §1a has the right to manage their property and enterprises (including currency management) as long as they do not violate any rights of any elements of §1. Supported by §3c, such violations also include those which as a part of a sum violate the *right to life, liberty, property or instincts* according to a court's evaluation (including negative environmental disturbances and trade with §1a-elements in right-violating states).
- c) All kinds of expropriation, confiscation, compulsory taxation or similar of elements of §1a are forbidden unless used for compensating one's own right-violations. In extreme situations confiscation may occur via collateral damage (§3g), without being illegitimate by the State, when the State exercises self-defense on behalf of elements of §1 against right-violators, but only for financing the judicial system, Police and military defense (strictly defined) and child welfare services when absolutely all other options of legitimate financing are impossible.
- d) If reduction in the value of an already established usage of a property arises through objectively measurable physical burdens or obstructions from neighboring activity or new constructions, those who caused this have to pay at least full compensation for the loss of estimated market value. If an already established usage of the property *de facto* becomes impossible, the burdens / obstructions have to be prohibited or reversed.

- e) The State does not have the right to regulate private property or enterprises (private currencies included) of elements of §1a with reference to “public considerations”, “the peoples' best” or “the total maximization of happiness” etc. unless the owners voluntarily have signed a contract on this or if a right-violating action has been committed.
- f) The State does not possess the right to prohibit, regulate or break up any company etc. owned by elements of §1a because of dominating market position unless the owners voluntarily have signed a contract on this, or if other elements of §1 are trapped in an essential natural monopoly. The State does not have the right to keep any monopoly where the State prohibit private actors of §1a from competing – except for system of justice, military and Police tasks in a strict interpretation.
- g) The price of a product or service is settled by a contract between the parties (§11). Considering the consumption of a product or service where the price is not agreed on before the consumption starts, the price (and other terms) is to be what the customer realistically could expect at the time point when the seller accepted that the consumption was initiated, i.e. accustomed price for existing customers and average market price for new customers (§11h). This also applies for the use of roads, road nets and other natural monopolies.
- h) A newly established currency may not be inflated significantly more than what is normal for commonly used currencies unless an option for this is very clearly stated in the currency's constitution before it was introduced the first time. Currencies that have been compulsory tender or that have been monopolistic by law (or these currencies' successors) may never be legitimately inflated. Inflation is defined as an increase in the money supply exceeding the increase in real GDP. This paragraph is a consequence of §10g. Violation of this point is to be considered as confiscation of property.
- i) The State may not prohibit any element of §1a to produce, sell, buy or own products or services unless these are to be considered as a direct threat against the rights of third party elements of §1; however, §11f will in special cases strongly be able to encumber transactions of certain products and services.
- j) Elements of §1a has *property right* to outlines of non-trivial product ideas. Therefore, patent rights are legitimate instruments to defend the *property right*, but may be restricted to a certain period of time. The same applies for registered trademarks, design protection and copyright.
- k) According to §3b,c,g the State may regulate acquiring, owning and carrying weapons for self-defense or other activities out of consideration for exaggerated third-party and retaliation damages. The same applies for chemical poisons and biological organisms/molecules that may be used for mass destruction. The State has to estimate the limitation of the right to acquire, own or carry weapons according to the principle of minimizing the sum of dangers of right violations in society. Private armies and Police forces are not allowed since the State has monopoly on these areas. Weapons of war are exclusively permitted for the military forces.
- l) *Property right* to forest does not exist, only *right to use* to forestry (§9b). Therefore, the forester may not prevent other use of the forest that does not violate his forestry, and anyone has the right to move about there. The similar principle applies to other kinds of outlying fields that are not processed away from the natural state. The locals (municipally) may have established a collective *right to use* to walking and recreation (and similar) in non-processed outlying areas through their persistent use for this purpose; such *right to use* is collectively managed by a local foundation (or similar) whose representatives are chosen by the locals.
- m) Given two areas/ real estates a and b that are owned by element A and B, respectively, or which are non-owned without being naturally localized inside an owned area. The area between a and b (or parts of it) is processed by element C (e.g. by building a road, wall or buildings). In such a situation all individuals in §1a still possess the right to move themselves and their movable property between a and b in similar manners and conditions as they would have been entitled to immediately before the processing except that they may have to accept a reasonable detour.
- n) According to §15d, the State may – unless there is a prohibition in the General Constitution or the Law – subsidize whatever activity as long as the funding is not acquired in a right-violating manner.

