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## Rand takes on the Constitution an objectivist perspective of the United States Constitution

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### Recommended Citation

Robinson, Farin C., "Rand takes on the Constitution an objectivist perspective of the United States Constitution" (2011). *HIM 1990-2015*. 1237.

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RAND TAKES ON THE CONSTITUTION: AN OBJECTIVIST PERSPECTIVE  
OF THE UNITED STATES CONSTITUTION

by

FARIN C. ROBINSON

A thesis submitted in partial fulfillment of the requirements  
for the Honors in the Major Program in Political Science  
in the College of Sciences  
and in The Burnett Honors College  
at the University of Central Florida  
Orlando, Florida

Fall Term 2011

Thesis Chair: Dr. Aubrey Jewett

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## ABSTRACT

Author and philosopher Ayn Rand has gathered a cult like following thanks to her bestselling novels *We the Living*, *Anthem*, *The Fountainhead* and *Atlas Shrugged*. Through Rand's fictional writings she illustrates the principles of her philosophy objectivism. Objectivism employs five principles; objective reality, reason, self-interest, capitalism and individualism as the truths that govern the philosophy. Objectivists believe that their self-reliant philosophy holds the key to all life's answers. This thesis examines the following question: what would the founder of objectivism Ayn Rand think about the U.S. Constitution? Sadly Ayn Rand passed away in 1982 and never expressed her full opinion on how she felt about the U.S. Constitution. However, using the five principles of the objectivist ideology, public interviews done with Ayn Rand during her life time, and the opinions expressed by Rand in her four fictional novels this thesis will deconstruct the U.S. Constitution and the Bill of Rights and then reconstruct them so that they concur with the objectivist philosophy. The purpose of this thesis is to inform readers of the objectivist philosophy and to highlight the differences and similarities between Ayn Rand's beliefs and the Founding Fathers through the Constitution.

## DEDICATION

For the Robinson's for always believing in me.

For Ms. Carolyn Flanagan for introducing me to the works of Ayn Rand.

And to all the people who aren't afraid to be different.

## ACKNOWLEDGEMENTS

I would like to thank my committee members and professors Dr. Carol Bast and Dr. Philip Pollock for their willingness and support in this project. A special thanks to my committee chair Dr. Aubrey Jewett for his patience, guidance and support, without which this project would not be possible. I would also like to thank Ms. Denise Crisafi of Burnett Honors College for always helping me when I needed her. I also give thanks to Barbara Robinson my editor and mother for proofreading my thesis.

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## INTRODUCTION

As Greek legend tells it, at the end of the Titan and Olympian war, the mightiest warrior of the titan army, Atlas, was brought before the King of the Olympians, Zeus, to receive his punishment. Zeus wanted to teach the arrogant Atlas a lesson. So instead of sending him to the deepest pit of hell, Tartarus, like the other Titans, he decided on a far worse punishment. Atlas was forced to bare the world<sup>1</sup> on his back for all eternity. The tragedy of Atlas inspired writer and philosopher Ayn Rand to make a comparison between the great titan Atlas and the great producers of the world. Like Atlas, producers i.e. productive people who build up the world, are also forced to carry its weight. Rand wrote her best selling novel *Atlas Shrugged* on what would happen if the Atlas' of the world shrugged their shoulders, and let the world roll off their backs. What would happen if every one of the world's most intelligent, strong and brave people decided that they would no longer bear the weight of the world on their shoulders and went on strike? What would happen if the great titan himself Atlas stood tall instead of kneeling under the almost crippling weight of Earth? Rand's conclusion has made *Atlas Shrugged* one of the most popular books in history. The novel is a continuous New York Times best seller, and has inspired a motion picture, more importantly it started a movement called **objectivism**. Objectivism is the philosophy behind *Atlas Shrugged*, and for some it's not just a philosophy, but a way of life. The movement has brought forth schools, newspapers, institutes and a bevy of followers who claim to be objectivists. The true objectivist believes that Rand's philosophy can be used to make any decision, decipher any document and essentially change the world. In this thesis, Rand's

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<sup>1</sup> Some myths say the Atlas held up the sky.

philosophy is used to decipher one of the most important documents in United States history: the U.S. Constitution.

## Ch I. Ayn Rand, the Framers, and the Constitution

Ayn Rand wrote: “The Founding Fathers were neither passive, death-worshipping mystics nor mindless, power-seeking looters; as a political group, they were a phenomenon unprecedented in history: they were thinkers who were also men of action. They had rejected the soul-body dichotomy with its two corollaries: the importance of man’s mind and the damnation of this earth; they had rejected the doctrine of suffering as man’s metaphysical fate, they proclaimed man’s right to the pursuit of happiness and were determined to establish on earth the conditions required for man’s proper existence, by the “unaided” power of their intellect, *For the New Intellectual* pg 25.” Ayn Rand was a philosopher, lecturer and writer who invented the popular philosophy objectivism. Rand’s philosophy is typically geared towards economically conscious individualistic intellectuals, like the Framers of the U.S. Constitution. Though Rand was a supporter of the Founding Fathers, Rand had stated inconsistencies and failures within the U.S. Constitution based on objectivism. This thesis will ask and answer three questions. What is the objectivist perspective of the Constitution? On what basis does an objectivist hold these opinions? What would an objectivist do to fix the problems in the U.S. Constitution? This thesis is different from other theses because it explores the rarely ventured area of Philosophical Constitutional Political Science by researching the philosophy of objectivism, constitutional law, case law and the writings of political scholars on similar subject matters. In the past, philosophers have studied Ayn Rand from her literature to her economic opinions. However less attention has been focused on Ayn Rand’s opinion of the U.S. Constitution and her feelings on the Founding Fathers. The thesis begins by looking at the creation of the U.S. Constitution providing the reader with information on why the U.S. Constitution needed to be created and

further understanding of the Founding Fathers and the document they intended to create. The thesis delves into the document that preceded the Constitution, the Articles of Confederation, and its influence on the Framers. An explanation of the actual creation of the Constitution will be provided by an overview of the Constitutional Convention of 1787 and important facts that enabled the document to be created. The thesis will then explore different interpretations of the Constitution focusing on originalism and non-originalism theories. Major disputes and disagreement among the Framers of the Constitution regarding the document will also be covered as evidence of the different opinions that led to inconsistencies in the Constitution.

The thesis will then have a brief history of the founder of objectivism, Ayn Rand, and an in-depth look at the philosophy and its five principles: objective reality, reason, self-interest, capitalism and individualism. The five principles of objectivism will be compared and contrasted to the beliefs of other philosophies and religions. Each principle will also be defined according to the way it is used in objectivism.

The main part of the thesis will summarize the seven sections of the U.S. Constitution and twenty-seven amendments before deconstructing them based on the principles of objectivism. A conclusion will follow the deconstruction and summarize the findings and suggest further avenues of research.

Methodology in this thesis uses deconstruction of the Constitution, case law, objectivist principles and quotes by Ayn Rand, the Founding Fathers and legal scholars. Deconstruction as used in this thesis is a method of criticism analysis that takes parts of a section of the Constitution or an amendment and breaks down its merits and faults based on the five objectivist principles. After the section or amendment is broken down case law or opinion related to the area

discussed is used as evidence to demonstrate whether objectivist would agree or disagree with said area and how according to Rand's belief system she would fix any perceived mistakes.

According to Ayn Rand: "A complex legal system, based on objectively valid principles, is required to make a society free and to keep it free a system that does not depend on the motives, the moral character or the intentions of any given official, a system that leaves no opportunity, no legal loophole for the development of tyranny. The American system of checks and balances was just such an achievement. And although certain contradictions in the Constitution did leave a loophole for the growth of statism, the incomparable achievement was the concept of a constitution as a means of limiting and restricting the power of the government, *The Virtue of Selfishness* pg 113 ." Rand admitted both the faults and merits of the U.S. Constitution. The loopholes that are in the document are the reason why objectivists have a lack of trust in the Constitution. The reason for the loopholes and discrepancies is that the Framers comprised more than seventy men who all had opinions and who all thought they were right. In order to create the Constitution these men had to sit down and compromise. The compromises made to make the Constitution sometimes undercut the intent of some of the Founding Fathers to pacify other Founding Fathers. Unlike the Framers, Rand only had to contend with her own opinion, which led to her philosophy being incredibly uncompromising. However, on most sections of the Constitution that are not structural, Rand and the Framers shared the same beliefs and the same intentions. The Founding Fathers were the type of men whom Rand's philosophy was written for and about. As a prominent part of objectivism states 'A is always A' if ever there is a contradiction go back and check your premises. Looking at the research done in this thesis it

is clear that the bigger problem is not whether Ayn Rand would agree with the Framers  
Constitution but would the Framers agree with the new interpretations of the Constitution?

## Ch II. The History of the U.S. Constitution

*“The American constitutions were to liberty, what grammar is to language: they define its parts of speech, and practically construct them into syntax.” ~ Thomas Paine, Founding Father*

In 1786, America had been independent for ten years and was functioning under the governmental system created under The Articles of Confederation. The American Revolution had ended three years prior and created a severely weakened economy. Massachusetts farmers under the leadership of former soldier Daniel Shays rebelled against the taxation of their property by the government. Shays’ Rebellion lasted for only a year and Shays and his fellow rioters were caught and pardoned, but the rebellion, served as a catalyst to the creation of the U.S. Constitution. Because of the rebellion the framers of the Constitution were able to see the glaring weaknesses of the Articles of Confederation ( *Shay’s Rebellion* pg 120).

