Title II - Reason & Argument

2.1 – Reason & Argument

Article 41 – Reason

210. *Reason* is a concept describing both the capacity to and process of consciously applying one or more formal systems of argument to discern some cause or motive; or to draw some conclusion as to a question of truth or fact. Reason is equivalent to the application of some formal system of Logic.

211. The term *Reason* originates from the time of the Franks and invention of the Anglaise (Old French) Language in the form of the compound word *raison* meaning Logic, derived from *rai* meaning light or inner sight and *son* meaning his, her or their.

212. By the nature of its origin and function as a concept, the general characteristics of Reason may be summarised as:-

(i) Reason as both a system and method of thinking, depends on the pre-existence of such a system. Thus Reason can never be sensibly considered some spontaneous or inherent trait of cognition in sentient beings, but an acquired behaviour through learning; and

(ii) Reason and Reasoning are and always will be fundamentally associated with one or more systems of Logic and their use; and

(iii) Given Reason by its true etymology literally means Logic, Reason can never be sensibly considered distinct from Logic; and

(iv) Like its equivalent (Logic), Reasoning is a type of thinking not the sum total of all possible methods of thinking; and

(v) Like its equivalent (Logic), Reasoning is primarily binary in its conclusions (a or not-a), in contrast to the natural world whereby there could be more than one answer (multi-valence); and

(vi) Given Reasoning is primarily binary in nature, any argument that the systems and methods of Reason are inherent to nature is false.

213. In relation to Reason being a non-natural and acquired behaviour of thinking and acting:-

(i) Nature is complex and multi-valent, whereas Reason is binary in its function (a or not-a); and
(ii) All higher order life inherits the ability to make complex decisions. However, applying binary thinking to an experience is an acquired behaviour not necessarily a natural trait; and

(iii) Any philosophy or argument that seeks to claim Reason as a natural ability rather than acquired through learning is false by intention and design or in gross error.

**Article 42 – Argument**

214. An *Argument* is one or several connected postulations to influence the opinion of another upon Faith or to support a proposition as Proof. A postulation may be based on one or more Facts, or Suppositions, or a combination of both.

215. As all Arguments depend upon meaning, all arguments are by definition fictional, regardless of whether they seek to influence upon Faith, or Proof or both.

216. The ability to present coherent and connected postulations is essential to any Idea, Model and System based on Meaning. Therefore, the validity of an Argument may be equated in some degree to the value and validity of a Model, Idea or System.

217. As all Arguments are by definition fictional, the general elements to test for the validity of any argument are highly subjective and may said to be based upon the qualities of *Relevance, Coherence, Evidence, Confidence* and *Influence*:-

(i) *Relevance* is the applicability of the Argument to the audience as well as the matter at hand. An Argument can be technically relevant but without some emotional connection to the audience by being personally relevant, many technically superior arguments can fail; and

(ii) *Coherence* is the logical and understandable steps of an Argument that the audience can follow. A technical argument may be correct but if it cannot be understood or followed it may still fail against a technically inferior counter argument; and

(iii) *Evidence* is the proof presented in support of the Argument. Importantly, it is not necessarily the weight of evidence but its singular significance in supporting a coherent argument that is often the more persuasive; and

(iv) *Confidence* is the confidence and tone of the one who is making the Argument, shown overwhelmingly to be a significant impact to influence, when all other factors are also
clear; and

(v) *Influence* is the overall ability of the one making the Argument to persuade the audience to their point of view.

218. The age of an Argument, or its customary acceptance is insufficient evidence alone for its validity.

219. An argument that is consistent with these Maxims and conforms to the prescripts of *Pactum de Singularis Caelum* is superior to any argument that is inconsistent to these Maxims.

Article 43 – Cause

220. A *Cause*, also known as Causality and “cause and effect”, is an abstraction to describe a source, or reason, or condition, or goal, or motive or intention for an action or event producing some kind of effect or result.

221. In respect of Cause or *Causation*:

(i) The simplest model is the concept that one process (the cause) is partly responsible (to some degree) for the second (the effect); and the second (the effect) is dependent to some degree upon the existence of the first (the cause); and

(ii) The model of Causation seeks to draw rational connections between effects, consequences or results and the “forces” driving them to then make logical conclusions of the likely cause or causes; and

(iii) As actions or events rarely occur in perfect isolation, it is frequently difficult to “reverse engineer” the likely cause or causes, unless clear evidence exists; and

(iv) In seeking to resolve investigations involving events and results around Beings, the most reliable source of cause is to obtain clear evidence as to the intention in the mind of the Being (or Beings) at the time. This is why it is morally repugnant and against the Rule of Law to condemn an accused of a serious offence without first firmly establishing culpability of Mind as well as Action.

222. All Causes may be distinguished into three types being *Necessary*, *Sufficiency* or *Contributory*:

(i) *Necessary Causes* are defined such that “if x is a necessary cause of y, then the presence of y necessarily implies the presence of x. However, the presence of x does not imply that y will occur”; and
(ii) *Sufficient Causes* are defined such that “if x is a sufficient cause of y, then the presence of x necessarily implies the presence of y. However, another cause z may alternatively cause y. Thus the presence of y does not imply the presence of x”; and

(iii) *Contributory Causes* are defined such that “if x accompanies several causes that collectively are a sufficient cause of y, then the presence of x necessarily implies a contributing factor of y to some degree”.

223. As Causes after the fact are difficult to determine, even with the most expensive and advanced technology, the process of “reverse engineering” causes from studying effects can be less effective and less accurate than purely philosophical models that are able to postulate the cause of an effect from the mind of the actor at the time of the event or action.

224. Everything happens for a reason. Therefore, everything that happens in the Universe occurs as a result of one or more Causes.

