

The Truth About Vattel's Description of Societies

dissecting the "definition" of "Natural Born Citizen"
(~correcting a fallacy due to false logic)

The President of the United States is required by the Constitution to be a "natural born citizen", -a term about which there is disagreement concerning its exact meaning. Some presume it's whatever common assumptions assume it to be, including anyone born within the United States. Others look to history, British common law, and the opinions of men of law and government for a definition. While others look to Natural Law.

Lastly, some look to the earliest mention of the term that can be found in an authoritative work dealing with law & government, and that work is known as The Law of Nations by Emmerich de Vattel, a Swiss philosopher who wrote it in French in the middle of the 1700s. In it he describes what a nation is and who populates it, writing that those who are born in a country to parents who are its citizens are its "naturels ou indigenea" English translation: "natural members or natives" but it was published with the translation of "naturels" being "natural born citizens". The problem with that translation is that "citizen" is a concept attached to membership in a nation, i.e., a political union, whereas "naturels" is attached solely to a mostly homogenous group, tribe, or country, similar to or synonymous with "natives",

Consider the island of Japan. Its inhabitants are the homogenous natives of the island. They are the natural members of its society. Its society constitutes the country of Japan. The government and the governed constitute the nation of Japan. Who are the governed? They are the natural members of Japanese society. To call them natural born citizens is a conceptual leap that combines the two concepts of natural social (& racial) membership with that of non-foreign government-recognized official members of the nation, i.e., citizens.

"Citizenship" is a legal distinction, where as "member" is a social distinction. Only members are accurately describable as being "natural", being in contrast to outsiders who are not natural members. "Natural citizenship" combines a social

reality with a legal reality, recognizing that the citizens of the nation are definable not only in legal terms (alien, foreigner, naturalized citizen) but also, almost exclusively, in social terms. That's because almost all of the citizens are natural members of the country and nation of Japan. It has very few immigrants. So "natural citizen" describes those who are citizens via the social means of being born into the society to parents who are members.

The description elucidated by Vattel was acknowledged and incorporated in the first Supreme Court ruling that dealt with American citizenship and women's right to vote. That natural observation, and the court's reliance on it, has been taken by some and canonized into an immutable definition that is the controlling authority over who is and who is not eligible to be President of the United States. The questions are; "what makes that observation authoritative and controlling of the issue, and what makes it even qualified to be described as a definition and not simply a description?".

Logic argues that neither assertions are correct, because being "almost" something is not the same as being totally authentic, -being golden is not the same as being pure gold. Vattel's description is golden, but it is not pure gold, -not because it contains something extraneous, but because it lacks something vital, and that is qualifiers. Qualifiers provide that which every definition requires, and that is specificity. Without specificity a description is not a definitive definition.

Qualifiers are what make the difference between a general description and a true definition. The two qualifiers of foremost importance are "All" and "Only", (lesser non-specific ones are "some" "many", and "most"). Without them the human mind too easily makes leaps of presumption which skip steps that are vital in coming to a factual conclusion.

We are wired to make presumptions because that is the shortest path to forming an opinion and defining a situation, thereby discerning what-is-what and what we should do or not do.

But sometimes our presumption races ahead of our processing of facts in a logical manner and we

make a leap one step too far, coming to a conclusion not warranted by the limited nature of the information we considered. We "jump to conclusions" prematurely. And those conclusions may be incorrect. My purpose in painting this picture is to correct a logic error in the presumption derived from Vattel's description.

In a general description, the avoidance of conceptual redundancy is not important, examples; children are born to two parents; the mother of the kittens was a cat; kittens are cats. Definitions are complicated by redundancy, but they are harmed by ambiguity.

The effect of assuming that the two terms (natives and natural born citizens) are interchangeable and synonymous is that the impression is created that they are necessarily, absolutely synonymous even though there may exist a slight difference in their meaning, a difference only perceived by splitting hairs.

My assertion is that a slight difference exists but its significance is great. So let's split hairs and discern the difference between "natives" and the natural born members of a nation. Only then can logic be the determinant in what a natural born citizen is and is not.

A true definition requires that the thing described has discreet boundaries set around it, -that its limitations be defined. That cannot be done without the qualifiers that provide the specificity of inclusion and exclusion. "All" and "only" must be employed to provide the limits on what is included, and the singleness, (or purity) that results when the extraneous is excluded. Without that specificity, alternate conclusions of what is meant by a description can be drawn. For a precise definition instead of a general description, one must specify with exactness where the boundaries are of what is included and what is excluded.

