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Public vs Private Sovereignty and Individual Rights under Law

This project explores where public power ends and private sovereignty begin. It questions whether laws meant to protect freedom sometimes end up limiting it instead. The question uniting my sources is how much independence the law truly permits. and where those limits begin, as well as the struggle between what the law allows and what people believe they have a right to claim. I've noticed that the more people learn about how control works, the more they look for ways to live under their own authority. The question that keeps showing up in all my sources is how much independence the law truly gives and where those limits begin.

Carlos M. Vazquez's article "Treaty Based Rights and Remedies of Individuals" explains how international law operates inside the United States system. He shows that even when a treaty recognizes a person's right, the courts still rely on Congress to decide whether that right can actually be used. It reveals that personal freedom inside public law is conditional. Robert Kelly's book "It's All About the Trust" approaches it from the other side, describing how private trusts and equity law create ways for people to function outside of statutory control. Together, these perspectives reveal how public law defines the boundaries of freedom, while private law offers structured ways to navigate within or beyond those limits.

Olufemi Taiwo's *Elite Capture* opened my eyes to the social side of the problem. He talks about how power and privilege shape who the law really serves. That connects to why so many people look for private structures or alternative paths. They see that public systems often protect institutions before individuals. When I looked at constitutional and statutory law, I saw how public sovereignty is written in theory but also how it protects the state first and people second when you don't know how to properly exercise your inalienable rights. The court cases I studied, like *Wisconsin v. Yoder* and *Hobby Lobby v. Burwell*, show that the courts make room for personal or religious freedom, so long as it is not causing harm, injury, trespass or swindle.

Together, these sources show that freedom under law depends on how public power and private will meet. The public system claims to stand for justice, but it also maintains control. The private approach offers self-governance, but it requires knowledge, balance, and responsibility. For my next project, I plan to focus mainly on Vazquez and Kelly because they show both sides of the same coin, how to live within or outside of public systems without losing your rights. I still want to study more recent cases that test individual sovereignty, especially where faith, privacy, or property come up against state power. My goal is to convey that autonomy under law is possible and that it doesn't only exist in theory.

Annotated Bibliography

Kelly, Robert. *It's All About the Trust*. Private Trust Publications, 2020.

Kelly introduces private trust law as a lawful way for people to establish and protect assets, operate privately, and function within equity rather than statutory jurisdiction. He explains how the trust relationship allows individuals to separate ownership from control, which creates a layer of legal autonomy when handled correctly. The book uses real life examples and simple explanations to show how private trusts have existed for centuries as tools of protection and independence. He contrasts the structure of private equity with public statutes, arguing that knowledge of trust law gives people a way to live responsibly and freely under their own governance. Kelly also explores the moral side of trust law, reminding readers that freedom and responsibility go hand in hand. He describes how a trust operates on honor, obligation, and accountability, not avoidance of law. His writing makes clear that when handled properly, a private trust is not about hiding but about aligning one's affairs with principles of fairness and good stewardship. Kelly's explanations help connect ancient equity practices to modern applications, showing that the private side of law can still function peacefully within the public domain. This source supports my topic by providing a practical example of private sovereignty operating within legal boundaries. It shows how individuals can live under self governance while still upholding order and ethical conduct. It also connects to Vazquez's article by showing that while public systems define rights, private law offers an alternate route to exercise them. Together, these ideas show that sovereignty is not rebellion but lawful inalienable rights to privacy.

Taiwo, Olufemi O. *Elite Capture: How the Powerful Took Over Identity Politics and Everything Else*. Haymarket Books, 2022.

Taiwo talks about how power, privilege, and class influence who the law really works for. He explains how systems that were meant to protect equality often end up being controlled by people who already have influence, leaving those who need help the most with the least access. This book helped me step back and look beyond legal words and structures to see the real people behind them. It made me think about how sovereignty is not just about law but about who actually has the ability to use it. Taiwo's idea is relevant because it shows how even good movements can get taken over by people with resources or status. I see this in how certain laws or policies sound fair on paper but still keep the same power dynamics in place. It made me realize how both public and private systems can continue inequality if fairness and access are not truly at the center. This connects deeply to my topic on autonomy and self governance because it shows that not everyone has the same freedom to act independently even if the law says they do. True independence is not just legal it is about real access and opportunity. I plan to use this book to show how the law can sometimes uphold social hierarchies instead of challenging them. Taiwo's writing pushes me to think about what justice should look like when it is rooted in real equality not just written words.