The predecessor to the Constitution had several vulnerabilities that the Founding Fathers corrected in the later document. The Articles of Confederation did not include an executive or judicial branch; additionally, the original legislative branch had a singular house. To make amendments to the articles was nearly impossible as all thirteen colonies had to vote unanimously and every colony was represented equally without taking the population of the colony into consideration. The government did not have nearly as much power as it had in the later document as most of the power was in the hands of the individual colonies. The Framers, most of whom had also written the Articles of Confederation, started meeting in May 1787 at the Confederation Conference to plan the new document that would be the glue that bonded the colonies together. Fifty-five delegates from the twelve different colonies (all the colonies except representatives from Rhode Island were present) arrived at Pennsylvania State Hall in

Philadelphia. After months of debating mostly over the amount of representation each state would be allowed, the convention ended on September 17, 1787 when the Connecticut Compromise was added to the Constitution. A compromise that combined the Virginia Plan and the New Jersey Plan allowed each state an equal vote in the Senate and allowed the votes in the House of Representatives to be based on the population of each state. On June 21, 1788, the U.S. Constitution was ratified, receiving the nine votes that allowed it to become official. New York, North Carolina, Rhode Island and New Hampshire were the only colonies that did not vote to have the Constitution ratified in 1788, according to *The Charters of Freedom* Website.

Since its ratification, the Constitution has been interpreted, dissected and discussed at length by politicians, court justices and political scientist. Even the Founding Fathers themselves had conflicting ideas of how the Constitution should have been applied to the new government. When the Constitution was first created, the main debate was over the power of the new national government the Constitution which resulted in a fight over ratification between two groups. These two divergent groups were called the Federalists and the Anti-federalists. Framers George Washington, Alexander Hamilton, John Jay, John Adams and James Madison all held the federalist philosophy, which supported the ratification of the Constitution, a friendly relationship with Great Britain and a strong national government. During the first ten years of the installation of the presidency under the Constitution, America was run as a federalist country.

While the federalists were in power they faced criticism and opposition from the Anti-federalists who had created a political party called the Democratic-Republicans who were led by fellow framers Thomas Jefferson, John Hancock, and Aaron Burr. The Anti-federalists supported the ratification of the Constitution with the addition of the Bill of Rights; they preferred a

relationship with France over England and supported individual and state authority. The Bill of Rights was added to the Constitution on September 25, 1789 as per anti-federalist request. When Thomas Jefferson became president in 1801, he ushered in the Jeffersonian era, which consisted of the expansion of American territory via the Louisiana Purchase, support of state government, the start of judicial review (examination by the Supreme Court of executive or legislative acts that diverged from the Constitution started after the Marbury v. Madison case), and an isolationist perspective that severed the relationship between the U.S., England, and France after the War of 1812. The Jeffersonian era, also called the Era of Good Feelings, lasted for almost thirty years and three more presidents until 1829 when Andrew Jackson became president and ushered in the Jacksonian Era.

During the Jeffersonian era, framer, federalist and President James Madison influenced the development of the originalism philosophy with his belief that the Constitution should remain consistent with the beliefs from which it was originally intended. The originalism interpretation of the Constitution is the interpretation of the Constitution based on the original intent of the framers when the document was made. The most popular modern supporter of the originalism interpretation is Supreme Court Justice Antonin Scalia. Justice Scalia considers his view the untainted view of the Constitution and has often criticized the popular modernist interpretation. “By trying to make the Constitution do everything that needs doing from age to age, we shall have caused it to do nothing at all,” Justice Scalia said in his book, *A Matter of Interpretation*. Supporters of the original intent theory like Justice Scalia believe that originalism is flexible in the fact that it allows the Constitution to be amended as per the wishes of the framers. Supporters also believe that the originalist perspective protects the Constitution from

being distorted by subjective lawmakers. Critics of the originalism interpretation argue that the framers of the Constitution had many different opinions, so the question of which framer's intent to abide by comes in to play. Another criticism of the originalism perspective is that it is outdated and inflexible to present times. The framers lived in the 18<sup>th</sup> century, their intent may have changed if they lived in modern times.

Similar to the originalism interpretation is the literalism interpretation of the Constitution. The literalist interpretation is the understanding of the Constitution using the exact words of the framers. There are two types of literalism, contemporary literalism and historical literalism. Historical literalists interpret the Constitution literally but take into account the historical meaning of the words used in the document. Contemporary literalists also interpret the Constitution literally but disregard the historical context in favor of using a current dictionary. The positive quality of the literalist interpretation is that it stays true to the integrity of the Constitution and places trust in the genius of the founding fathers, going as far as trusting that their document would be above ever being changed. Conversely one of the most important criticisms of the literalist interpretation is it has too much trust in the wisdom of the founding fathers as it does not allow for possible mistakes made in the original document. The rigidness of the literalist perspective also suggests that literalist would not approve of judicial review or changing the meaning of the Constitution without formal amendment because the Supreme Court Justice and legislatures are allowed to tamper with the Constitution. The literalist interpretation faces a criticism similar to that of originalist interpretation of being outdated. The diction used in the Constitution has also been a point of criticism for the literalists, as no one is crystal clear on what the true meaning is behind some of the words used by the framers. It is somewhat ironic

that the word literal means ‘exact’ yet no one is sure of the exact meaning behind the language used in the Constitution. The numerous criticisms against literalism interpretation has led to the theory not being as popular as the other interpretations. For instance, the modernism interpretation does not have the problem of anonymity that is associated with literalism.

The modernism interpretation of the Constitution takes into consideration that the Constitution was written two hundred plus years ago. Modernism implies that if the framers would have lived in today’s age they would have thought differently. There are different types of modernists’ interpretations, but all have the same core values, and are hardly distinguishable from one another. The most important view of the modernist interpretation is belief the Founding Fathers created the Constitution not to be an everlasting document, but a document that changes and lengthens over time. The most popular modernists’ view is that of the Living Constitution, which maintains that the Constitution is figuratively a living and breathing document, and like all living things needs nourishment; in this case the nourishment is the thoughts and enhancements of the newer generations.

Famous Supreme Court Justice John Marshall is credited as the father of modernism because of his expansion of judicial powers during the early republic. “The people made the Constitution, and the people can unmake it. It is the creature of their will, and lives only by their will. But this supreme and irresistible power to make or unmake resides only in the whole body of the people, not in any subdivision of them,” Justice Marshall said regarding the changing of the Constitution, *Marbury v. Madison*, *The Charters of Freedom*. Many political scientists agree that Justice Marshall made improvements to the Constitution with his innovative approach to the Constitution; however, the modernism interpretation is not without its critics. The modernism

interpretation is generally thought to be the opposite of the originalist interpretation, so the believers of the perspectives are often at odds. As expressed by Justice Scalia earlier in this chapter, the originalists believe that the over modification of the Constitution will one day be the document's unraveling. Further, they believe that justices have often used the living constitution view as a way to change parts of the Constitution that individuals are politically opposed to. The modernist view of liberally changing the Constitution is at odds with the originalist view of conserving the document. Other criticisms of the modernist's interpretation range from accusations of the Supreme Court abusing its powers to allegations that the "living constitution" was created by the Democratic party as an attempt to re-write the Constitution. The strongest criticism is the worry about Supreme Court justices adding laws to the Constitution in an attempt to modernize the document. That being said, the strongest praise for the modernist interpretation is the Supreme Court's attempt to modernize the Constitution. As mentioned before, Justice Marshall's changes to the Constitution are examples of modernism at work, and modernists suggest that newer Supreme Court justices can have the wisdom and insight to change the rules of the Constitution for the better. The originalist and modernist interpretations differ but there is one interpretation that combines the two ideas, it is called the democratic interpretation.

The democratic interpretation is a hybrid of originalism and modernism. Supporters believe in staying true to the intent of the founding fathers like the originalists. Unlike the originalists, they believe that the founding fathers did not mean for the Constitution to be a stand-alone document but a frame for a more extensive document. The belief that the Constitution was meant to be far-reaching in the future is supported by the modernist approach. The democratic interpretation is often used as a compromise between disputing originalists and

modernists because of its correlation to both interpretations. Supporters of the democratic interpretation believe that the vagueness of the Constitution was on purpose to allow others to expand upon the work that they had already done. Democraticists point out sections of the Constitution such as the due process and the equal protection clauses as proof that the founding fathers did not mean for the Constitution to be an unchanging document and suggest that both clauses are left open ended so that they might be interpreted to change with the times. Of all the interpretations of the Constitution, the democratic interpretation has the least amount of criticism. The main criticism is how to accomplish the goal of expanding the Constitution while staying true to the ideals of the founding fathers. Democratic interpreters have to maintain a very fine line between accumulating new knowledge into the Constitution based on modernization and changing the Constitution subjectively based on modernization.

Due to the divide between the conventional interpretations, new interpretations are being added to the throng of possible ways to understand the Constitution. A noteworthy example of a newer interpretation is Charles A. Beard's economic interpretation, which was published in 1913, but became popular around the 1930's. The economic interpretation made famous by Beard's essays *An Economic Interpretation of the Constitution*, stands by the belief that the framers created the Constitution to protect the financial assets of the wealthy. As evidence, Beard points out that the Founding Fathers were affluent elitists, who owned property, which is the reason private property is heavily guarded in the Constitution. He also points out the historical restrictions on property ownership. Beard's unique view of the framers as being self-motivated economists is contrary to the usual hero worship that American historians have towards the Founding Fathers. The economic interpretation faced many criticisms, the loudest one being the

Founding Fathers clear endeavor to protect the minority and the majority of the Americans in the Constitution. This begs the question: if the framers were only concerned about themselves then why did they go through the trouble of setting up a government that protects all<sup>2</sup> citizens instead of just themselves when they had the power to do so? Many political scientists and historians answer this question with a resounding “Beard’s claims are too ambiguous” (*Turner and Beard* pg 140-141). The positive aspect of the economic interpretation is that it has opened the doors for other controversial interpretations by those who do not believe the framers were infallible. Beard’s view also provides a way of looking at specific portions of the Constitution as evidence to interpret the entire document.

It has been discussed that the Constitution has numerous interpretations, none of which can conclusively be labeled the right way to interpret the Constitution. The framers themselves had differing opinions on the discernment of the Constitution, which has led to many heated debates in the past. The ambiguousness of the Constitution and abstractness of the framers goals has driven new political scientist, politicians, and judges to try and rediscover and redefine the Constitution.