225. All possible Causes exist within the Dimension of Ucadia such that no Cause may exist that is not subject to the absolute authority and jurisdiction of Ucadia in accord with the most sacred Covenant *Pactum De Singularis Caelum*:

(i) Any Cause that is defined and properly identified in accord with the present Maxims is said to belong to the Set of Causes of Ucadia that are true and valid and legitimate; and

(ii) A proposed or claimed Cause that is not in accord with the present Maxims is said to belong to the Set of Causes of Ucadia that are absurd or untrue and invalid and illegitimate; and

(iii) The presence of the Unreal Set of absurd, or untrue, or invalid or illegitimate Causes as a valid Set of Ucadia cannot in itself be argued that Ucadia is therefore contradictory, absurd, illegitimate, invalid or untrue, as the presence of such a set proves the necessary completeness of the “set of sets” of all Causes.

226. As every possible Cause is encompassed within Ucadia such that no Cause may exist that is not subject to the absolute authority and jurisdiction of Ucadia:

(i) The first Cause or relations of Causes listed within Ucadia as true and valid and legitimate shall be the proper Cause defined by Ucadia; and
(ii) Any definition, proposition or claim of Cause that is not consistent with the Cause or relations of Causes defined by Ucadia shall therefore belong to the Set of Causes of Ucadia that are absurd or untrue and invalid and illegitimate.

227. Any Cause that is not in accord with the present sacred Maxims is invalid.

228. Whenever one speaks or writes or signifies Causes, it shall refer to the present sacred Maxims and all associated Covenants, Charters, Languages and Models of Knowledge first and foremost.

**Article 44 – Interpretation**

229. Interpretation is the use of argument, reason, logic and competence in accordance with these Maxims to deduce the correct intent and meaning of the Law. Thus, to interpret the law is to explain and apply the Law as it was originally intended.

230. The best interpreter of a valid Maxim is the Maxim itself. Therefore, the best interpretation of any administrative act, statute or ordinance is its conformity to these Maxims first and secondly to itself.

231. Conformity to these valid Maxims, not their use, is the best interpreter of things. Therefore, custom alone is the worst interpreter of the Law.

232. In the construction of valid agreements conforming to these Maxims, words are to be interpreted in relation to the person using them.

233. Lawful commands in accordance with these Maxims receive a strict interpretation, but unlawful may command a broad and extended interpretation.

234. When anyone references, writes or speaks of “Interpretation”, “Valid Interpretation”, or “Correct Interpretation” it shall mean these Maxims and no other.

235. It is an invalid interpretation which corrupts the text of any Maxim.

**Article 45 – Proposition**

236. A Proposition, is a true or false (binary) statement about a Subject that forms the body of an Argument; and that logically leads to a true or false Conclusion. All Propositions themselves are assumptions. A Proposition is also commonly known as the Predicate or Premise.

237. The word Proposition is derived from the Latin propositio meaning "purpose or theme". However, the original Ancient Greek word used
by Aristotle when describing a proposition (in his invention of syllogism) was protasis from πρότασις (protasis) meaning “to put forward, tender, to propose”.

238. In classic Logic, an Argument requires a set of at least two declarative sentences as Propositions to then infer a Conclusion.

239. As all Propositions in Arguments are intended to be binary assumptions (either true or false), such statements rarely reflect the complex nature of a real world situation, but its simplistic summary for the purpose of generating a binary Conclusion:-

(i) To compensate for the potential absurdity of determining a Proposition of a real world situation as either absolutely true or false, many forums of law have adopted a weighting system first to claim to demonstrate a fairness of measure on the weight of evidence before conversion into an assumed absolute; and

(ii) Whilst systems of “weighing evidence” and “measure” create the impression of multi-valence, the conversion to Propositions is still the same (100% true or 100% false) as if no ritual or appearance of “weighing evidence” occurred in the first instance; and

(iii) It could also be reasonably argued that the conversion of a multi-valence recognition (could be and could not be) into a bivalent (100% true or 100% false) is a greater injury given acknowledgement by such process that any binary Conclusion (guilt or innocent) is knowingly flawed.

240. A real danger of the principle of Propositions is when potential or inherit bias is allowed to affect the formation of such Statements, effectively “tipping the balance” in the likely Conclusion such as a court sentence:-

(i) Potential and Inherit Bias that prejudices an accused can begin simply with a lack of testing of the veracity and authenticity of the accusation in the first instance; and simply assuming the accusation to be 100% true – a logical absurdity. In many jurisdictions, this is the case and “tips the balance” significantly against the accused before they have even had the opportunity to offer a defence; and

(ii) In the minds of most people, the presence of media reports and the fact that a matter proceeds to trial is sufficient evidence to believe the Propositions against the accused are more than likely 100% true before a hearing or starts than not, indicating a clear Potential and Inherit Bias that prejudices an
accused; and

(iii) Potential and Inherit Bias that prejudices an accused can continue with unreasonable and unfair procedures of law, from a lack of time allocated to hear a matter, the pre-printing of paperwork before the case is even concluded, the instructions of the judge or magistrate demonstrating a predisposed conclusion against the accused, or the behaviour of the judge or magistrate during the hearing.

241. Despite the potential defects of Propositions in Law, their use in the context of Logic still provides a reasonable means of Concluding adjudications, arbitrations and declarations of Law, providing the Civilised Principles of Law are present to mitigate potential bias or injury.

Article 46 – Conclusion

242. A Conclusion, also known as a “deduction” is a Form of end, finish, result or decision derived through inference and the application of logic and reasoning. A Conclusion is also the third proposition of a syllogism, deduced from two prior premises (major and minor).

243. The word Conclusion is derived from the Latin *concludo* meaning “to shut up, to enclose, to end, to round off”.

244. A Form of end, finish, result or decision that is not derived through inference and the application of logic and reasoning cannot be defined as a valid Conclusion.

245. All arguments as matters of Law must be resolved through valid Conclusion.

Article 47 – Validity

246. Validity is the quality of a Form being valid, namely strong, authentic and genuine, as such Form is capable of being justified and proven to be true through logic and reason. Hence, Valid arguments possess legal force.