United Nations. *International Covenant on Civil and Political Rights*. 1966. Office of the High Commissioner for Human Rights, www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

This treaty was adopted by the United Nations General Assembly in 1966 and recognizes the right to freedom of thought, conscience, and religion. Article 18 protects the freedom to practice religion or belief and to change one's religion without interference. This source connects directly to my research on sovereignty because it defines religious liberty as an inherent right that exists beyond government control. It complements Vazquez's discussion of treaties by showing how such international commitments are supposed to work in theory, even when nations fail to enforce them. The International Covenant on Civil and Political Rights (ICCPR) is important because it shows how freedom of belief isn't a privilege given by any government, it's a right that every human being is born with. The treaty also highlights the tension between international recognition and national enforcement. Many countries sign the agreement but still place limits on how people express or live out their faith. That contradiction supports my argument about the divide between public and private sovereignty. In theory, governments acknowledge freedom of conscience, but in practice, they often regulate it through policies or social control. This source gives me a strong foundation for connecting constitutional law to human rights law. It shows that individual sovereignty and religious freedom have global protection, not just national recognition. I plan to use this source in Project 2 to compare how the U.S. Constitution and international law approach freedom of belief, and to show that true sovereignty starts with moral conscience, not political permission.

Vazquez, Carlos M. "Treaty Based Rights and Remedies of Individuals." *Columbia Law Review*, vol. 92, no. 5, 1992, pp. 1082–1161.

Vazquez talks about when and how people can rely on treaties in U.S. courts to claim rights or remedies. He explains ideas like self execution, congressional authorization, and the last in time rule, showing that the power of a treaty depends on who is willing to enforce it. His article makes it clear that freedom under public law is not always guaranteed. It depends on the government's choice to make those rights real and active. Vazquez also looks at how different courts interpret treaties, and the differences often leave people with uneven access to justice. He explains how the meaning of "law of the land" shifts depending on how Congress or the courts decide to see it. This means that even though treaties are supposed to be promises between nations, they do not always hold the same weight once they enter the U.S. system. What stands out to me is how much depends on politics, not just law. Sometimes the rules seem clear, but when it comes down to it, power decides what gets enforced and what does not. His argument helps define the limits of personal freedom under public law and explains why some people look to private or alternative systems when public ones fail to protect them. It also ties back to Kelly's work by showing that public law sets the outer limits of sovereignty while private law gives space to move within those limits. I plan to use this article to show the difference between rights that exist on paper and rights that are actually lived out in the real world.

“*Wisconsin v. Yoder.*” *Supreme Court of the United States*, 406 U.S. 205, 1972.

This case recognized the right of Amish parents to withdraw their children from public school for religious reasons. It stands as a landmark decision affirming that federal law allows religious freedom and personal belief to override regulation as long as it is not causing harm or trespass. The Court held that education beyond eighth grade violated the parents’ First Amendment rights, showing that the state must respect sincere religious practice unless there is a clear injury to others. This ruling continues to be one of the most powerful examples of how the law can acknowledge individual faith and conviction as a guiding force. It set an important precedent showing that freedom of religion is not something granted by the state but something that must be protected from unnecessary interference. The Court’s decision made it clear that the government’s role is not to shape belief but to ensure that people can live according to their faith as long as they are not harming anyone else. I chose this case because it illustrates how personal conviction can outweigh government policy and still maintain social order. It also supports the theme of lawful private autonomy within a public framework, proving that individual freedom and public responsibility can work together. The case connects to broader questions about sovereignty and conscience, showing that true freedom is rooted in self control and integrity, not resistance or defiance. I plan to connect this case to Kelly’s discussion of trust law to show that both spiritual and legal forms of sovereignty depend on personal accountability, discipline, and the ability to govern oneself within a larger system of order.