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<sup>2</sup> all Caucasian males

### Ch III. Objectivism 101

“ I swear by my life and my love of it that I will never live for the sake of another man nor ask another man to live for mine.” Ayn Rand, *Atlas Shrugged* pg 672.

The brain behind the objectivist movement, Ayn Rand was a Russian-American philosopher and writer. Rand was born February 2, 1905 as Alisa Zinovyena Rosenbaum, in St. Petersburg, Russia. As a child, Rand witnessed both the Kerensky and Bolshevik Revolutions. The Bolshevik Revolution caused her and her family to flee to the Ukraine until it too was taken over by the USSR. While attending school in the USSR, Rand was influenced by several authors and philosophers including Aristotle and Victor Hugo. Later, Rand attended the University of Petrograd where she studied history and philosophy. After several hard years in the Soviet Union Rand fled to America, in pursuit of intellectual freedom. Rand’s experiences growing up in the USSR would follow her for the rest of her life, making her develop a staunchly anti-communist stance. Once Rand made it to America, she struggled in California trying to work as a film writer. Even though her endeavor as a film writer was unsuccessful she was successful in finding love. Rand married actor Frank O’ Connor in 1929; O’Connor was the inspiration for her opinion of the ideal man. His influence can later be seen in her character from *The Fountainhead*, Howard Roark. After marrying O’Connor, Rand changed her given name from Alisa Zinovyena Rosenbaum to Ayn Rand. Rand also changed occupations to a screenplay writer, and at this Rand finally struck gold. She produced two screenplays in 1932. The first, *Red Pawn*, was bought by Universal and the other, *Night of January 16,<sup>th</sup>* was performed on Broadway. Rand found her true calling as a writer of fictional philosophical novels. Rand wrote four fictional

novels *We the Living* (1936), *Anthem* (1938), *The Fountainhead* (1943) and the widely popular *Atlas Shrugged* (1957). Each of her four novels expressed parts of her philosophy through her characters actions and thoughts. After *Atlas Shrugged* was published, Rand moved on to writing six non-fiction novels based on her philosophy: *For the New Intellectual* (1961), *The Virtue of Selfishness* (1964), *Capitalism: The Unknown Ideal* (1966), *Introduction to Objectivist Epistemology* (1967), *The Romantic Manifesto* (1969), and *Philosophy: Who Needs It* (1982). Besides writing, Rand spent most of her time spreading her philosophy through newsletters, journals and speeches on college campuses across the United States. Ayn Rand died on March 6, 1982, but her philosophy lives on through her novels and in the legacy of their philosophy ( *Ayn Rand and the World She Made*, pg 1-12).

The dictionary definitions of objectivism are any of various theories asserting the validity of objective phenomena over subjective experience, especially realism, another ethical theory that moral good is objectively real. The first definition has some bearing of the truth, because both realism and objectivism share the belief that reality has as unaffected existence. The second definition however has nothing to do with morals being objective as a matter of fact; if there is anything that is subjective, it is one's morals, however one's values and principles are not. The definition of Ayn Rand's term objectivism is less of a definition and more of a concept. Rand's philosophical concept is that by following the four explicitly stated principles (objective reality, reason, self interest and capitalism) as well as one unstated but often referred to principle (individualism) a person could achieve both success and ultimately happiness. To really understand Ayn Rand's philosophy, one must understand her five principles and the way they differ from not only other philosophies but also typical religious and social beliefs. It is also

important to understand the commonly-used definitions of such words as self-interest, which takes on a different message when used by objectivists. The rest of this chapter will be dedicated to individually exploring the five different principles of the philosophy.

### **Objective Reality**

In most philosophies as well as religions there is an essential metaphysical core, which defines that belief's perception of reality. The Webster's dictionary definition of reality is 'the quality or state of being real.' However, in the objective philosophy followers believe in the concept of objective reality. Objective reality is the belief that reality (the natural world) is outside of the realm of human emotions or supernatural elements (*Atlas Shrugged*, pg 1074) . For example, the world is round and this fact is scientifically proven; however, people once perceived the world was flat. Regardless of human perception, the world was still round.

Ayn Rand borrowed objective reality from Greek philosopher Aristotle's Law of Identity. Rand herself quoted Aristotle with the summation of the Law of Identity, A is A, meaning that facts are facts and cannot be changed (*Atlas Shrugged*, pg 930). The Law of Identity ascertains that every object in nature has certain identifiers that make it unique and give it a purpose. Bees carry pollen to plants to help them flourish, bees are black and yellow, bees also sting people if they feel threatened. All are characteristics of the bee. However if one were to say bees carry poison in their stingers to kill flowers, by law of identity that statement would have to be false because it is a contradiction. Bees cannot carry pollen to help plants and poison to kill them; it is a contradiction and contradictions of nature do not exist according to the law of identity.

Embracing objective reality means rejecting religions. The common factor in most religions is a spiritual element; the most popular religions are Christianity, Judaism, Islam,

Buddhism and Hinduism all of which center around one or more deities. The insistence in objective reality that supernatural elements are fabrication or human error leaves the objective reality follower with one option, atheism, which rejects the belief in God. Arguably nihilism could be another option for objective reality believers because nihilists also reject the belief in God; however, the rejection of morals and the belief that life is meaningless conflicts with other principles of objectivism.

### **Reason**

What separates man from beast? Is question that has plagued philosophers since the time of the Ancient Greece. Three basic theories exist on what makes man different from animals. The first is that there is nothing that separates man from animals: man is an animal. The support for this argument is that humans are genetically a part of the hominidae species and share many characteristics of our fellow primates. The theory follows the theory of evolution and believes that humans are evolved apes. The problem with this view is it does not allow for the obvious differences between human and animal. The second theory is emotions separate man from animals; proof for this theory is the belief that animals do not have the capacity to feel emotions such as love. The problem with this theory is that animals do display emotions; canines also known as man's best friend, show complex emotions like fear, affection, anger and sadness to each other as well as their human companions. The third theory is that reason<sup>3</sup> separates man from animals, and that man's ability to think is his greatest strength. The problems with this theory is certain animals, especially mammals, display keen intellect. Elephants have memories, dolphins communicate to each other and have families and some birds such as the African Grey

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<sup>3</sup> Interchangeable with intelligence and consciousness

parrot can speak more than 100 words. Despite the proof against reason being the difference between animals and man, reason is the theory that objectivists choose to answer this vital philosophical question. Objectivists believe that reason makes man unique. Reason is man's best tool for survival. Man was not born the strongest creature but man was born with the most intellect which allows him or her to compensate for his or her weaknesses. Objectivists also believe that reason is a choice. All humans were born with ability to use reason; however man can choose if he/she wants to use reason as a part of man's free will ( *Atlas Shrugged*, pg1074).

### **Self-Interest**

The first two philosophical questions that were answered were what is the meaning of reality and what separates man from beast? The third philosophical question is what does man live for? In the objectivist philosophy, man's purpose is himself. "I wished to find a warrant for being. I need no warrant for being, and no word of sanction upon my being. I am the warrant and the sanction," Ayn Rand said in her novel *Anthem*. According to objectivist theory, man has three basic values: reason, purpose, and self-esteem. In order to find happiness, man must possess each of these values. Reason, as expressed earlier, is a value because it is essential to man's survival as a tool against ignorance. Purpose, according to the objectivist belief, is the thing that brings pleasure above all. Self-esteem, meaning the love of one's own life and self, is the driving force behind man's actions. The combination and expression of these values lead to a more complex definition of self-interest than what is usually thought of in society, turning the word into a positive characteristic. Objectivists don't believe in mental or physical sacrifice of others. The following paragraphs will give examples of what objectivists consider legal human sacrifice.

“It is more blessed to give than receive,” says the commonly quoted bible verse Acts 20:35. This saying is often used as the basis for most charities and other altruistic organizations. In contrast to other philosophies and religions, altruism is viewed as corruptive to objectivists, because it is opposed to self-interest. To most people, to view charity as negative is in itself heinous; however, to understand why objectivist view altruism in a negative light one must search for what possible negative connotations exist within the act of charity. When engaging in the act of charity a person gives money or time to a person or organization in need; however, the darker aspects of charity include when the giver gives to a charity organization or a person and the giver does not really know what their money is being used for. The money in question could be used for other purposes, including satisfying the greed of organizations, supporting excessive spending habits or any number of less than noble causes. Even without the mismanaging of donated finances, objectivists would still disagree with charity work based on the idea of mutual subsidy. The next section of this thesis, entitled *Capitalism*, will go more in-depth regarding this idea; however, the general concept is that objectivists do not believe in entering into any type of relationship whether it is business or personal unless both parties benefit. The definition of charity itself is in opposition to the idea of mutual benefits; the two ideas are so contrary that they literally cannot exist together in objectivism, which leads the objectivist, who does not believe in contradictions, to believe that idea of charity is malevolent ( *Atlas Shrugged*, pg 1075).

In addition to being opposed to the idea of charity, objectivists are against the other side of human sacrifice, manipulation. For those who fail to see the similarities between manipulation and altruism, the two acts are opposites except they both sacrifice others. The act of manipulation involves the exploitation of another for one’s own gain. Charity sacrifices self to

others and manipulation sacrifices others to self. The fact that objectivists don't support manipulation further proves that they have a different definition of self-interest. Self-interest is associated with doing anything to get ahead, but not according to the objectivist belief. Objectivists will not allow themselves to be used or degrade themselves by using anyone else.

### **Capitalism**

One of the most unique things about the objectivist philosophy is that it has a built-in political view: laissez-faire capitalism. Laissez-faire means, "let it be" in French. The Merriam Webster's dictionary definition of laissez-faire is a doctrine opposing governmental interference in economic affairs beyond the minimum necessary for the maintenance of peace and property rights. Laissez-faire capitalism was credited to first being used by President Thomas Jefferson but became largely popular in the 1920's, thanks to President Calvin Coolidge, and maintained its popularity until the beginning of the Great Depression in the 1930s. During the Great Depression, Herbert Hoover's continuous faith in the failing system of laissez-faire capitalism resulted in the philosophy being considered a taboo until the election of Ronald Reagan in the 1980s. Before President Reagan brought laissez-faire capitalism back to its former acceptability, Ayn Rand was preaching its greatness since the 1930s, at a time when capitalism was being blamed for the Great Depression. Rand praised laissez-faire capitalism for three specific reasons; limited government, property rights, and mutually beneficial relationships.