247. An argument declared Valid on claimed force of law alone does not make it valid. Not only must such a body of law itself be proven to be valid, but the arguments by which the law is used.

248. Valid is equivalent to testing and measurement. Validity is impossible without the existence of some objective measure.

249. Belief and faith are irrelevant to validity. Validity is a test of the strength of a form, not its popularity. The more comprehensive a
model, the more logical, reasoned and perfected the more valid, regardless of whether such a model of law is believed or not.

250. Any form of law that is inconsistent and contradictory to these present Maxims and the most sacred covenant *Pactum De Singularis Caelum* cannot be law and is henceforth invalid.

### Article 48 – Legitimacy

251. **Legitimacy** is the quality, measure and process of a Form in its conformance, accordance and authenticity within the Law and the present Maxims. Hence Legitimate is equivalent to “lawful”.

252. The etymology of the term *Legitimacy* from Latin *legitimo* and *legitimus* reveals its core function as a concept:

(i) *Legitimo* (Latin) means to “make legal” and thus Legitimacy in one sense is “making something legal”; and  

(ii) *Legitimus* (Latin) means “lawful” and thus Legitimacy in one sense is something already considered “lawful”.

253. A maxim is not a Maxim but an inferior and illegitimate statement or claim if it is not in accordance with these present Maxims.

254. To claim a statement or form is a Legitimate through custom or acceptance has no validity unless it is in accordance with these present Maxims.

255. No statement that is claimed as Legitimate may be used in a competent forum unless it can prove its provenance to the present Maxims of Law.

256. When anyone references, writes or speaks of Legitimate or Legitimacy it shall mean these present Maxims in accord with the most sacred covenant *Pactum de Singularis Caelum* and no other.

### Article 49 – Sanity

257. **Sanity**, or “compos mentis” (in Latin), is a legal term whereby a forum of law may claim the right to determine to its own satisfaction whether a person associated with one or more matters is of “sound mind” or not; and therefore is legally culpable for their behaviour.

258. The term *sanity* is commonly defined to mean “healthy and sound condition of body; sound sense of mind; and correct and pure of spirit”. The term *sanity* comes from the Latin word *sanitas* originally only meaning “healthy and sound condition of body”. In contrast the Latin term for *mind* is *mentis*; and for *spirit* is *spiritus*.

259. Sanity is usually defined by competent forums of law in respect of the
absence of insanity or non compos mentis (Latin) meaning “no command or power of (one’s) mind”. Thus, the test of Sanity in practice of the courts is the attempt to prescribe one or more “illnesses” to a person.

260. A generally accepted principle of law is the concept that one must be of “sound mind” to be considered fully culpable for ones actions:-

(i) Under historical Law, mens rea (Latin for “guilty mind”) is considered by the Courts as a necessary element of a serious crime; and

(ii) In contrast, when one is declared “insane” for a particular time and place by a Court then in that moment mens rea cannot be fully established; and

(iii) Most jurisdictions of Law require a sanity evaluation prior to the formal commencement of the body of any hearing or trial as to the question of whether or not the accused was mentally incapacitated at the time of the alleged offence.

261. The use of Psychological Evaluations or “Psych Tests” against belligerent parties in a matter is frequently a strategy by the court to disable a form of argument or defence:-

(i) A Court may decide that a person simply challenging the authority of the court or the legitimacy of the court on one or more grounds may be argued to be not of “sound mind” and thus subject to a Psychological Evaluation, whether or not custodial control (imprisonment) is needed to complete it; and

(ii) Unruly, argumentative, arrogant and rude behaviour – even if out of valid frustration – is unacceptable under any circumstances in a court of law; and ultimately enables court officials to warrant a Psychological Evaluation for the purpose of diagnosis of one or more “mental illnesses”.

262. Arguments or attempts by a court to use Non Compos Mentis or “not of sound mind” against a party in a matter are able to be effectively negated generally by:-

(i) A party always acting calmly, confidently, respectfully and politely; and

(ii) Dressing appropriately and respectfully for court matters (where possible); and

(iii) Expressing in the affirmative (where appropriate) the soundness of body, mind and spirit – made self evident by ones behaviour and approach to the court; and
(iv) Making clear the definition of soundness of mind, given there are no uniform clinical definition of insanity in Western Law, therefore the judge or magistrate is free to choose from a number of presumed definitions. If unchallenged, it is presumed a clear definition exists.

Article 50 – Competence

263. Competence is a complex term referring to a Person free from serious mental incapacity; or a Person capable of reason; or a Person conscious of their own decisions and actions; or a Person able to perform or participate in a given argument, decision or action; or a Person willing to take responsibility for their own decisions and actions.

264. In relation to the five key aspects of Competence being Mental Wellness, Ability of Reason, Conscious Objective Awareness, Mental Performance and Personal Responsibility:-

(i) Mental Wellness in respect of Competence is closely related to the concept of Sanity and the judgement of the presence of any serious mental illness that would otherwise be deemed to incapacitate the Person; and

(ii) Ability of Reason in respect of Competence is both the knowledge and ability to demonstrate and accept models of binary (logical) thinking of good, bad, guilty, innocent, right or wrong, even if such thinking does not reflect real world events or circumstances surrounding a matter; and

(iii) Conscious Objective Awareness in respect of Competence is the ability to demonstrate a detached, objective and unemotional conscious awareness of ones own thoughts, decisions and actions; and

(iv) Mental Performance in respect of Competence is the ability to perform or participate in a given argument, decision or action, especially when relating to a legal matters; and

(v) Personal Responsibility in respect of Competence is the ability and character to be willing to take responsibility for ones own decisions and actions.