Example without qualifiers:
Pregnant persons are females. Conclusion: females are considered to be pregnant persons.

Example with qualifiers:
Only females can be pregnant persons, Conclusion: pregnant persons can only be female.

-Some females sometimes are pregnant persons.
Conclusion: pregnant persons are a subset of females and they are not always pregnant.

False logic: Pregnant persons sometimes are female and sometimes not.

False logic is avoided when specificity is employed:

Only females can be pregnant; All pregnant persons are female. All females are not pregnant persons.

The logic error in defining a natural born citizen as necessarily being "native-born" springs from a lack of specificity in regard to the possibility of a birth abroad, but also from an ambiguity in regard to what a native is and is not. While all natural born citizens are natives, and all natives are natural born citizens, what is not comprehended is the fact that not all natives are "native-born" and not all the "native-born" are natives.

We'll address the latter first. Not everyone born on the soil of a people is of that people. Some instead are members of an outside people. If their wives give birth while visiting the land of others, then their child is not a member of the others' group but that of their own. If the wife of a foreign ambassador or diplomat gives birth in the nation in which he is serving, then the child can be called "native-born" in regard to that nation, but can't be called a native, because it's a native of its father's homeland.

It's the same with all transient foreigners whether they be soldiers stationed abroad, be travelers or tourists, be consultants or professionals, teachers, or students, or -marauding invaders.*

Such foreigners cannot father or give birth to native citizens because only native and native-born parents can create new natives. All other children born within a nation's borders must be *nativized*, (-meaning *naturalized*) before they can be citizens. [That naturalization, by law, can begin at birth.] Then one day they can be the parent

of a true native. But transient aliens cannot because they are never "nativized".

If a new mother-to-be gives birth just across the border in the home of her older, more experienced sister, her child would nevertheless be a fellow native citizen of its parent's homeland, but would not technically be a "native-born" native. Instead it but would be a foreign-born native.

If an Australian Aboriginal couple were to deliver a child in the arctic, it would not be a native Eskimo because it's affiliation is derived from its parents and not the land or ice it was born on. It would be an aboriginal native of Australia. But it would not be a "native-born" aboriginal because of its foreign birth location. Native refers to one's nature, while native-born refers to one's birth location.

So all natives are not "native-born" and all the "native-born" are not natives. Some of the "native-born" are foreigners, and some natives are foreign born. Therefore it can also be said that some of the domestically born are not natural born citizens and some natural born citizens are not domestically born.

The descriptions by Vattel and Justice Waite do not include this reality because they were descriptions and not definitive definitions. The natural citizens who were born abroad constituted a tiny fraction of the natural citizen population so there would be no purpose in including them in a general description. [The same can be said about the numbers of the home-born who were not born to natives but to visiting foreigners.]

So the belief that no one who is not domestically-born is eligible to be president because they are not a natural citizen is in contradiction with logic because logic does not require that they be domestically-born. It only requires that their citizenship, -their membership in the American nation, comes from their parents, having been born as Americans.

A born citizen is anyone who is a citizen from birth. They are born into citizenship but that citizenship can be either natural citizenship (inherited

from the parents), or naturalized citizenship (granted by the laws of the government).

If that citizenship is inherited from the parents then it is natural citizenship and therefore can be called *the natural-type* of born citizenship as opposed to the *naturalized* type.

Natural citizens should not be called born-citizens because not all born-citizens are natural citizens. Instead some are born to foreign immigrants who are not naturalized. Their citizenship is not natural, -not passed from the parents to the child, but instead is statutory citizenship via the Civil Rights Act of 1866, which soon became constitutional citizenship via the 14th Amendment (1868), as interpreted by a Supreme Court ruling in 1898.

Natural citizens do not possess constitutional citizenship. They did not acquire or obtain their citizenship by Law. They were by nature citizens when they entered the world. They possess natural citizenship and it is not found anywhere in the Constitution or its amendments.

Natural citizenship is via natural law, and no law exists which grants it because it is an unalienable right.

The framers of the Constitution did not feel they had the right and authority to make statutes regarding rights that are universally viewed as unalienable. That was why they did not write a Bill of Rights into the Constitution. They relied on reason, integrity, honesty, virtue, and reverence for natural law and divine law to protect the People from usurpation of their natural rights by the government. But a less naive view of the benevolence of those who hold power led to the mandatory statement of individual rights that the government and its officials cannot suspend or infringe. But I digress.

