Recognition*

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Abstract

This chapter is about one of the three stages in the process making a law - the Recognition stage.

Introduction

The process of making a law can be broken down into three separate and distinct stages. In this chapter, we will study the stage of the process of making a law called **RECOGNITION**. **RECOGNITION** deals with the desires of a lawmaker with regard to a Recipient receiving conduct. In contrast, INTRUSION deals with the desires of a lawmaker with regard to a Source doing conduct and FORMATION deals with the desires of a Lawmaker with regard to the Conduct itself.

The Factual Focus of the Lawmaker during Recognition is the Recipient receiving Conduct

From her perch at the acme of *The Triangle of Law*, a Lawmaker despises the facts at its base as a flow of conduct from Source to Recipient in Circumstances. During **RECOGNITION**, the focus of a lawmaker is upon the Recipient receiving conduct. It is not upon the Conduct itself or the Source doing conduct. This focus creates a relationship between the Lawmaker and the Recipient. It is one of the three legal relationships in *A Unified Theory of a Law*. This relationship is depicted graphically as one of the three legs of *The Triangle of Law*.

The Opinion of the Lawmaker at the Recognition Stage

During **RECOGNITION**, a lawmaker forms any of three opinions about a flow of conduct from Source to Recipient in Circumstances:

1. a Lawmaker likes the conduct and wants the Recipient to receive the conduct
2. a Lawmaker is indifferent to the conduct and does not care whether or not the Recipient receives the conduct, or
3. a Lawmaker dislikes the conduct and does not want the Recipient to receive the conduct.

Only these three opinions are available to a lawmaker during **RECOGNITION**. A lawmaker must pick one and reject two.

Binding a command or a permission to a Recipient receiving conduct

After a lawmaker forms an opinion during the **RECOGNITION** stage of the process of making a law, the lawmaker must externalize the opinion and communicate it to the citizenry. This is done when the

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lawmaker binds the command or permission picked at the **FORMATION** stage of the process of making a law to the Recipient. A lawmaker binds a command or a permission to a Recipient when a Lawmaker hands a Recipient either of two tokens: 1) a right or 2) a no-right. Picture a General pinning a medal onto the tunic of a soldier. A right and a no-right are the two tokens of **RECOGNITION**.

A lawmaker binds a command to a Recipient by giving the Recipient a right.

A lawmaker binds a permission to a Recipient by giving the Recipient a no-right.

Unless and until a Lawmaker binds a token to a Recipient receiving conduct, the Recipient remains in the factual world. Only by binding a token to a Recipient is the Recipient transported to the legal world.

Hence, the vocabulary of **RECOGNITION** consists of a mere two words coupled with the polarities of conduct. They are sufficient to express the three permutations available to a lawmaker at the **RECOGNITION** stage:

1. a Lawmaker binds a right to affirmative (a/k/a on) conduct to a Recipient,
2. a Lawmaker binds a no-right to either affirmative (a/k/a on) conduct or to negative (a/k/a off) conduct to a Recipient, or
3. a Lawmaker binds a right to negative (a/k/a off) conduct to a Recipient.

The Metaphor of Recognition

A metaphor has evolved to help us understand the three permutations available to a lawmaker during the **RECOGNITION** stage of the process of making a law. The Metaphor is known as Standing.

A Recipient seems visible to a Lawmaker who holds the opinion that she wants the Recipient to receive the conduct or the opinion that she does not want the Recipient to receive the conduct. Because a Recipient seems visible, the Recipient is said to have standing.

On the other hand, a Recipient seems invisible to a Lawmaker who holds the opinion that she does not care whether or not the Recipient receives the conduct. Because a Recipient seems invisible, the Recipient is said to lack standing.

Hence, standing is a useful metaphor. A command is a law with standing; a permission is a law without standing. A right indicates standing is present. A no-right indicates standing is absent.

Standing, in contrast to weight, is visual not tactile. Standing seems; weight feels. Moreover, our grammar is geared to weight rather than standing and, alas, we are all prisoners of our grammar. There are no intrinsic grammatical structures in our language that express standing. There are no *shalls* or *mays* that serve as clues. Hence, it is easier to talk from the perspective of a source rather than a recipient.

Recognition and the Periodic Table of the Elements of a Law

RECOGNITION occupies three of the nine cells of the three by three grid known as **The Periodic Table of the Elements of a Law**. Cells A3, B3 and C3 found in Column 3 capture everything that occurs during the **RECOGNITION** stage of the process of making a law.