- o) Testator has unlimited right to decide how his belongings are to be distributed after his death. Paragraphs like those stated in *Contractual freedom* §11c,d,e also apply here. If the deceased has not made any explicit decision on his inheritance, his after-death-belongings are distributed according to a presumptive testament that expresses the most probable will of the deceased at the very moment before his death. Rules for defining presumptive testaments are specified in the Law.
- p) For the whole of §10, where being relevant, it is emphasized that all points under §11 has to be fulfilled in order to claim legitimacy.
- q) The State is obliged to defend the rights in §10 according to the principles of §1g.

### **§11: Contractual Freedom**

*Contractual freedom is “the right to voluntarily renounce some nature-given liberty in the individual pursuit of gaining more happiness in the life-long perspective than complete nature-given liberty is expected to yield as long as one does not violate the similar right of others or other nature-given rights or their logical consequences”.*

- a) Each element of §1a has the right to enter into voluntary, binding contracts with other similar elements.
- b) Contracts where an individual of §1a accepts physical or psychical force as a part of the contract may whenever be abolished by the potential victim without being accused of contract breach. The use of force against the contract partner will be punishable after the withdrawal of the acceptance of force.
- c) A contract that has been entered by the use of physical or psychical force is not valid.
- d) Elements of §1b-c cannot enter binding contracts.
- e) According to §3a and §11c, a contract between elements of §1a is not valid if it is written in such a way or entered into under such circumstances (e.g. not being with all senses alert) that one party is deluded into entering the contract against his rational voluntariness. Such conditions and circumstances are specified by the Law or the practice of justice.
- f) If a contract clause seemingly is very unfair, unusual, dangerous, or liberty-limiting, correspondingly bold information and emphasizing must have been present before the contract entrance in order to be valid. The demands for information and emphasizing also increase with the degree of asymmetry in the information between the contract parties before the entrance. Absence of such information or emphasizing may make the whole contract or parts of it null and void, and if this impose significant damage, loss or hazard upon another contract party beyond his informed approval, it is punishable as well. This paragraph is a consequence of §11e. Such demands are further specified in the Law or practice of justice.
- g) An element of §1a may break a contract without risking juridical reprisals if the contract has such a character and has had such a duration since the last entering that similar conditions as those described in §4c in practice have arisen for this party. The terms are specified in the General Constitution or the Law.
- h) If two parties interact voluntarily without any explicit contract, their interaction is primarily governed by direct logical implications of other parts of the *right to liberty* than the *contractual freedom*. If such logical implications do not exist, the parties are assumed to have interacted on the basis of a presumptive contract defined by what the defendant realistically should expect that the complainant accepted at the time point and circumstances of the interaction.
- i) An “automatic standard contract” is a contract that is specified in a law and is considered to be valid between two or more parties unless the parties explicitly have agreed on something else. The State does not have the right to impose automatic standard contracts since they are considered to undermine the *right to liberty*. All principles that are to have automatic validity without an explicit contract have to arrive as a logical consequence of the *right to liberty* or through presumptive contracts (§11h).
- j) No limitations on the *contractual freedom*, as here described, may occur for elements of §1a.
- k) The State is obliged to defend the rights in §11 according to the principles of §1g.

## **§12: Right to organize**

*Right to organize* means “the right to join organizations together with others and to manage the organization in such a way that one does not violate the similar right of others or other nature-given rights or their logical consequences.”