265. In relation to the subjective nature of Competence as exhibited by the five key aspects of Competence being Mental Wellness, Ability of Reason, Conscious Objective Awareness, Mental Performance and Personal Responsibility:-

(i) All five key aspects of Competence are unquestionably
subjective in nature as opposed to clinical or scientific in definition; and

(ii) The five key aspects of Competence relate directly to necessary conditions to conduct (in theory) of a fair and just legal matter within a competent forum of law; as it could reasonably be argued that an absence of Competence in one key aspect could render a verdict unjust; and

(iii) Generally a forum of law need only prove lack of Competence in relation to one key aspect to conclude the incapacity of a Person for the purpose of a legal matter.

266. In relation to the Competence of Persons:–

(i) As the Divine Person is also part of the Divine Creator, a Divine Person is always considered competent; and

(ii) While the Divine Person is always considered competent, it is possible for the True Person represented by the flesh to be incompetent.

267. Only Persons demonstrating knowledge and consent to these Maxims and agreeing to obey statutes derived from the Maxims may be regarded as Competent.

268. As Natural birth of the flesh is proof of lawful conveyance from a Divine Trust to a True Trust and willing consent by the Divine Person to be born in accordance with these Maxims, when the flesh denies its membership to One Heaven, or its Trusteeship or these Maxims, then the flesh automatically declares itself as Incompetent.

269. Any judge or magistrate who wilfully and deliberately ignores their obligation to stand by their oath and duties of office, especially when requested to reaffirm their solemn obligations before or during a legal proceeding, automatically declares themselves incompetent with any subsequent judgement, orders or decisions null and void from the beginning.

Article 51 – Status

270. Status or Legal Status refers to the Identity, Rights and Impediments (if any) of a Person recognised by a Society or its various bodies, courts, agencies, officers and agents.

271. In relation to the three key aspects of Status being Identity, Rights and Impediments:–

(i) Identity of Legal Status refers to the “type” of Person, as a Being may be connected to two or more Persons including (but
Maxims of Positive Law

not limited to) Citizen, Driver, Passenger, Employee, Employer, Borrower, Lender, Defendant, Petitioner, etc.; and

(ii) **Rights** of Legal Status refers to the cumulative set of potential privileges, obligations or powers ascribed to such a Person; and

(iii) **Impediments** of Legal Status refers to any restrictions, suspension, forfeitures or cancellations (if any) of privileges, obligations or powers ascribed to such a Person.

272. In any Argument of Law, the Status of a Person is fundamental to the process and function of a matter in any competent forum of law:-

(i) All legal matters concerning Rights concern Persons; and therefore the correct Identity of the type of Person associated with one or more Rights is critical to questions of Jurisdiction and Authority; and

(ii) Legal matters often concern Agency Rights associated with one or more services and functions of Society such as roads, taxation, financial services or government welfare. Therefore, the central Identity of the Person in question may be of a different type depending upon the Agency involved; and

(iii) As a matter of Argument and procedure, legal matters often require parties to be properly identified in roles as Persons for the matter at hand, such as Prosecutor, Judge or Defendant separate to the hearing or trial of the overall Person in question (e.g. Driver Mr John Citizen); and

(iv) Different types of Persons naturally have different collections of Rights. Thus the proper identification of the Legal Status of a Person is essential for many functions and processes of the administration of government and law; and

(v) By the rules of a particular government Agency, a Person accused of an offence may be impeded in one or more Rights. Thus acknowledging Legal Status can often be considered an acceptance of such restrictions and limitations.

273. Denial of the immutable fact that all Societies and their various bodies, courts and agencies depend upon and recognise different persons related to one or more primary persons (such as citizen), is an admission by the one who denies of falsity or mental illness:-

(i) Any academic or public information site, or official government instrument, briefing or court summary that denies the natural presence of multiple persons connected to the citizens of a given society is an admission of gross...
incompetence, idiocy and falsity; and

(ii) The denial of such fundamental functions and elements of law by law officers, courts and law enforcement within a given society is admission of the absence of any Justice, Fair Process or Rule of Law; and

(iii) The use of the term “straw man” is itself false and misleading as the legal function of Person is a historic fact of law, not a fiction.

274. An Individual demonstrating a lack of competence or respect in the present Maxims has no right whatsoever to identify themselves as having Sovereign Legal Status. In all such cases, such claims may be taken by a Non-Ucadian Society or its various bodies, courts, agencies, officers or agents as an admission of incompetence, belligerence and dishonesty.

275. Status by definition, requires recognition by a given Society or its various bodies, courts, agencies, officers and agents:-

(i) Given the fundamental importance of Legal Status as well as its complex implications, in many instances Legal Status is not passively affirmed or recognised, but passively assumed and concluded; and

(ii) An Individual engaged in a matter in relation to a given Society or its various bodies, courts, agencies, officers and agents has every right to request in writing the Legal Status that such a body is claiming the Individual holds in proceeding with the matter; and

(iii) An Individual has every right to Identify their Legal Status with an appropriate Person in association with a matter, if a given Society or its various bodies, courts, agencies, officers or agents is unable or unwilling to do so; and

(iv) An Individual does not normally have the right to claim Legal Status beyond the scope and jurisdiction of the laws of a given Society or its various bodies, courts, agencies, officers or agents, unless such a Society or body demonstrates a fundamental lack of competency, honesty, good character, decency, transparency, fair process in contradiction to the present Maxims and the most sacred Covenant Pactum De Singularis Caelum; and

(v) A member of a Ucadia Society always has the primary right to be tested, tried and judged by a competent forum of law under Ucadia Law.
276. By definition, a living member of One Heaven possesses a minimum of three persons being their Divine Person, True Person and Superior Person that all have higher status than any inferior person or lesser society. Therefore, no non-Ucadian society may claim jurisdiction over one or more of the superior persons of a living member of One Heaven.

277. When an alleged Offence is issued by a Non-Ucadian society or some lesser society against a Ucadia Member, the Member may evoke their superior Legal Status and choose to have the matter resolved in accordance these Maxims.

**Article 52 – Capacity**

278. **Capacity** is the combination of Legal Status and Competence of a Person to make important legal, financial and life decisions.