The only kind of citizen who can be President is the kind that is born to American parents. It's that simple. If it weren't for multitudinous immigration, that class of citizens might be called the 99%, but now it may be a low as 95%, but the 95% includes children born to the 5,000,000 Americans studying, working, or permanently

living abroad. That may be more than the total number of child-bearing women alive when the nation was founded. [I have a nephew that is one of those Americans who married and fathered a child with a foreign girlfriend/wife. Is his child a natural born American? No, it was foreign born to a foreign mother with a foreign heritage through her]

Does any logical-thinking person assume that they were all meant to be disenfranchised from the natural birthright citizenship that they were born into? -the same natural right possessed by their domestic-born brethren who have the right to run for President if life leads in that direction? Can only the domestically-born be trusted with the Presidency because a birth abroad might make one a traitor? Such an assumption has no principle of logic nor natural law to back it up. It floats in the air suspended by nothing.

It's tethered only by concerns that were never on the minds of the founding fathers. What was on their minds was the very real danger of the Presidency being in the hands of one who was U.S.-born (and foolishly deemed to be a citizen) who could be President even though he was born to a foreign aristocrat with allegiance to his foreign king and who raises his son in his foreign home to be an obedience subject of His Royal Majesty. Such a son could live in the U.S. for 14 years -from the age of 21 to 35, and then run for the office of President and win by throwing around a lot of foreign money. Such a scenario was anathema to the framers of the Constitution.

So a domestic birth gave the founding fathers no assurance that such a "native-born" person could be trusted as Commander-in-Chief. The father had to be an American. If a domestic birth couldn't provide assurance of American loyalty, then could a foreign birth be viewed as a possible source of disloyalty? That question is what this all boils down to. The answer is "No" and here's why.

Suppose you were George Washington and you had proposed to Martha at Niagara Falls. And suppose that some years later you returned with her on your anniversary, and she was pregnant, very pregnant. Suppose that you both wanted to

see the views from the Canadian side, so you crossed-over to that side, but she went into premature labor and delivered a son while on the other side. Then many years later as you were involved in the creation of the Constitution you had to consider what criteria to use to protect the office of the President from foreign ambition. You think about your son. You think "I can't trust someone like him, even though he fought valiantly and suffered enormously to secure our freedom and our future, so I'll require in plain language that no one born abroad shall ever be President."

Would you think this way even though your devoted-American son never visited Canada a day in his conscious life? His birth outside of the U.S. would not have imparted any foreign loyalty into him anymore than a child of an American scientist born in Antarctica would feel loyalty to Antarctica.

Another example; suppose a highly respected statesman is appointed as a foreign ambassador. He moves his family of 11 sons to the nation where he will serve. In time he has 12th son who is just like his brothers. By the time he is old enough to start school the family has returned to the United States where he grows up, schooled in American schools as an American. What justification could logic give for declaring him fit to serve his country in any and every capacity except the presidency? How is he not identical to his brothers and peers who are not among the .001% of foreign-born Americans.

Belief that the founders held a prejudiced view toward the foreign born citizen is absurd and constitutionally unfounded because they allowed those who were foreign-born Americans and foreigner-born immigrants, and foreign-born foreigners among their own generation to be President as long as they were old enough and had lived in the U.S. for 14 years as long as they were citizens. Why were those foreigners allowed to be President? Because their loyalty had been proven in war and tribulation.

So if one asserts that being born abroad makes one's loyalty questionable, then what say you about John McCain? By such figuring the founding fathers expressly intended that such a loyal,

tested-in-battle veteran and son of a Navy Admiral should never be trusted as President unless such a case occurred only during their own experience and not that of future generations. Where is that idea found in the Constitution? Nowhere.

Domestic birth was not the criteria that would instill loyalty to America and the Constitution, it was American fathers. They were the native citizens who owed no allegiance to any foreign power and who would raise their sons with allegiance only to America and its Constitution, even if those sons happened by happenstance to have been born abroad.

The founders were not afraid of one born abroad to an American father, -particularly if raised and educated in his own country. Which is preferable; a domestically born son of foreigners? Or a foreign-born son of Americans? Are both to be equally trusted? Who would you trust to baby-sit your young daughter, -or be her guardian?, -a child of a sibling, or a child of a stranger? Why would it matter where your niece or nephew was born?

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* If a child of such transients, when they are grown, returns to the land where they were born, settles down there, marries and has children there, then their children are true natives because they were born in their country to a native-born father.

The nationality of their grandparents has been rendered irrelevant. That's how it was for my mother and her French grandparents' foreign nationality, and that's how it was for tens of millions of other children born to second generation Americans.