- a) Each element of §1a has the *right to organize* with other similar elements in order to pursue maximization of his self-happiness by making decisions and effectuate them according to the constitution of the organization. An organization (companies and the State included) has the same rights as adult humans of §1a, unless its constitution tells otherwise, in the capacity of the owners', investors', members' or founders' direct or indirect rights from §1a and §4.
- b) The rights of an organization (companies included) originate from its constitution, and its rights are deduced thereof as a contract between everyone that deals with the organization. Decisions that are made in conflict with the constitution – or contrary to decisions made in accordance with the constitution – may be declared “null and void”. The constitution has to comply with §11. In an “organization” without a constitution all decisions have to be made according to the consensus principle.
- c) An organization is only legitimate if each member may resign whenever he likes. The resignation is not to be accompanied by other obligations than those put down in the organization's constitution (contract) at that time when the member entered the last time or what he specifically and explicitly has signed later on.
- d) A person of legal age has to actively accept a membership if it is to be legitimate. A person of legal age who has been enrolled in an organization as a child has to get a message (with a reasonable deadline, which is stipulated in the Law) from the organization shortly after the age of majority where eventual obligations of continued membership are enlisted. The person may choose to renounce his membership before this deadline without being inflicted any obligations no matter what his parents have agreed with the organization earlier on.
- e) Living together with another person also makes up an organization if they have a contract on their marriage/cohabitation.
- f) Organizations that in practice acts like private armies or Police forces are prohibited since the State has a legitimate and necessary monopoly on these areas. An organization is not to be considered legal if its objective is to violate the rights of elements of §1, to plan such violations, or solicit this in situations where the solicitation may be expected to be realized.
- g) If elements of §1a organize, it does not give them the right to stay on the property (companies included) of another element of §1a unless the owner voluntarily has signed a contract on this, and if so, to the extent prescribed by the contract.
- h) An organization has no obligation to enroll members beyond the prescription of its constitution.
- i) The State is obliged to defend the rights in §12 according to the principles of §1g, but if the organization does not possess a constitution, those individuals representing the organization/company will be held juridically responsible.

## **§13: Freedom of speech**

*Freedom of speech* means “the right to express one's opinion as long as one does not violate the similar right of others or other nature-given rights or their logical consequences.”

- a) Each element of §1a has complete freedom of speech, also when the issue is criticism of religion, ethnicity, race or sex/gender, as long as not being in conflict with §13b,c.



- b) Nobody has the right to express their opinion by the use of physical or psychical force or real threats thereof. Nobody has the right to solicit right-violating actions in a situation where the solicitation may be expected to be effectuated.
- c) Defamations against elements of §1a,b,c or groups thereof are initiation of psychical force and thereby right-violating. Publicly expressing negative views about elements of §1a,b,c or groups thereof where the content can be proven and also is located outside the boundaries of privacy, is not right-violating. Contempt against philosophies, ideologies or religions etc. is not defamation; only individuals can be defamed.
- d) Nobody has the right to use the property of others as a tool or medium for expressing his opinions without the consent of the owner.
- e) The State is obliged to defend the rights in §13 according to the principles of §1g.

### §14: Judicial processing of right violations

- a) An element of §1a violating the rights of similar elements or the rights of others in §1 does not possess the complete *right to liberty* as stated in §4a or logical consequences thereof. The State is to impose the element with the minimum loss of liberty that is necessary for preventing reiteration of the right-violating action. A larger loss of liberty than this minimum is a right violation against the violator from the State. In order to be sentenced to loss of liberty, the guilt of the element has to be proven beyond rational doubt.
- b) The State is obliged to impose the right-violating element of §14a so large loss of liberty and in such a way that the probability of reiteration is minimized. A less and different loss of liberty than this is a State right violation against those who become victims for the right violations arising as a consequence of the too low loss of liberty. A right-violating action is free of punishment if the probability of reiteration in practice is absent.
- c) Following a contract breach the contract breaker shall i) compensate eventual positive values his contract party has been deprived of, ii) compensate eventual negative values he has imposed on his contract party, and iii) possibly be imposed sanctions by the State to deter similar contract breaches in the future (if the deterrent effects of points i and ii are insufficient) but only if it is a premeditated or grossly negligent breach of contract for profit purposes.
- d) Death penalty is always prohibited, with the following exceptions: i) a criminal asks for changing long imprisonment into death penalty, ii) all other options for liberty-restricting punishment involve unacceptable third-party damages, iii) extreme situations where it is physically difficult to keep a dangerous criminal imprisoned (e.g. a chaotic anarchy or war).
- e) Mutilation and handicapping are prohibited as punishment.
- f) Torture and all kinds of physical and psychical force with the objective of getting information or confessions are prohibited.
- g) The State may summon a person to interrogation, if necessary with the use of force, if it is reasonable to suspect him (predominantly probable) for a right-violating action. The State may keep him in custody for a shorter period when the objective is to prevent reiteration, loss of evidences or escape. The Law is referred for further prescriptions.
- h) The State may issue search warrants or set an element of §1a-c under surveillance if it is reasonable to suspect him (predominantly probable) for a right-violating action or for planning such an action.