Objectivists support limited government because they believe that the only role government should play in society is to protect citizens from harm. Objectivists believe that people can generally govern themselves using reason, except when weapons are used, when the government should step in. Considering the objectivist view of government, it is not surprising that

objectivists feel that government should have no influence in all matters regarding property, whether it be real, intellectual, or personal property. As mentioned in the section on *Self-Interest*, Rand believe that the only way to maintain a relationship is if it is mutually beneficial. The importance of maintaining mutually beneficial relationships, is not just important in personal relationships but business relationships as well. In the capitalist system, a business, or rather the CEO's who control businesses, make decisions based on what they can gain from it. An ideal version of mutual beneficial relationship among merchants might be where a baker could trade a loaf of bread for fish from a fisherman and everyone gains. Laissez-faire is as close as Rand could get to her ideal of mutual benefit without the sacrifice of any freedoms. As a matter of fact, Rand believed that laissez-faire capitalism promoted individual rights by allowing a person to experience financial gain or financial loss depending on the person's own merits ( *Atlas Shrugged*, pg 1075). The emphasis Rand puts on all the stated sections of her philosophy, including the example just used in *Capitalism*, has led to Rand being called a champion of individualism, which leads to the last part of her philosophy.

### **Individualism**

The first four principles are specifically stated at the end of all objectivist novels in a section called *The Essentials of Objectivism*, which explains to the reader the philosophy. Individualism was added as a fifth essential to the objectivist philosophy for the purpose of providing those who haven't had the opportunity to read any books by Rand with the underlying principle of her four fictional novels, *We the Living*, *Anthem*, *The Fountainhead* and *Atlas Shrugged*, the importance of individualism. In *We the Living*, the protagonist has to fight against the Russian communist society to become one of the only females in a male dominated field. In

order to achieve her goal, she must escape to America, the land that appreciates the rights of the individual. Rand's novel *Anthem* is set in a dystopian society where the word "I" has become illegal. The protagonist is forced into collectivism and mediocrity because of his natural talents and struggles to bring knowledge to a collectivist society. In the novel *The Fountainhead* the protagonist and example of Rand's ideal man defeats the collectivist society that is determined to destroy him because of his individuality and talent. In *Atlas Shrugged*, the producers of the world go on strike because they are sick of supporting the mindless collectivist masses. The obstruction that every Rand protagonist has to face is a challenge from the obtuse collectivist masses to the protagonist's individuality. It should be noted that when a protagonist gives up his or her individuality in order to conform to the standards of collective masses, that individual invariably culminates in facing ruinous consequences, while the individual who resists the pull of the collectivist mass has a heroic ending. Through her characters, Rand clearly shows her own feelings toward individualism.

Growing up in a restrictive communist regime led to Rand's complete rebellion in later life against all forms of collectivism including fascism, socialism and of course communism itself, which Rand referred to as the ultimate evil. "Individual rights are not subject to a public vote; a majority has no right to vote away the rights of a minority; the political function of rights is precisely to protect minorities from oppression of majorities," Rand said, *The Virtue of Selfishness*, pg 104. Individualism and the importance of individual rights are intertwined in the objectivist philosophy, which is the reason that individualism will be included in future chapters of this thesis as one of the pillars of objectivism.

Ayn Rand thought her philosophy objectivism was infallible. Objectivists believe that if a person follows the principles of objectivism she or he will have a successful purposeful life. Similarly when the Founding Fathers created the U.S. Constitution, they also believed that by following the principles and laws set forth by the Constitution, the United States would succeed. During her lifetime, Rand was critical of the government and the Constitution itself that she claimed should be re-written because of its lack of clarity and contradictions. If Ayn Rand was given the opportunity to correct the U.S. Constitution according to her principles, which sections of the Constitution would she change and which would she leave the same?

## Ch IV. Deconstruction of the U.S. Constitution

“We the people of the United States... do ordain and establish this Constitution for the United States of America.” Objectivist objections to the Constitution start shortly after the preamble sections 1-10 of the first article of the Constitution grants powers to Congress and forms the House of Representatives and the Senate. Sections 1-8 of the Constitution give explicit powers to Congress, and sets up its governing regulations, sections 9-10 including the limitations of Congress’ power. The conflict with objectivism lies with a few of the powers awarded to Congress, specifically Sections 6, 7, and 8 of the First Article of the Constitution.

### **Article 1 Section 6**

The problem Rand would have with Section 6 of the Constitution is it sets specific rules for the Legislative branch. The article gives Congress the right to set its members’ own salaries and also says that a person cannot serve simultaneously in Congress and another branch of the U.S government. It also states that members of Congress shall receive special privileges from prosecution while in office. Rand would agree with the Founding Fathers on prohibiting members of congress from also serving in other government jobs, because having someone serve in two positions could possibly lead to abuse of power. Rand would also have understood that having the legislative and executive branches so intertwined would inevitably unbalance the checks and balances system. One problem that objectivists would have with section 6 would be the ability of Congress to set its members’ own salaries. Objectivists believe that a person’s ability to earn money should be based on the amount of work done. The law, as it stands, bases

the amount of money that a member of Congress makes on the law passed by Congress setting compensation. Rand would change the law so that each member of Congress would be paid according to the sum of quality and work the individual produced. Another issue that objectivists would have with this section would be the privilege received by members of Congress. One of the principles of objectivism is the reliance on objective reality and the rejection of any type of false reality. To give a member of Congress privilege over regular citizens would be a form of false reality. In the way, even though a member of Congress had done something wrong, the Congress person is treated with a different level of respect than the average person because of the members' position. In reality, the congress person is no different from another person who commits the same crime, so Rand would remove the privileges that elected officials receive when facing prosecution.

#### **Article 1, Section 7**

A small section of 7 describes making bills to generate revenue. The majority of the section discusses how Congress creates bills and presidential vetoes. Objectivists would not have a problem with the way bills are created, presidential vetoes and generating revenue. However, they do have a problem with the general and contradictory nature of some laws. To become law, a bill needs to be approved by the House of Representatives and Senate, which is actually hard to achieve because the majority of bills do not become laws. This process, however, is not strenuous enough to receive Rand's approval. Rand thought the laws passed by Congress are often unclear and contradictory. Rand suggested that a special limitation be set on Congress passing laws. Rand said "the following limitation should be written into the Constitution: Congress shall pass no law which contradicts other laws, or which is so unclear that no two

Congressmen or private lawyers can agree on what it means”( *Objectively Speaking* pg 56).

Keeping with Rand’s quoted position, she would add a provision requiring clarity in every bill before it is passed. The other functions mentioned in the section, such as the presidential veto, could be kept because of its alliance with the separation of powers, which Rand supported.

### **Article 1, Section 8**

The problem with Article 1, Section 8 of the Constitution is the Commerce Clause. Rand said, “The commerce clause is too brief and too general, and has led to the exact opposite of the original framers’ intentions” ( *Objectively Speaking* pg.52). Rand believed the Commerce Clause’s purpose was to prohibit states from separating themselves from the U.S. through trade regulations. However, Rand believed that the clause is really used to limit trading freedom and business. Rand went further saying, “The destruction of economic freedom in this country has occurred predominately through the commerce clause” (pg 52). If Rand were to reconstruct the Constitution she would remove the Commerce Clause altogether because of its interference with capitalism via trading regulations and because the commerce clause gives Congress the power to prohibit anything that interferes with interstate commerce. However, the definition of interstate commerce is not clarified in the law so anything can be prohibited, hence the rejection it faced from Ayn Rand. The rest of the rules laid out in section 8 that describe Congress’ power over other governmental functions such as the Army and Navy would be kept unchanged.

Governmental power will always be a sore spot with objectivists because they believe in limited government. The creation of Congress and its power to effect changes that could violate the pillars of objectivism would be a reason why Rand would not completely support Congress.

Congress could damage certain objectivism principles like capitalism and individuality through

the interstate commerce clause or, if they were to pass, anti-individualism law. That kind of power would worry Rand. As a whole, if Rand were to write a Constitution, Congress would not be given as much power by Rand as it was by the Framers.

### **Oath to Self**

The Second Article of the Constitution explains the powers and duties of the president and the executive branch. Today, some political scientists believe that the executive branch has grown to be the strongest of all the governmental branches. When the Founding Fathers created the Constitution and established separation of powers, the legislative branch, not the executive, was designed to be the most powerful. The Framers had been British citizens and were under a monarchy, an experience that they certainly tried not to repeat when creating the American government. The fact that the Framers purposely tried to make sure the President didn't have too much power would have been supported by Rand. Like the Founders, Rand also had experience with dictatorships and having just one person consolidating power. Rand would have supported the original purpose of the executive branch and she would have approved of the general way the executive branch runs. Rand would not have approved of the expansion of powers in the executive branch nor the president, based on her past experiences and her support for federalist government. One part of Article 2 that she definitely would not have approved of is the last paragraph of section 1 of the article. The section provides the oath that every president must take before officially taking office: "I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States." Rand would certainly take issue with the oath that the president swears to before he or she takes office. The oath seems beneficial to the country as a

whole, but the only oath Ayn Rand would ever agree to would be one made to one's self and for one's self, not for others. One of Rand's most famous oaths is the one said by the heroes of *Atlas Shrugged* "I swear by my life, and my love of it, that I will never live for the sake of another man, nor ask another man to live for mine." (Atlas Shrugged pg.979) The leader of a country, the president, is responsible to lead the people of the country. However, from the objectivist perspective man's first duty is to him or herself. If Ayn Rand were to rewrite Article 2 section 1 of the Constitution, the oath that the president would make before taking office would sound something like this: "I do solemnly swear to serve myself and my own purpose. In serving my own purpose and goals, I shall be aiding those who live by the same principals as myself. I stand as an equal to all those citizens who believe in honesty, integrity and free trade. Together I promise we will uphold our beliefs." Self-interest and individualism are two founding principles of objectivism and the pledge stated above demonstrates both principles. Swearing that he or she will serve not the country's interest first but their own interest and by doing so will benefit everyone else. In true objectivist form, the President would treat the citizens as partners like trade merchants do and engage in mutually beneficial relationships. The oath that the president would take, would allow he or she to remain an individual and not be sucked into the world of collectivism that Rand so despised.