279. Capacity is generally defined as having two qualities being *Legal Capacity* and *Mental Capacity*:

   (i) *Legal Capacity* is the term given to the Legal Status of a Person and the Identity as well as limits of Rights and any Impediments as determined by their status; and

   (ii) *Mental Capacity* is the term given for the Competency of a Person and their ability to make a rational decision based upon all relevant facts and considerations.

280. Capacity is an essential factor in Contract Law demonstrating the ability of a Person to satisfy the elements required to enter a binding agreement:

   (i) In terms of *Legal Capacity* and Contract Law, a Person often is required to have reached a minimum age; and

   (ii) In terms of *Mental Capacity* and Contract Law a Person is usually required to be competent and have a soundness of mind before entering a contract.

281. Capacity is an essential factor in determining the function and procedure of Criminal Law:

   (i) In terms of *Legal Capacity* and Criminal Law a Person such as a defendant may have reduced or impeded rights until the matter is resolved, including the assumption that the Person is held in the custody of the state, either under no bail or bail, or incarceration and remand; and

   (ii) In terms of *Mental Capacity* and Criminal Law a defendant must have the capacity to understand the wrongfulness of his
or her actions.

282. Capacity is an essential factor in determining the function and procedure of Estate Law:-

(i) In terms of Legal Capacity and Estate Law the maker of a will must not otherwise be impeded from making a will and must clearly indicate the intention of making a will, revoking any (or all) previous wills or codicils; and

(ii) In terms of Mental Capacity and Estate Law the maker of the will must have testamentary capacity, meaning that he/she must understand the nature of making a will, have a general idea of what he/she possesses, and know who are members of the immediate family or other beneficiaries.

Article 53 – Standing

283. Standing, also known in Latin as locus standi, refers to the existence and proof of a right of a Person to bring a new Action in Law; or to be recognised and heard in an ongoing Action; or to join or participate in an existing Action.

284. In relation to the three key types of Standing being Bring New Action, Be Heard in Action and Join Existing Action:-

(i) Bring New Action refers to the right of a Person to bring a new action into a forum of law based upon either a pre-existing right of Action or sufficient evidence of and existing wrong (tort) or imminent injury; and

(ii) Be Heard in Action refers to the right of a Person to be recognised and heard in an ongoing Action based upon their Interest in the matter as well as their Legal Status and Capacity; and

(iii) Join Existing Action refers to the right of a Person to join an existing and ongoing Action based upon a pre-existing right of Action or provable Interest in the Action.

285. In relation to the general requirements of Standing to Bring New Action:-

(i) Injury: The plaintiff must have suffered or imminently will suffer injury. The injury must not be abstract and must be within the zone of interests meant to be regulated or protected under the statutory or constitutional guarantee in question; and

(ii) Causation: The injury must be reasonably connected to the
defendant’s conduct; and

(iii) *Relief and Remedy:* A favourable court decision must be likely to redress the injury

286. In relation to the general requirements of Standing to *Be Heard in Action* :-

(i) *Status:* The person in question must have the appropriate Legal Status to be able to be heard and address a competent Forum of Law. In many cases, a court may rule a party does not have sufficient standing to proceed, except by legal representation; and

(ii) *Competence:* The person in question must have sufficient competence as frequently plaintiffs and defendants do not have the aptitude nor respectful and competent behaviour to represent themselves.

287. In relation to the general requirements of Standing to *Join Existing Action* :-

(i) *Proof of Interest:* The person in question must have clear evidence of a direct interest in the matter; and

(ii) *Status:* The person in question must have the appropriate Legal Status to be able to be heard and address a competent Forum of Law. In many cases, a court may rule a party does not have sufficient standing to proceed, except by legal representation.

288. By definition and law itself, an authorised Officer of Ucadia, possessing the proper mandate, has standing in any competent forum of law prescribed in the mandate. The denial of the standing of such an officer is therefore an admission a forum is not a proper court of law.

**Article 54 – Merit**

289. *Merit* is a complex term that refers to:-

(i) The correct legal context of an Action in Law in relation to the citation of existing precedents and previously adjudicated matters of a legal system; and

(ii) The clarity and reasonableness of the strict legal rights claimed by a party to the Action; and

(iii) Sufficient evidence of one or more material facts in support of the claimed legal rights to the Action; and
(iv) The conformity to procedure of the Action in relation to the rules of the particular forum of law; and
(v) The likelihood of adjudication in favour of the party to the Action when all facts are considered.

290. Merit is an important Argument of Law that gives context to a matter before a forum of law beyond merely its technical parts:

(i) As a sequence of concepts, Merit enables a judge or tribunal the ability to place the context of a case within the wider body of laws and cases of a Society; and to consider not only whether a decision is more or less likely in favour of the plaintiff, but the likelihood of the matter being subsequently appealed or challenged; and

(ii) Merit is supposed to assist the court and jurists in discerning matters that may superficially appear technical compliant and reasonable, but in reality are without substance and potentially frivolous or even vexatious; and to utilise the principles of Merit where a litigant is intent on potentially abusing the mechanics of the court; and

(iii) An erroneous judgement that argues a case is without Merit does not mean a litigant is without the right of appeal, as such error of judgement is itself potentially a strong basis for appeal. Thus the process of Merit must always be treated with respect and not itself used frivolously as an argument to merely defeat an opposing argument.

291. In relation to the first element of Merit and the correct legal context of an Action in Law in relation to the citation of existing precedents and previously adjudicated matters of a legal system:

(i) Every party in an Action should be able to demonstrate sufficient research of the relevant and prevailing cases and laws that support or defeat a claim of rights; and

(ii) Such citations should always be brief and recorded in the accepted manner for such references within the law form; and

(iii) The absence of any clear citations or the proper methods of citation is justification to claim an argument is “without Merit”.

292. In relation to the second element of Merit and the clarity and reasonableness of the strict legal rights claimed by a party to the Action:

(i) The one or more rights justifying an Action must be able to be
clearly articulated; and

(ii) The absence of any clearly articulated and reasonable rights consistent with Legal Status of a Person is sufficient justification to claim an argument is “without Merit”.