## §15: The function of the State

The legitimacy of the State appears as a consequence of the fact that the individual has a nature-given right to self-defense of its nature-given rights and the fact the individuals have *right to organize*.

- a) The State is obliged to defend the rights of the elements of §1a through system of justice, Police and military defense according to §1g. This includes being arbitrator in connection with honest disagreement over voluntarily entered contracts described in §11, unless the parties voluntarily have chosen another arbitrator.
- b) The State has a legitimate monopoly on system of justice, Police and military defense since these are prerequisites for the defense of the nature-given rights of the elements of §1. However, the State may allow private companies license to carry out certain security services.
- c) Elements of §1a has the right to self-defense and the right to ask others for help, but the preparation of such defense must not expose other individuals for disproportional anxiety or anything that objectively may be perceived as threats of violence. What kind of tools being legitimate for self-defense are prescribed by the Law in accordance with §10k.
- d) The State is an organization with its nationals as members, and with the basis that the *right to organize* is a nature-given right, the State has the right to do whatever it wants as long as it does not violate the nature-given rights of the elements of §1, i.e. as long as the authorities comply with the Superior Constitution and its subsequent laws. Each element of §1a has a nature-given right to try to use the State in the pursuit of maximization of self-happiness during the life span within the limitation of the Superior Constitution, General Constitution and the Law.
- e) The State is not allowed to perform any kind of compulsory taxation, except for what is mentioned in §10c. Nevertheless, the State may offer products, services, insurances etc. for elements of §1a which they voluntarily may buy from the State. The State may not sell obligatory monopoly services (§15) within the system of justice, Police or military defense.
- f) According to §15d, the State has unlimited right to acquire, own and manage property according to §9 and §10 as long as the property is not acquired by right-violating behavior as described in §3 after the onset of the Superior Constitution. The same applies to *right to use*.
- g) In situations where the State needs to use epistemological principles in its functioning inside the boundary of the Superior Constitution, only optimally rational and scientific principles are to be used. Religious principles may not be utilized.
- h) Limitation on the State's right to property or other liberties may be prescribed by the General Constitution or the Law, but not in such a way that the obligations of the State, as described in the Superior Constitution, are reduced.

## §16: Military defense

- a) The State may use military forces for the defense of its own territory against foreign forces or internal violent elements threatening the constitution. §3g also applies here, and implies that military force never may be legitimately directed against the civilian population, but the civilian population may be a victim of third party damage as a consequence of the aggressor's actions.
- b) The State may participate in military operations abroad if the foreign State being attacked is violating the nature-given rights of elements of §1 in a severe way. The objective has to be to implement a new government that defends these rights in a significantly better way.
- c) The State may participate in military operations abroad in order to help another State that has been attacked by a foreign State and where the assisted State defends the nature-given rights of its citizens in a significantly better way than what the aggressor is expected to do.