### **Beauty of the Court**

Article 3, Sections 1-2 describe the powers of the judicial branch. Of all the branches of government, there is evidence that Rand would favor the Judicial Branch. For example, in her novel *Atlas Shrugged* all the congressmen are seen as "Washington men" and are painted as corrupt, cowardly smooth talkers. On the other hand, there is a character named Judge

Narragansett who is actually one of the heroes of the novel, who is portrayed as being wise and rational. Mimicking her position in her books, in interviews Rand often spoke highly of the Supreme Court and blamed its entire shortcoming on Congress not making objective laws. “Congress has been dumping these laws on the Supreme Court, which has, in effect, been forced to legislate because Congress has failed to do so in fact, there have been complaints from Supreme Court Justices, making this very point. Therefore, if you want to correct the present situation [problems in the Supreme Court], you would have to start by establishing stricter provisions for the enactment of objective laws,” Rand said (pg 57 *Objectively Speaking*). What Rand meant by objective laws, are laws that define clearly what is prohibited and what is the punishment for breaking such laws, as opposed to non-objective laws, which are open to interpretation. The support of objective laws follows the objective principle of reasoning. Using reason is essential when making the law, but it is especially essential when making objective laws because objective law by nature is dependent on strict reason, and non-objective law is dependent upon pleasing individuals. Section 2 specifically gives original jurisdiction to the Supreme Court, allowing it to hear certain types of cases on a firsthand basis. Giving the Supreme Court original jurisdiction is one of the decisions that the Founding Fathers made that Rand would agree with. Rand was partial to the judicial branch because of its use of reason and individualism as opposed to the legislative and executive branches that are more collectivism orientated. Rand would allow the judicial branch original jurisdiction, because of the court’s exercise of reason.

Judicial decisionmaking is different from decisionmaking in the other branches. When the Supreme Court makes a decision it is supposed to go through steps looking at the law and

facts and come to a decision based on reason not personal bias. Reason is one of the most important concepts to objectivists and is also the basis of law, so objectivists have a great respect for the law as well as the justices who uphold it. Inside the Supreme Court, there is a certain respect for individualism that one cannot find in the other branches. Judges take into consideration the issues of the individual and give said individual the right to defend himself or herself. Inside the courts, the rights of the individual are respected and seen as sacred, just as to an objectivist. Rand would fully support the Supreme Court continuing to have original jurisdiction as long as the judges were true to the objective law.

Section 3 of Article 3 is about the procedures for those who commit treason against the United States. Typically objectivists are peaceful and do not act violently unless attacked mentally or physically. Committing a treasonous act is considered worthy of violence because the betrayal of one's country is considered a mental attack to the objectivist. Rand would keep section 3 the same.

### **The Barbarism of Slavery**

The fourth article of the Constitution is the article that objectivists would take the most issue with because of its establishment of a pro-slavery government in section 2. That being said, the whole of Article 4 would be under strict scrutiny from the objectivist because many of the sections violate objectivists principles and came under direct attack from Rand in an interview.

### **Article 4 Section 1**

The Full Faith and Credit Clause is established in Article 4 Section 1, meaning that each state must recognize and honor the laws that are passed by other states. Objectivists would not take an issue with this, because it is reasonable for states to respect each other's laws and to

share knowledge. Rand was an intellectual and she would be able to see the importance of states establishing full faith and credit with one another especially around the time when the framers were writing the Constitution and the relationship between the states was still fragile. In fact, the full faith and credit clause is in line with the objective principle of objective reality. At the time of creating the Constitution, all the states were equal in worth and the Framers tried to be as fair as they could about establishing the fact, that all the states were equal and were now all one country and not separate colonies. By establishing the concrete fact that in reality, all the states were the same it supported objective reality by not trying to uplift one state over another, therefore creating a bond under a common flag. The problem with Article 4, Section 1 is that, at the end, it gives Congress the power of making general laws that must be followed by all the states. As previously established in this thesis, Rand had a distrust of laws made by Congress and would take issue with the states being forced to follow all of the general laws. If Rand were to remake the Constitution, she would add on to section 1 the requirement that the states would have to follow all congressional laws only if they were objective laws.

#### **Article 4, Section 2**

The worst part of Article 4 would be the pro-slavery law of Section 2. Article 4, Section 2 institutes that if a person in “service or labor” meaning a slave runs away to another state, the person will be forcibly extradited and returned to the state and masters run from. Rand thought that the worst mistake made by the framers was allowing slavery to exist. “Of course, the very worse contradiction was the tolerance, if not the sanction, of slavery which was not overtly permitted but was in effect, ignored by the Constitution....The result of any contradiction is to undercut the rest of the document or the body of knowledge to which it belongs” Rand said an

interview (*Objectively Speaking* pg 52). The idea of enslaving another man is horrid to the objectivist because of the violation of virtually every principle and value of objectivism.

Objectivists believe that a person's value is determined by the person's intelligence and ability to produce. Therefore, enslaving another person and taking away the ability to learn and forcing the person to produce without pay is abhorrent to the objectivist. Slavery would negatively affect every pillar of objectivism. For instance, slavery would violate objective reality, because when enslaving another man a person often comes up with excuses as to why partaking in slavery is not evil. They convince themselves that they are doing the slave a favor by giving them something to do and somewhere to live, or perhaps they convince themselves they must rely on another person's strength for their own survival. Such excuses would be creating false realities and not admitting to one's own weakness and corruption.

On the surface, it seems as though the one objectivist value that slavery aligns with is self-interest; this is false. Slavery may be in the self-interest of the master but it certainly not in the self-interest of the slave. In fact slavery takes away the choice of self-interest and becomes a matter of the choice of survival. One can't choose whether to work or not in a slave/master relationship. A slave either works or is forced to face dire, even deadly consequences. Perhaps the worst violation of slavery is the obliteration of individualism. When forced to become a slave you are stripped of your name, your family, even your identity, therefore greatly reducing your chance to become great a producer. You and your production belong to another person, which is in fact the demolition of individualism. Though slavery was changed through the 13th amendment, Rand still believed that the effects had not been righted and irrevocably ruined the Constitution by contradicting all of the principles of freedom. Having the framers speak about

the rights of the minority and the protection and tolerance of all peoples and then allow slavery was grossly hypocritical to Rand. There is no doubt that, if Rand were to make a Constitution, slavery would be prohibited.

### **Article 4, Section 3**

The third section of article four describes rules about new states being added to the United States. No state can exist within another state or no two states can get together and create a new state. This law was basically created to insure that the states stayed under the control of the government and didn't band together to become another country or more powerful than the central government. In retrospect, creating this rule was logical, as when the southern states banded together during the Civil War they did secede from the United States and tried to become a separate nation. The Founding Fathers showed incredible foresight in keeping states from being able to combine. Unlike the founding fathers, Rand knew about the legacy of the civil war and would have undoubtedly kept section three in the Constitution because of it.

### **Article 4, Section 4**

Section 4 of this article the Constitution establishes the United States as a Republican government, protecting the states and allowing them a chance to have a role in the government. A republic is not the form of government Rand would have picked for the United States. Rand was in support of the federalist system, but when asked what type of government system she would pick in a perfect society Rand answered, "capitalism of course, total, laissez-faire capitalism, which means a separation of state and economics" (*Objectively Speaking* pg 51). A laissez-faire capitalism government is very different from a republic. A laissez-faire capitalism government would include little to no interference from the government in society and absolutely

no interference by the government in business matters. That type of government is in complete alignment with the rest of Rand's philosophy, particularly her strict observance of capitalism. If America held laissez-faire government, all social and welfare programs would be lost as well as all attempts made by any other governmental branches to control monopolies in business. Like a republic, people would still be allowed to vote and play a role in elections, but the government wouldn't have nearly as much power as it has under the existing republic. Because no other country has ever been a purely laissez-faire government, there is no assurance how America would perform under such a government. The closest example of what America would be like under a laissez-faire government are the examples of America in the late 1890's and early 1920's, during the Presidencies of Grover Cleveland and Calvin Coolidge. President Franklin D. Roosevelt ended laissez-faire governing during the Great Depression, but Rand still supported that form of government even having lived through the depression, which Roosevelt blamed on the laissez-faire system. Rand was convinced that it was the best governmental system; not only does laissez-faire government include capitalism it also aligns with the objectivist principle of self-interest. Laissez-faire government often encourages spending and absolute economic freedom. Utilizing economic freedom is always about self-interest in the business/capitalistic world. Companies buy, sell, and trade for their own self-interest and in the interest of making money. Some people have condemned laissez-faire government as a system that eventually throws the country into debt and depression; however, if Rand were to rewrite the Constitution that would be her choice of government for the United States. Rand would support the last part of section 4, which proclaims that the government would protect the states from invasion. Rand

believed in limited interference from government, but one of the few things that Rand did support was government interfering with the protection of the states.