293. In relation to the third element of Merit and sufficient evidence of one or more material facts in support of the claimed legal rights to the Action:-

(i) Material facts are facts of a case that are without dispute or can be proven by prima facie evidence; and

(ii) The absence of any material facts is justification to claim an argument is “without Merit”.

294. In relation to the fourth element of Merit and the conformity to procedure of the Action in relation to the rules of the particular forum of law:-

(i) All matters must follow the procedure of the court, particularly in fair process; and

(ii) The absence of conformity to the procedures and forms of the court is justification to claim an argument is “without Merit”.

295. In relation to the fifth element of Merit and the likelihood of adjudication in favour of the party to the Action when all facts are considered:-

(i) A party must demonstrate the presence and conformity of all previous necessary elements first before presenting any summary of arguments on the likelihood of adjudication in favour of the party to the Action when all facts are considered; and

(ii) The absence of conformity of all previous necessary elements first before presenting any summary of arguments is justification to claim an argument is “without Merit”.

296. A matter that fails to conform to at least one or more key elements of Merit may then be said to be “Without Merit”. It is a falsity to claim a legal argument is “without merit” when clear and sufficient evidence exists in conformance to all five key elements of the notion of Merit.

297. A matter that fails to conform to all five key elements of Merit may be said to be “Totally Without Merit”. It is a falsity to claim a legal argument is “totally without merit” when clear and sufficient evidence exists in conformance to at least one or more key elements of the notion of Merit.
2.2 – Logic

Article 55 – Logic

298. Logic is a formal System of Argument based on the principles of Inference and Reason whereby Propositions are properly expressed to achieve consistent Conclusions across a wide variety of Subjects.

299. Logic may be defined as Bivalent or Multivalent:-

(i) Bivalent Logic is based on the presumption of single chronological set of dependent time events and only one (1) of two (2) possible outcomes or Conclusions; and

(ii) Multivalent Logic is based on the presumption of a single chronological set of dependent time events and two (2) or more possible outcomes or Conclusions.

300. Logic may also be defined as Linear or Multi-linear. Linear Logic is chronologically based on the presumption of a set of singular space-time dependent events commencing with A and then proceeding to B; and Multi-linear Logic is based on a progressively expanding set of interdependent space-time events:

(i) Multivalent Multi-linear Logic is capable of approximating to some degree of accuracy the Reality and Fact and Truth of the Universe. Both Multivalent Linear Logic and Bivalent Linear Logic are wholly artificial, imaginary and unable to accurately portray the reason, function and effect of any real scientific events with any degree of accuracy. Therefore, both Multivalent Linear Logic and Bivalent Linear Logic are inferior and less Real, less Truthful and less Factual than Multivalent Multi-linear Logic; and

(ii) Bivalent Linear Logic is the most unnatural, imaginary and artificial system for portraying, recreating or analysing the reason, cause and effect of any real world events. However, Bivalent Linear Logic is the most functional of all three (3) logic models in terms of models of law and reason because of its simplicity. Given Bivalent Linear Logic is wholly absurd and unnatural to the multivalent paradoxical reality of life, all parties involved in any dispute with the Body Corporate must be granted the right of free will and consent to be adjudicated according to Bivalent Linear Logic.

301. Only Multivalent Multilinear Logic is capable to approximating to any degree of accuracy the reality of Divine Law, Natural Law or
Cognitive Law. Both Multivalent Linear Logic and Bivalent Linear Logic are wholly unable to accurately portray the reason, function and effect of any real world events with any degree of accuracy.

**302.** Bivalent Linear Logic is based on three (3) Laws of Reason being *Identity, Non-Contradiction* and *Bi-valency* being:

(i) The *Law of Identity* states that an object is the same as its identity; and

(ii) The *Law of Non-Contradiction* or the "exclusion of paradox" states that a valid proposition cannot state something that is and that is not in the same respect and at the same time; and

(iii) The *Law of Bi-valency* (Excluded Middle) states that conclusions will resolve themselves to only one (1) of two (2) states being valid or invalid.

**303.** While Bivalent Linear Logic is the most unnatural system for portraying, recreating or analysing the reason, cause and effect of any real world events, it is the most functional of all three (3) logic models in terms of law because of its simplicity. Therefore, Bivalent Linear Logic is the foundation of all Positive Law or law derived from Positive Law.

**304.** As Bivalent Linear Logic is the most unnatural system for portraying, recreating or analysing the reason, cause and effect of any real world events, it cannot be used in Law to describe Cognitive Law, Natural Law or Divine Law. Furthermore, Bivalent Linear Logic can only be applied to fictitious persons, not to actual beings.

**305.** As Bivalent Linear Logic is wholly unnatural to the real world, all men and women must be granted the right of free will and consent to be adjudicated according to Bivalent Linear Logic through persons.

### Article 56 – Premise

**306.** A Premise, also known as a “protasis” is a true or false (binary) statement about a Subject that forms the body of an Argument; and that logically leads to a true or false Conclusion. All Premises themselves are assumptions. A Premise is also commonly known as the Predicate or Proposition.

**307.** In classic Logic, an Argument requires a set of at least two declarative sentences as Premises to then infer a Conclusion.

**308.** Logical Form differs substantially from general language expression of argument in that the Subject and Predicate must be strictly arranged within a certain relationship of meaning (Copula) according
to the following core rules:-

(i) The (a) **Subject** is generally the first element of a “valid” logical expression, followed by the (b) **Copula** represented by a limited number of operators and conjunctions and then followed by (c) the **Predicate** describing the quality, attributes or assumptions concerning (a) the **Subject**; and

(ii) Gender, tense, declensions are generally considered irrelevant to valid Logical Form and are removed.