- d) The military forces may also be used for helping another State against rebels who fight for a more totalitarian regime than the existing one.
- e) The military forces may not be used for other military operations than those described in §16. The military forces shall never be used if the right violations thereof as collateral damage in the long-term perspective are expected to be significantly larger than what is obtained without the use of military force.
- f) According to §4c, the State may not impose any kind of compulsory military services upon any element of §1a-c.
- g) The Supreme Court hires the top military leaders of all branches of the military. The top military leaders are to swear loyalty to the Superior Constitution and the Supreme Court and nothing else. The top military leaders are to obey the government, but in an acute situation where the government refuses to accept the judgment of the Supreme Court, they are to obey the Supreme Court.

### **§17: Citizenship and access to the country**

- a) A State is an organization where membership is equal to citizenship.
- b) The General Constitution or the Law prescribes who is to be offered citizenship of the State. A person of legal age may whenever he likes renounce his citizenship as described in §12c,d.
- c) No person – national of the State or not – is to be prevented from leaving the State's territory against his will. Exception from this is if he has committed right-violating actions or if he is reasonably suspected for such actions.
- d) The State may not refuse any foreigner of §1a access to the country since all humans have a nature-given right *to liberty* (§4a) regardless of citizenship, race or ethnical origin unless his entry into the country involves threshold-breaking risk of rights-violating actions (alone or in sum with others) or that he has performed or is suspected of rights-violating actions. Based on risk considerations, collective immigration restriction may be imposed on citizens from countries where the support for the idea of respect for the nature-given rights is low.

### **§18: The limitation of the laws**

The State may decide whatever through the General Constitution or the Law as long as the decisions are not in conflict with the Superior Constitution. The State cannot under any circumstances make amendments in the General Constitution or the Law (or otherwise) that express exceptions from the paragraphs of the Superior Constitution unless the legitimacy to do so are directly authorized by the Superior Constitution. No redefinitions of concepts are allowed – neither in law texts or elsewhere – in order to avoid the intentions of the Superior Constitution. Each paragraph in the General Constitution or the Law must contain references to the paragraphs in the Superior Constitution on which it is based.

### **§19: The validity of the Superior Constitution**

The Superior Constitution is deduced from the fact that humans fundamentally are rational beings with the ability to perceive happiness/unhappiness.

- a) The paragraphs of the Superior Constitution may never under any circumstances be legitimately changed – not even by general referendum, resolution in the National Assembly (irrespective of the magnitude of the majority), customary law or by coup d'état. This is because no majority or minority may abolish the fundamental human nature and its logical consequences.

- b) If paragraphs of the Superior Constitution in practice are abolished or changed in spite of §19a, this is to be considered as coup d'état. All direct or indirect cooperation with the perpetrators is punishable.
- c) If the Government or the National Assembly refuses to accept a decision of the Supreme Court, the Supreme Court may dissolve the National Assembly and/or the Government, if necessary by the use of Police and military forces, but not if the expected amount of third-party damages thereof is significantly larger than the long-term right violations from the illegitimate politics.
- d) There is no time-limit for punishment of State violations against the Superior Constitution. State violations against the Superior Constitution may be subjected to criminal prosecution for all future irrespective of how long time has passed since the Superior Constitution in practice was cancelled.

### **§20: Interpretation of the Superior Constitution**

- a) The Superior Constitution shall be interpreted by the Supreme Court.
- b) The interpretation shall occur in a strict, stringent manner from its intention and not from the spirit of the time of interpretation. Contrarily, the Superior Constitution shall form the spirit of time forever.
- c) The Supreme Court is to consist of an odd number of members who are to be elected by the judges of the High Courts, and only by these. The Supreme Court, and nobody else, hires the judges of the High Courts. All decisions in the Supreme Court are made by simple majority. The National Assembly, Government or President does not possess any right to fire or hire the judges of the Supreme Court or in other ways interfere with the work of the courts of justice. Specified rules for the Supreme Court and other courts are given in the General Constitution or the Law.
- d) The Government, National Assembly, President and all other elements inside the jurisdiction of the State are obliged to obey all judgments of the Supreme Court. Disobedience is punished according to §19b, and the Supreme Court may in such cases issue arrest warrants.
- e) Any element of §1a may take a law or other decision made by the National Assembly or Government to the Supreme Court if he claims it to be in disagreement with the Superior Constitution.