### **Article V Amendments Rand Style**

The fifth article of the Constitution is about the process of making amendments to the Constitution. To make an amendment to the Constitution, two-thirds of the Senate and the House of Representatives must vote in favor of proposing the amendment and then three-quarters of the states must vote to ratify the change. The Constitution was written more than 200 years ago and since that time only 27 amendments have been made to the Constitution. Article five also prohibits the changing of section 9 of the first article of the Constitution and taking away senate seats from a state without the state's consent. Rand had a lot of opinions about the American Constitution and not all of them were positive. If Rand had the power to do so, she would have made amendments to the Constitution herself. Some of the amendments she would have made to the Constitution would have been first removing slavery (which was done by the 13<sup>th</sup> amendment). In the second amendment she would have added equality for women (which has been proposed by the ERA Amendment but was never ratified by the states). These amendments would have been written in the name of the objectivist belief that people should be judged by their minds not their gender nor their race. In adherence with the objectivist principle of individualism, Rand would have made amendments that prohibited collectivism of any kind. Rand would have also made several amendments to the Constitution that supported her pro-capitalist agenda, amendments that prohibited interference with trade or business relations. Rand would make an amendment to the Constitution that would limit the power of the executive branch and legislative branch, in order to make the checks and balances system completely

balanced once more. Rand would also amend the Constitution to make the government a laissez-faire republic. People would be allowed to vote but there would be a complete separation of government and economics. Considering Rand's firmly elitist perspective, she would make amendments that more securely protected her fellow producers. The Framers were themselves elitist, as can be seen by the creation of a republic instead of a pure democracy. The Founding Fathers wanted the citizens to be involved in the government but not so much involved that they could damage it, proving their distrust of the common man. The Framers still let the people be involved in decision making and protected them in the Constitution. Looking back at the opinion Rand expressed all through her novel *Atlas Shrugged*, that producers are essential to the world and everyone else is not, she would make specific amendments that protects the world's producers from getting their intellectual property taken. The process of making amendments to the Constitution would also be changed. Rand never trusted Congress, so having Congress in control of proposing amendments to the Constitution would not be an option. Considering Rand's preference for the Judicial Branch, Rand would probably have Supreme Court Justices that were well versed and believed in objective law writing of the amendments to the Constitution.

### **Rand on Taxes**

Article 6 of the Constitution establishes the legitimacy of any contracts entered into under the Articles of Confederation, the predecessor of the Constitution. More importantly, article 6 declares the Constitution as the ruling law of the land and establishes the Supremacy Clause. The problem that the objectivist would have with Article 6 is that the government is seen, for the most part, as a collective mass trying to take control over the people's lives. From the objectivist

perspective the Supremacy Clause is the greatest example of the government trying to take control over the lives of the people. The Supremacy Clause gives the federal government superiority over the states. The supremacy is established by not allowing the states to overturn any laws made by Congress. Rand would certainly disagree with the Founding Fathers for putting the Supremacy Clause in the Constitution. Rand was profoundly conservative when it came to her political views. Like most conservatives, she would want the federal government to not interfere with the lives of individuals. According to her depiction of congressmen in her book *Atlas Shrugged*, Rand seemed to think of Congress as corrupt shysters who stole from the people. She would remove the supremacy clause from the Constitution and give the people more rights via the states by allowing the states to have equal power with the federal government. All laws that are lenient toward Congress or give Congress excessive power would be removed from the Constitution if Rand rewrote the document. Rand thought that the government's main job was to protect the people's property, rights and physical body from harm. Anything outside that spectrum Rand would seek to rectify in order to protect the rights of the individual which are lessened when government gets too involved in the lives of its citizens. To protect individual rights and capitalism, Rand would remove the Supremacy Clause from the Constitution. If the Constitution were clear and free of contradictions, Rand would support it being the law of the land.

### **The Dotted Line**

The last article of the Constitution, article 7 is used to ratify the Constitution. When the Constitution was finished on September 17, 1787 only two-thirds of the states needed to sign it to ratify it. The Framers held Constitutional Conventions in order to get nine states to agree to

sign the newly created constitution. Thirty-seven of the representatives from all thirteen states Connecticut, Delaware, Georgia, Massachusetts, Maryland, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode island, South Carolina and Virginia didn't all sign until 1790. The question is if Ayn Rand were there at one of the Constitutional Conventions, would she have signed on the dotted line to ratify the Constitution? The answer to that question is a resounding no. Ayn Rand was a very black and white person, meaning she believed in something whole heartedly or she didn't believe in at all. In an interview Rand said "Today's Constitution with all its different interpretations made it possible by its original contradictions is in an untenable position. What we need above all is to clarify and reaffirm the original Constitutional principles, and remove all the contradictions."(pg 52 *Objectively Speaking*) Rand thought that the Constitution was flawed by its contradictions, so if she were given the chance she would not sign the Constitution until those contradictions were fixed. A battle of wills would probably take place between Rand and the founding fathers over Rand's perceived contradictions and, either they would change the Constitution, (doubtful considering that there were many people who attended the Constitution Convention and didn't sign) or Rand would refuse to sign on the dotted line.

### **Bill Of Rights**

Two years after the Constitution was finished, the Founding Fathers, led by James Madison and influenced by John Locke, added the first Ten Amendments to the Constitution, which were named the Bill of Rights. The addition of the Bill of Rights provides the precious freedom that most Americans cherish today. The preamble of the Bill Rights expresses the view that during the Constitutional Conventions when the Constitution was undergoing ratification by

the first thirteen states. It was expressed that the framers wanted rights to be clearly defined so that people did not think they would lose their rights by ratifying the Constitution. The following part of the thesis will describe how Ayn Rand would feel about the Bill of Rights. In an interview, Rand said. “All rights have to be universal, pertaining equally to all men. There is no other way to make the concept of rights tenable or even intelligible. Rights belong to an individual and since they are derived from his nature, the same rights being to all individuals.” (pg 155 *Objectively Speaking*)

## Ch V. Deconstruction of the Amendments to the Constitution

“A Bill of Rights is what the people are entitled to against every government, and what no government should refuse, or rest on inference.” ~ Founding Father Thomas Jefferson

The first Ten Amendments to the Constitution known as the Bill of Rights, were added to the Constitution to pacify the anti-federalist framers who thought the original Constitution did not include an adequate amount of individual rights. Outside of the Bill of Rights and the life altering civil rights amendments, there are fourteen amendments that are lesser known. All twenty-seven amendments of the U.S. Constitution will be deconstructed in chronological order according to objectivist principles in this portion of the thesis.

### **Amendment 1**

The First Amendment protects the freedom of religion, press and speech. Generally, the First Amendment would be accepted by the objectivist believer with open arms; however, upon closer examination flaws in the application of the First Amendment can be found. Freedom of the press, assembly and petition, are rights that could be readily agreed to; however, rights on any of these matters only go so far before the government steps in to challenge them. For instance, freedom of speech is only applicable if the subject matter that is written or stated does not violate the “clear and present danger” rule. The “clear and present danger” rule was created by Justice Oliver Wendell Holmes in 1919 in *Schenck v. United States*. In the *Schenck* case, Charles Schenck, a socialist, was charged with violating the Espionage Act by sending out antiwar leaflets. It was Justice Holmes’ opinion that freedom of speech and press are waived during wartime if those actions are dangerous to other people. The problem that objectivists would have with Amendment 1 would be the limitations set by the government on the rights of

the citizens despite the plain language of the First Amendment that reads “Congress shall make no law . . . .”

### **Amendment 2**

The Second Amendment protects the right to bear arms. It is hard to be sure exactly where Ayn Rand would stand on the second amendment, because there is possible evidence for her agreeing with gun control and disagreeing with the use of guns. In Rand’s books *Atlas Shrugged* and *The Fountainhead* there are characters who own and/or use guns. The description of the gun owning characters are positive because the characters are using the guns in self defense or protection. Rand has also stated “force and mind are opposites; morality ends where a gun begins” (*For The New Intellectual* pg 133, Ayn Rand Lexicon). Rand was against the use of physical violence to accomplish a goal; however she was not opposed to use of weapons for personal protection (*Ayn Rand o Gun Control: An Investigation*).

### **Amendment 3**

The Third Amendment states that quartered soldiers are only allowed with the consent of the owner. The third amendment was created because of the problems America faced when it was a colony. British soldiers were allowed to have full use of the settler’s property, whether the settler consented or not. The constant invasion of property by the British soldiers led to resentment against the King and an eventual revolution. The third amendment, though not as famous as the other Bill of Rights amendments, was a way for the Framers to separate themselves from the flawed ruling of the British monarchs and protect the property of American

citizens. Objectivists would agree to the third amendment because it provides protection of individual property rights.

#### **Amendment 4**

The Fourth Amendment is the right of people against unreasonable search and seizure. The fourth amendment, like the third amendment, is meant to protect property however; there have been recent controversies surrounding this amendment. After the September 11<sup>th</sup> attacks on the Pentagon and World Trade Center, Congress passed the USA Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism), which virtually reversed the fourth amendment under certain circumstances. Sections 213 and 218 of the Patriot Act allow for the search and seizure of private property without the owner's consent or knowledge, which is a direct violation of the fourth amendment. The problem objectivist would have with this amendment is not the amendment itself but how the loopholes in the amendment are so easily exploited, making the amendment weaker than it should be. The loophole in the amendment is that searches are allowed with probable cause. The Patriot Act allows the government to police all citizens of the country with or without probable cause. Objectivists would have a problem with the violation of individual and property rights. If Rand would have written the Constitution, there would have been no loopholes. The objectivist philosophy is strictly against the interference of government in personal matters, so to have the government intrude on the privacy of a person's home and phone calls would be unpardonable. The Framers may not had the foresight to see the need for an act like the Patriot Act to come into existence because of the loophole, but the fact still remains that the provision for probable cause allows for the act to exist.