309. Traditional Logic and Modern Logic differs primarily in the application of Logical Form. According to traditional Logic, only one Copula or modifier existed between the Subject and the Predicate rendering a limited number of expression constructions. However, in Modern Logic, both the Subject and the Predicate may have modifiers, rendering multiple generalities.

**Article 57 – Inference**

310. **Inference**, or "syllogism" is the act of drawing a Conclusion by the use of Deductive Logic or Inductive Logic. Hence, the Conclusion drawn through Logic is also called an Inference.

311. A Conclusion, also known as a “deduction” is a Form of end, finish, result or decision derived through inference and the application of logic and reasoning. A Conclusion is also the third proposition of a syllogism, deduced from two prior premises (major and minor).

312. A Form of end, finish, result or decision that is not derived through inference and the application of logic and reasoning cannot be defined as a valid Conclusion.

313. All arguments as matters of law must be resolved through valid Conclusion.

**Article 58 – Deductive Logic**

314. **Deductive Logic**, also known as Deductive Reasoning is a formal method of achieving an inference using Bivalent Linear Logic by the assumption of a certain conclusion which necessarily flows from a set of premises or hypothesis.

315. According to Bivalent Linear Logic, a deductive argument is considered valid if the conclusion follows necessarily from the premises themselves considered valid and true.

316. The simplest form of Deductive Logic is called the Law of Detachment. A single conditional statement is made, and then a
hypothesis (P) is stated. The conclusion (Q) is deduced from the hypothesis and the statement. The most basic form being:

(i) As P tends towards Q (P → Q)
(ii) P (Hypothesis stated)
(iii) Q (Conclusion given)

The second simplest form of Deductive Logic is called the Law of Syllogism. Two conditional statements are made concerning A, B and C. The conclusion is deduced by combining the hypothesis of one statement with the conclusion of another. The most basic form being:

(i) If A = B
(ii) And B = C
(iii) Then A = C

**Article 59 – Inductive Logic**

Inductive Logic, also known as Inductive Reasoning is a formal method of achieving an inference through Bivalent Linear Logic by the derivation of general principles from specific instances or prior knowledge.

Whereas Deductive Logic seeks to establish validity in terms of absolutes, Inductive Logic indicates that a logical argument supports a conclusion to some degree (inductive probability) without absolute certainty. Therefore, Inductive Logic permits the consideration of certain real world uncertainties reflected in superior forms of logic within the inferior Bivalent Linear Logic framework.

Inductive Logic depends upon two (2) key concepts being the laws of probability and certainty. Therefore the strongest form of Conclusion by Inductive Logic is when one is certain beyond “reasonable doubt” that a conclusion is probably true.

As Inductive Logic introduces some relevance to real world uncertainty to the system of Bivalent Linear Logic used for all lesser laws formed under Positive Law, it is the preferred form of Bivalent Linear Logic for resolving serious matters concerning such laws.

**Article 60 – Fallacy**

A Fallacy in Logic or Argument is an incorrect reasoning resulting in a misconception, or erroneous Conclusion.

Fallacies may be divided into several categories: Factual Error, Deliberate Error, Absolute Error, Assumed Error, Irrelevance Error.
and Logical Error:-

(i) *Factual Error* is when a Premise is made containing a factually incorrect statement of information or knowledge that can be proven to be factually false; and

(ii) *Deliberate Error* is when a Premise is made containing false and incorrect information which can be proven to have been made knowingly and deliberately, thus proving an act of deliberate deception; and

(iii) *Absolute Error* is when a Premise is made containing a sweeping generalisation which a reasonable person would immediately know cannot possibly be sustained as valid; and

(iv) *Assumed Error* is when a Conclusion is made containing a generalisation which is based on one (1) or more assumptions that may not hold true in all cases; and

(v) *Irrelevance Error* is when a Conclusion is made containing minor, irrelevant information that ignores the primary inference; and

(vi) *Logical Error* is when a Premise or Conclusion is made against the mechanical rules of Logic.

324. The most common types of Logical Fallacies are *Incoherence, Fallacious, Irrelevant, Malicious, Perfidious, Unproven, Unasserted, Circular, Verbose, Absurd, Repetitive or Defamatory*:

(i) An *Incoherence* or *Incohaerens* argument, being Latin for “it is not consistent” is any argument whereby its Premises does not follow one another. Thus, an incohaerens is when no Conclusion could reasonably be deduced or inferred from two or more inconsistent and possibly contradictory premises; and

(ii) A *Fallacious* or *Non sequitur* argument, being Latin for “it does not follow” is any argument whereby its Conclusion does not follow from its Premises. Thus, a non sequitur is when a Conclusion could be either true or false, yet the argument is false as there is no reasonable way of arriving to such a Conclusion from the premises alone by way of deduction or inference; and

(iii) An *Irrelevance* or *Ignoratio elenchi*, being Latin for “irrelevant conclusion” is any argument whereby its Conclusion may in itself be valid, but does not address the primary deduction or inference (as issue in question) related to the Premises; and
(iv) *Malice* or *Malignare*, being Latin for “a malicious act” is any deliberately and wilfully negative, spiteful, wicked and evil act designed and intended to harm another, whether or not the other party was aware of such behaviour; and

(v) *Perfidy* or *Perfidum*, being Latin for “a deliberately false, dishonest, treacherous act; a breach of trust” is any deliberately and wilfully false, dishonest, deceptive, treacherous act, representing a clear and unmistakable breach of trust, whether or not such action was intended for profit; and whether or not the other party was aware of such behaviour; and

(vi) An *Unproven Claim* or *Onus Probandi*, from Latin maxim Onus probandi incumbit ei qui dicit, non ei qui negat meaning “the burden of proof is on the person who makes the claim, not on the person who denies (or questions the claim)” is any argument whereby the burden of proof fails to be provided or is falsely placed upon the one accused or defending the claim and not the one making the claim. Thus, any system of law based on the assumption of being culpable on mere accusation without burden of proof is not only absurd, but false, immoral and unlawful; and