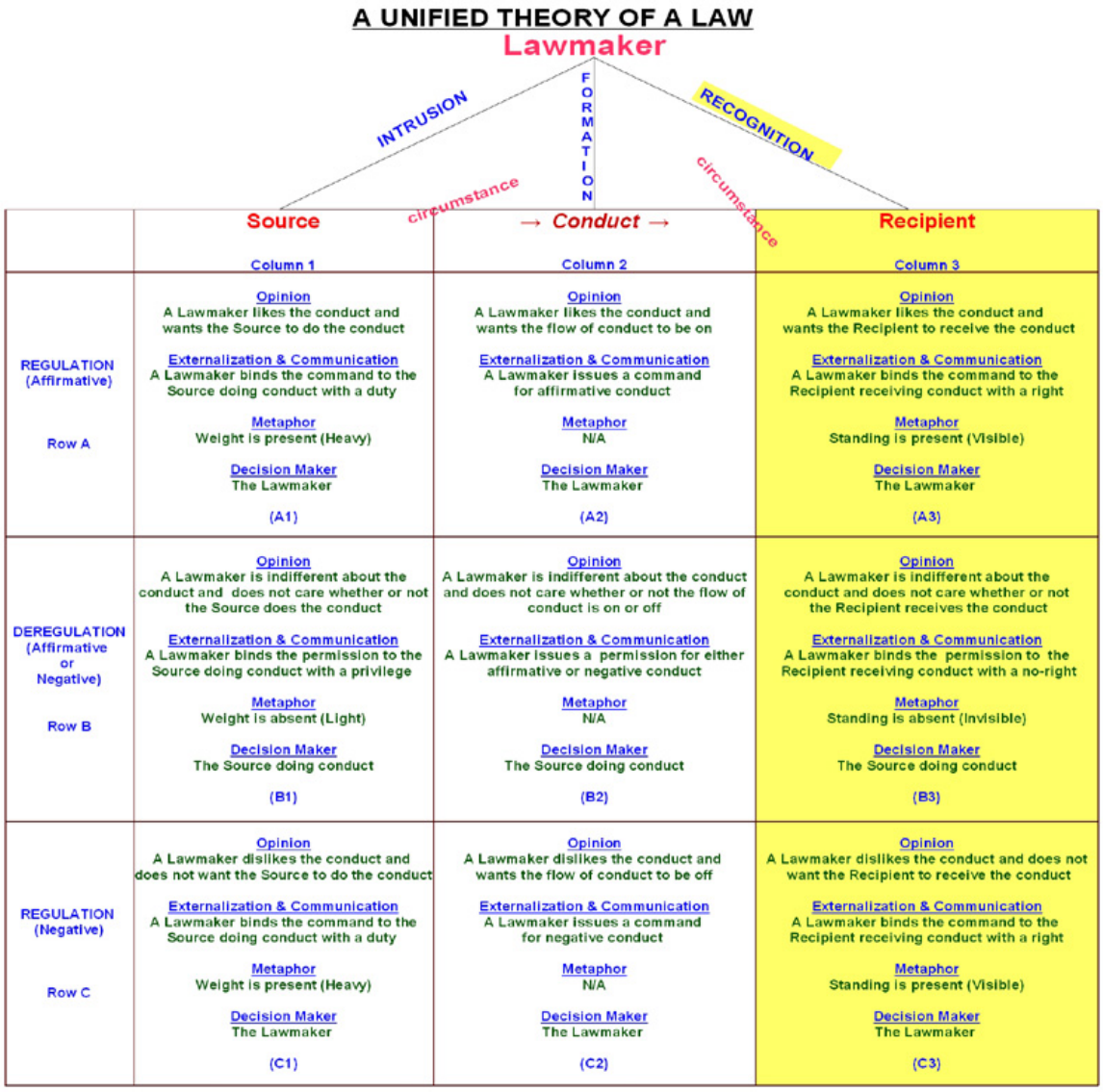

Figure 1: The Triangle of a Law superimposed upon the Periodic Table of the Elements of a Law. Note: the Recognition stage of the lawmaking process is highlighted.

Glossary

Definition 1: NO-RIGHT

A **no-right** is one of the four tokens. It is usually bound to a Recipient. (But see, Extrapolation). It brings a Recipient from the factual world into the legal world. It indicates that a lawmaker does not care whether or not a Recipient receives conduct. It corresponds to a privilege on the

INTRUSION side of the process of making a law. It indicates that standing is absent. A **no-right** indicates that a lawmaker has bound a permission to a Recipient instead of a command.

Definition 2: RIGHT
A **right** is one of the four tokens. It is usually bound to a Recipient. (But see, Extrapolation). It brings a Recipient from the factual world into the legal world. It indicates that a lawmaker wants either a Recipient to receive conduct or to not receive conduct. It corresponds to a duty on the INTRUSION side of the process of making a law. It indicates that standing is present. A **right** indicates that a lawmaker has bound a command to a Recipient instead of a permission.

Definition 3: STANDING
Standing is a metaphor that indicates whether or not a Recipient is visible to a Lawmaker. A visible Recipient has standing and has a right. An invisible Recipient lacks standing and has a no-right.

Definition 4: STANDING TOKEN HOLDER
A standing token holder is a person - usually a Recipient receiving conduct - who is holding either a right or a no-right.

Definition 5: TOKEN
A token is a *word* that symbolize a Lawmaker's desires with regard to a Source doing conduct and a Recipient receiving conduct. There are four (4) tokens: duty, privilege, right and no-right. To bind a command to a Source and Recipient, a Lawmaker "hands" a duty to the Source doing conduct and a right to the Recipient receiving conduct. To bind a permission to a Source doing conduct and a Recipient receiving conduct, the Lawmaker "hands" a privilege to the Source doing conduct and a no-right to the Recipient receiving conduct. Tokens are the means through which a Lawmaker accomplishes the binding of commands and permissions.

Definition 6: TOKENHOLDER
A token holder is a person who holds one of the four legal tokens:

1. a right,
2. a no-right
3. a duty, or
4. a privilege

The capacity to hold a token is what makes a factual character into a legal character. A token holder is the legal soul of a source, recipient and someone other than a source or a recipient. Typically, the Source doing conduct holds either a duty or a privilege and a Recipient receiving conduct holds either a right or no-right. Extrapolation, however, can take place.