## **Amendment 5**

The Fifth Amendment has four different rules, mostly dealing with the rights of those accused of committing a crime. The Fifth Amendment requires a Grand Jury and due process and bans double jeopardy and the taking of private property for public use without just compensation. Objectivists would agree with this amendment for the most part; the problem that objectivists would have with this amendment would be the distortion of the last rule concerning the taking of private property for public use. The Fifth Amendment clearly prevents the taking of private property without just compensation in what's known as the "Takings Clause." However, this rule is at odds with the rule of eminent domain. According to Webster's Collegiate Dictionary, eminent domain is defined as "the right of the government to take private property for public use by virtue of the superior dominion of the sovereign power over all lands in its jurisdiction." The contradicting principles of eminent domain and the Fifth Amendment are always clashing in court. For example, in *Kelo v. New London* a private corporation named Pfizer built a medical plant in New London, Connecticut. New London decided to buy one hundred and fifteen houses around the plant but fifteen houses refused the city's offer. When the owner of those fifteen homes refused to sell, the city of New London took their land under the principle of eminent domain. The house owners brought a class action suit against the City of New London and the case made it to the Supreme Court. The court ruled in favor of the City of New London because eminent domain was for the good of the majority of the city's citizens. Objectivists have a problem with the Fifth Amendment because cases like in *Kelo*, eminent domain gets favored by the court over the Fifth Amendment. The *Kelo* case and cases like it are examples of what is wrong with the Fifth Amendment: the government can take privately owned

property for the betterment of the majority, which is against the principles of both the Framers and Objectivists.

### **Amendment 6**

The Sixth Amendment grants the right of speedy trial and public trial. These rights granted by the sixth amendment are for those who are accused of committing crimes. Objectivists approve of individual rights and the right to a speedy trial and jury fall under that category. However, the problem lies in the degree of individual rights that should be granted to criminals. To objectivists, some crimes were unforgivable, such as intellectual or property theft and any threat or violence to an individual's person. Objectivists would keep the right to speedy trial for criminals. Objectivists would agree with the right to a public trial. The Founding Fathers and Rand both believed that the government was capable of having unfair punishment for its citizens, which they all witnessed first hand, through Rand's experience with the USSR and the framers' experience with the British monarchy. A public trial would be necessary to objectivists to keep the government honest and make sure that the government bestowed a punishment befitting the crime.

### **Amendment 7**

The Seventh Amendment is the right to trial by jury. Objectivists would have a problem with the concept of trial by jury, because a trial by jury leaves the decision of whether someone loses freedom or not to the ignorant masses. Ignorant as in the people who are selected by *voir dire* cannot have an intimate knowledge of the law or the case in dispute because the courts believe that would create a bias against the defendant. Rand would be against this idea on the basis of the principle of objective reality. Whether or not the jury knows what crime a defendant

has committed beforehand does not change the facts of the case. Furthermore, objectivists would want a jury who was informed of the law and capable of making decisions independent of one another, unlike the current jury system where the jury votes and makes a decision as a group. Thus objectivists would most likely prefer a trial overseen by a judge rather than a jury.

### **Amendment 8**

The Eighth Amendment prohibits cruel and unusual punishment for those accused of crimes and bans an excessive amount of fines and bail. The issue with the Eighth Amendment is the lack of clarity in its definition. No one is exactly certain what the Framers meant by “cruel” or “unusual” or “excessive” as they did not define or give examples of cruel and unusual punishment or what excessive fines were. As stated previously, objectivists are pro the rights of individuals, and against government interference; however, Rand makes an exception for criminals. “The government acts only as a policeman that protects man’s rights; it uses physical force only in retaliation and only against those who initiate its use,” Rand said, *For the New Intellectual*, pg 183 (Ayn Rand Lexicon). This statement suggests that if a criminal uses force than equal force can be used against his or her, possibly including cruel and unusual punishment. By not explicitly defining what they meant in the Eighth Amendment the Framers left said amendment wide open for interpretation and misunderstanding. Rand would have been more explicit with the Eighth Amendment; she would have specifically described the rights of criminals according to the crimes they committed.

### **Amendment 9**

The ninth amendment <sup>4</sup>of the Constitution states that the enumeration of certain rights in the Constitution cannot be used to disregard rights unstated in the Constitution. The problem with this amendment is like other amendments to the Constitution: it is unclear what unstated rights the Framers were referring to. An example of the Ninth Amendment at work is *Griswold v. Connecticut*, where the right to marital privacy is not explicitly stated in the Constitution, but protected under the Ninth Amendment as an unstated traditional right. Objectivists would agree with the Ninth Amendment based on the principle of individual rights and protection from the government; however, objectivists would not agree with the ninth amendment lack of defining what rights the amendment is supposed to be protecting.

#### **Amendment 10**

The tenth amendment gives the power to make other rules and rights to the State governments and citizens if the rules or rights are not prohibited or stated in the Constitution and Bill of Rights. The problem objectivists would have with this amendment is the sharing of power between the federal, and state governments and the people. The intent the Founding Fathers had in mind when creating this amendment is debatable, but the point remains that the Tenth Amendment makes clear that the federal government has the highest amount of power in specific areas mentioned within the Constitution and the State government and citizens have powers only in other areas. This would be a problem for the objectivists because it violates the objectivist principle of self-interest. Shared power among the government and the people is not in the self-interest of the people, because the power is predominately in the hands of the government who

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<sup>4</sup> “While the privacy decisions were mostly found in the ‘shadows and penumbras’ of the 1<sup>st</sup> and 14<sup>th</sup> Amendments according to the majority opinion, the right to privacy could also clearly fall under the Ninth Amendment.”

uses said power to accomplish things to its benefit but not necessarily to the benefit of the people. Objectivists, as stated earlier, believe that the government's only purpose is to protect people, so all the other powers granted to the federal and state government would be invalid according to the objectivist belief system.

### **Amendment 11**

The Eleventh Amendment, which became an amendment 4 years after the Bill of Rights, gives states a certain degree of sovereign immunity. It limits the ability of federal courts to hear lawsuits against states brought by private citizens or corporations. Objectivists would not have a negative or positive opinion on the eleventh amendment because it neither creates more rights for individuals nor creates less right for individuals; rather it requires that such suits be filed in state court. Though states are limited in hearing cases from other states and countries, the Supreme Court has original jurisdiction and may hear such court cases. Objectivists do not make any particular distinction between the federal government and state government; in the objectivist opinion both levels of government should have very minimal roles in the lives of citizens.

### **Amendment 12**

The Twelfth Amendment is a structural amendment that defines how the President and Vice President shall be chosen by the Electoral College. Similar to Amendment Eleven, the Twelfth Amendment pertains to the structure of the government and does not grant or dispose of citizens rights, so objectivists could be neutral to this amendment. Whether or not the President and Vice President are from the same state and how the Electoral College chooses them would not matter to the objectivists and is outside of the scope of the five principles.

### **Amendment 13**

Eight months after the assassination of President Abraham Lincoln in April 1865, the thirteenth amendment was passed. The Thirteenth Amendment abolished slavery in all the United States and its territories. For years, the United States had been separated by the issue of slavery. Much of the North abolished slavery by 1804, while the South the continued slave trade until the end of the Civil War in 1865. The Thirteenth Amendment is one of the greatest accomplishments regarding individual rights in U.S. history. Objectivists would concur with the Thirteenth Amendment based on the individual rights awarded to American citizens and the principles of capitalism. According to objectivists, capitalism is the best form of government because it allows men to act as equals and have a mutually beneficial relationship. The act of slavery makes equality impossible.

#### **Amendment 14**

The Fourteenth Amendment has four parts, not including a section that instructs Congress to enforce the amendment. The first section of Amendment Fourteen grants the rights of equal protection, due process, property, liberty and *life* to any person who has citizenship in the U.S. Objectivists would agree with the first part of this amendment except the part of granting someone the right of life. Objectivists believe that no one can grant someone else the right to life. By being born, a person is automatically granted the right of life. The second section of the Fourteenth Amendment is a preventative measure to make sure that slaves were not counted in apportionment of Representatives of States, as previously slaves only counted for three-fourths of a human. The third and fourth sections in the Fourteenth Amendment prohibit any members of the confederacy from holding power in the State or Federal government.

Objectivists would not disagree with any of the three other sections of the Fourteenth Amendment.

### **Amendment 15**

Three years after slavery was abolished, all men no matter the color of their skin, were allowed to vote. The Fifteenth Amendment has instructions that grant Congress the power to enforce the Amendment. Objectivists would agree with the Fifteenth Amendment on the grounds that it grants individual rights to citizens and uses the reasoning principle. Granting rights to all citizens allows the individual to use his reasoning to vote and protects male citizens from exclusion just because of their race.

### **Amendment 16**

The sixteenth amendment allows the government to tax the states without regard to population of said states. Rand believed in a different tax system than the system that is currently used in the United States. Rand believed in voluntary government financing, like car insurance. She believed that if a person really wanted the government to provide services then the person would voluntarily pay the government for the service. The voluntary government taxing is different than the taxation of any country in the world and Rand herself said that “any program of voluntary government is a goal for the distant future,” (*The Virtue of Selfishness* pg118 Ayn Rand Lexicon.) That being said, just because Rand did not think that America was ready for voluntary taxes does not mean she would support taxation. Two beliefs of objectivism conflict on matters of current taxation system, capitalism and individual rights. When paying taxes for something, if a citizen does receive something in return in the form of comforts provided by the government then the criteria of having a mutually beneficial relationship is met. However, the

objectivist belief in the rights of the individual would include being able to spend one's money on whatever one chooses to. The two conflicting opinions and a distant hope of a country with a voluntary tax system, leads to the belief that Rand would have been undecided on the subject of the Sixteenth Amendment.

#### **Amendment 17**

The Seventeenth Amendment allows citizens to directly vote prospective Senators from their state into office. The Seventeenth Amendment is a structural amendment as it sets rules as to how government should proceed with governmental positions. Usually objectivists would be neutral on anything relating to government procedure because objectivists do not believe government has a function outside of protection of its citizens; however objectivists would approve of the Seventeenth Amendment because it grants the individual the right as citizens of a state to choose their representative.

#### **Amendment 18**

The Eighteenth Amendment created prohibition, at a time when creating, transporting or selling alcohol was illegal within the United States. The Eighteenth Amendment was established in the early 1900's. Immediately after the establishment of prohibition, people began illegally distributing alcohol. A little more than ten years later this amendment was overturned, but during the time of prohibition objectivists would have disagreed with the amendment. The eighteenth amendment violated individual rights, by prohibiting an individual from choosing if he or she would like to drink an alcoholic beverage or not. Objectivists would see this amendment as an example of the government trying to control its citizens through legislation.

#### **Amendment 19**

The Nineteenth Amendment gave women the right to vote. Ayn Rand did not identify herself as a feminist; she believed that women should respect men worthy of respect and that men in turn should respect women who were their intellectual and moral equals. Rand would agree with the Nineteenth Amendment on the basis that it concurs with the principles of individualism and self-interest. The Nineteenth Amendment grants individual rights to women by prohibiting gender from being a prohibiting factor in voting. Ayn Rand's gender is female so it would be in her self interest to support an amendment that allowed her to vote.

### **Amendment 20**

The Twentieth Amendment is a governmental structure amendment. There are six sections to the twentieth amendment; the first section establishes that the President and Vice president shall take office on January 20<sup>th</sup>. The second section establishes when Congress will assemble. The third and fourth sections institute replacements for the offices of President and Vice President in case of death. The fifth and sixth sections of the amendment institute when and how the twentieth amendment will be put in use. Objectivists would be neutral to this amendment; as stated before objectivists believe in limited government and free society, so the structure of a government that they do not care for would not matter to them.

### **Amendment 21**

The twenty-first amendment repealed the eighteenth amendment that illegalized the production, transportation, or selling of all intoxicating alcoholic beverages. The eighteenth amendment is the only amendment to be repealed in the history of the Constitution. Objectivists would agree with the repeal of this law based on its violation of individual rights. As stated before, objectivists would have thought that the eighteenth amendment was another way for the

government to control citizens by prohibiting them from making the choice to drink alcohol. The reasoning for prohibition is called the temperance movement, which blamed alcohol for all America's problems. The majority of the temperance movement leaders were Christian and believed that alcohol was a temptation from the devil. Objectivists would disagree with this belief because of their lack of belief in spiritual entities and the objectivist's belief in making decisions based on reason or lack thereof, not because of outside elements.

### **Amendment 22**

The Twenty-second Amendment limits the number of terms a president can remain in office to two terms. The Twenty –second amendment was created largely in reaction to the four term presidential reign of President Franklin Roosevelt, who died soon after his fourth term began. Objectivists would not have an issue with the Twenty-second Amendment because it is an instructional structural amendment that had nothing to do with the rights of the citizens.

### **Amendment 23**

The Twenty-third amendment allows the District of Columbia to be allowed to vote for the office of President. Washington D.C. is not a state, so its citizens were not previously awarded the same rights as citizens of actual states. Objectivists would approve of the twenty-third amendment because it concurs with individualism by granting the citizens the individual right to vote. Rand said “The right to vote is a consequence, not a primary cause, of a free social system,” (the *Ayn Rand Letter*, III, 24, 3 Ayn Rand Lexicon). Rand meant that when a society is free then people will have freedoms such as the right to vote, a benefit of a free social system. Rand supported the idea of a free society and believed that America was the closest country to

achieving a completely free society. Allowing citizens to vote from Washington D.C. brought America one step closer to becoming the ultimate free society.

#### **Amendment 24**

The Twenty-fourth Amendment prohibits the State or Federal government from charging citizens a poll tax to vote for President, Vice President, and Congress. The Twenty-Fourth amendment would be supported by objectivists because the amendment supports individual rights by allowing citizens the right to vote without having to pay a tax. It can be argued that an objectivist would support a tax on voting because of the principle of capitalism and mutually beneficial relationships, the right to vote for an exchange of money. Objectivists, however, do not believe that the right to vote has to be bartered for; rather, objectivists believe that the right to vote is a natural benefit in a free society.

#### **Amendment 25**

The Twenty-fifth Amendment is a structural amendment that defines the order of succession if the President dies. The order of succession goes as follows; after the President, is the Vice President, President Pro Tempore of the Senate and Speaker of the House. Objectivists would be neutral to this amendment because the amendment neither grants rights nor takes them away.

#### **Amendment 26**

The Twenty-sixth Amendment gives citizens eighteen years or older the right to vote. The Twenty-sixth Amendment was created because during the times of the Vietnam War, eighteen year olds were drafted for war but prohibited from voting for decisions that would affect their future, such as the presidential elections. During the time of the Vietnam war other

laws were created via statute to allow persons of the age of eighteen more rights, such as the right to drink. However, not all of the laws that were made because of the Vietnam war were amendments or stayed as laws. Objectivists would agree with the Twenty-sixth amendment because the amendment coincides with the principle of individualism by granting persons who are eighteen or older to be allowed to vote. Though objectivists would agree with the Twenty-sixth Amendment, they would take it a step further and allow all persons who intellectually competent and capable of using reason the privilege of voting. Based on the way objectivist view reasoning, they would not limit a person to voting based on age, but on their ability to use reasoning.

#### **Amendment 27**

The Twenty-seventh Amendment prohibits Congress from giving itself a raise that takes effect before the next election. In the case of most structural amendments like the Twenty – seventh Amendment, objectivists would be neutral. However, in the case of Amendment Twenty-seven, objectivists could have two different opinions. Depending on the individual, the Senator or Representative could deserve a raise based on how hard they worked, which is in concurrence with the capitalism principle that the congressman would get paid according to the amount of work he or she produced. Another opinion objectivists could have is that, since according to objectivists the government’s only purpose is protection of citizens, then members would never deserve a raise based on Congress being virtually useless in the eyes of an objectivist. Depending on the preference of the individual objectivist and/or the work ethic of the individual Congressmen, objectivists could agree or disagree with the Twenty-seventh amendment.

## ChVI. The Conclusion

The objectivist perspective of the U.S. Constitution is that the document was necessary to provide the U.S. with a governmental system of a democratic republic. The Constitution created the checks and balances system and provided liberties for minority and majority citizens while taking care to protect individual freedoms from being intruded on by the government. In the opinion of the objectivist, the governmental system in the United States is as close to being ideal as any other governmental system. Objectivists' ideal government would be a government that protects its citizens from physical harm, as well as theft of real or intellectual property, provides rights for the individual, has a separate economic and governmental system, and has as little as possible governmental interference with citizens' lives.

The United States Constitution provides many of the objectivist criteria for the perfect government except little governmental interference and completely separate economics and government. Objectivists would have problems with the Constitution because the document is focused too much on structural governmental policy and not enough on clarifying the rights of individuals. Objectivists could care less about the in-depth discussion of structural rules like when Congress is in session because they believe that the government's only purpose should be to protect its citizens. Objectivists would fix the Constitution by first adding a section to the Constitution that formally separates economics from politics. Objectivists would also remove the parts of the Constitution that they deem to give the government, both federal and state, too much

power over the citizens. Sections and clauses that would most definitely be removed are parts of Article 1 Section 8, because it gives too much power to the government by allowing it control over the country's finances and budget. Rand would not have approved of Article 2 Section 1, the oath given by the President that swears allegiance to the government and not to the President himself, which violates the principle of self-interest. Article 4 sections 2 would be removed because it recognized slavery which Rand thought was the worst mistake the Framers ever made. The Supremacy Clause of Article 6 of the Constitution would be removed from the Constitution because it gives the federal government too much power. Objectivists would agree with the majority of the amendments to the Constitution, so none of them would have to be removed except for the Eighteenth Amendment creating prohibition which was later repealed by the Twenty-first Amendment. Objectivists would have a problem with the lack of clarity with the U.S. Amendments to the Constitution. Objectivists would re-write the amendments to make sure they were clearly understood and there were no loopholes or contradictions.

Ayn Rand and the Founding Fathers had a few differences of opinion, but they have more in common than not. Rand and the Framers were both originally citizens of other countries that were ruled by dictators who had little regard for the rights of their citizens. Rand and the Framers both were well educated, and, despite the harsh government they lived under, both flourished in history and writing. Rand and the Framers were also all well-to-do. Most of the Framers were a part of the aristocracy or independently wealthy and Rand grew up in an upper middle class home, having a father who was a chemist and had a successful business until the Bolshevik revolution, after which Rand and her family was stripped of their property. Rand and the Framers were both intelligent elitists who found their salvation in the form of the United States of

America and in their writing. The documents of both the Framers and Rand have changed the world forever because they chose to immortalize their thoughts through action and literature.

A major challenge with this thesis is predicting the opinions of the deceased. Both the Founding Fathers and Ayn Rand are deceased, so it is impossible to know exactly what they would have thought if they were alive. If the Founding Fathers were alive during modern times, their thoughts could have been vastly different than what has been recorded. Also, there are so many Founding Fathers it is hard to lump them together or research all of them, so only the most famous Framers like Washington, Adams, Jefferson, Madison, Franklin, Hamilton, Paine and Henry are the focus. Though Rand lived in modern times and left more writings with her opinion to study, it is still hard to be one hundred percent sure what her opinion would have been. Rand wrote and spoke about the Constitution and the Framers but she was never specific on all her problems with the Constitution, so the findings in this thesis are based on the opinions expressed in her books, philosophy and interviews. There is no way to discern how Rand felt privately or how her opinion might have changed if she still lived, so the accuracy of this thesis is somewhat limited.

Questions for further research would be the other side of the coin: How would the Framers feel about objectivism? Ayn Rand was influenced by the Framers and held them in high esteem. If the Founders were alive and read Ayn Rand's novels, would they hold her in high esteem or would they have their own issues with her philosophy and novels? Another question for further research would be how the Founding Fathers would feel about how the Constitution is used and interpreted today. While researching this paper, a bevy of different constitutional interpretations were found and on today's Supreme Court, Justices have different interpretations

they use. If the Framers were alive, what interpretation would be closest to how they intended the document to be used? And how would they feel about the other interpretations?

The research in this thesis helped the field of political science by enlightening the reader on a popular philosophy and explaining how it is connected to the Founding Fathers. This thesis also brings a unique interpretation of the Constitution by using the principles of objectivism to deconstruct the historical document.

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