(vii) An *Unasserted Claim* or *Argumentum ex silentio*, from Latin meaning “argument (deduced) out of silence” is any argument whereby a Conclusion is made on the absence of evidence or argument, rather than the existence or merit of argument; and

(viii) A *Circular reasoning* or *Circulus in demonstrando*, from Latin meaning “circular argument” is any argument where the Conclusion ultimately relies upon the Premises to be true, yet the Premises ultimately depends upon the Conclusion to be true and thus self referencing and circular; and

(ix) A *Verbose reasoning* or *Argumentum Verbosum*, from Latin meaning “verbal intimidation” is any argument where the Premises or Conclusion are deliberately verbose, or obtuse, or confusing, or overly technical, or complex, or occult in order to intimidate and deflect attention from the existence of one or more fallacies contained within the argument in general; and

(x) An *Absurd reasoning* or *Argumentum ad Absurdum*, from Latin meaning “an absurd argument” is any argument where the Conclusion of an argument is set aside and one or more of the Premises of an argument are proven to be false by showing that a false, untenable or absurd result would follow its
acceptance. Argumentum ad Absurdum is frequently and mistakenly associated with an absurd logical fallacy known as Reductio ad absurdum or “reduction to absurdity” whereby an entire argument is falsely deemed absurd upon discovery of but one absurd or untenable premise; and

(xii) _Repetitious reasoning or Argumentum ad Infinitum_, from Latin meaning “endless argument” is any argument where the argument is continually presented, often with intentional intimidation to use such repetition and ignorance of any counter argument in order to deflect attention from the existence of one or more fallacies contained within the original argument in general; and

Defamatory accusations or _Argumentum ad Hominem_, from Latin meaning “against the man” or “to the person” is any argument whereby attention is sought to be deflected from one or more fallacies contained within the original argument by introducing a secondary argument against the character of the one highlighting such fallacies.

325. A substantial injury to the Law and parties due to a serious fallacy offsets any alleged offence and places the liability upon the judicial officers responsible for failing to correct the serious error.

326. A fallacy in Law has no valid limitation to correction.

### 2.3 – Critical Methods

#### Article 61 – Critical Methods

Critical Methods are forms and techniques of Sceptical Argument against the views of one or more persons in order to prove one or more deficiencies or to damage or destroy the character of the founder, thinker or author of opposing views. Critical Methods are both the most popular and weakest forms of Argument.

328. The general characteristics of Critical Methods (Critical Thinking) as a form of Argument may be defined as:-

(i) Systemic and endemic bias as a consequence of applying flawed methods of sceptical thinking, permitting subjective positions, thinking and arguments in contradiction to the very notion of “classical scepticism”; and

(ii) Frequent aggregation into “schools”, especially beginning from the 17th Century and hardening into a form of orthodox through such embedded thinking in American and certain
European Education Colleges; and

(iii) Inherently adverse to respectful discourse and dialogue except by those that share the same view, or “group think”; and

(iv) Intolerance and sometimes aggressive disdain against those holding opposing views, often justifying and blaming any immoral, hypocritical and negative behaviour upon the portrayed failures of those with opposing views or “projection”; and

(v) Frequent misrepresentation of romantic, anti-social and unscientific behaviour in attacking opposing views as somehow noble, justified and enlightened; and

(vi) Reliance of quantity or authority of discord without due respect or regard for the rigour of systematic or philosophical debate; and

(vii) Significant reliance upon *Ad hominem* personal slander and attacks culminating in a level of intolerance that demand the “cancellation” of those who do not belong to the same “group think”.

329. There are three essential forms of Critical Methods of Argument, namely *Classical, Modern* and *Post-Modern*:-

(i) *Classical Critical Methods* are primarily defined by Ancient Greece Sceptic scholars and thinkers prior to the 17th Century “Enlightenment Movement” of philosophers. Classical Critical Methods are distinguished primarily upon the discussion and debate of the limits of knowledge, semantics, meaning and certainty, with the key focus on doubt being a driver and incentive to higher knowledge and truth; and

(ii) *Modern Critical Methods* are essentially defined by Politically Romantic and Revolutionary philosophers starting from the 17th Century including (but not limited to) Descartes, Bacon through to Kant, Locke, Voltaire, Rousseau and Marx. Modern Critical Methods are distinguished primarily upon embracing a critical bias against traditional and historical theories of knowledge, particularly social, religious and spiritual, while championing notions in support of process and action over theory; and the intellectual superiority and emancipation of the sceptical mind, especially when embraced within new fraternities and movements; and

(iii) *Post-Modern Critical Methods* are essentially defined by the rise of total economic and cultural dominance of the United
States from the 1930’s and the subsequent legal, scientific and philosophical theories born out of primarily major east coast American Universities or “Ivy League” including (but not limited to) Yale, Princeton, Harvard, Columbia, Brown and Cornell. Post-Modern Critical Methods are distinguished primarily upon defence of a specific Romantic Narrative of the exceptionalism of the United States and in the superiority of accepted traditions of academic thinking against new ideas, models and systems not created by, or conform to the standards set by such post modernists.

330. Post Modern Critical Methods (Critical Thinking) is unique in history in possessing such a dangerous degree of delusion and lack of self awareness usually only found in extremist philosophical cults or the proponents of propaganda of oppressive political regimes:

(i) A strenuous denial or refusal to acknowledge there is any inherit bias or hypocrisy within their theories or behaviours, despite overwhelming evidence to the contrary; and

(ii) An arrogant self belief and arrogance that such methods have assisted scientific thinking and humanity, when in fact such orthodox and intolerance has significantly impeded practical solutions to human problems and the advance of science and technology; and

(iii) A delusional blindness to the origins of Post Modern Critical Methods as economic and political weapons of power within a small group of American and European political allies, including a dangerous unawareness of such influence in forming the parameters of these schools of thought; and

(iv) A dismissive refusal to engage in fair and reasonable discourse with opposing views or genuine desire to synthesis stronger ideas, theories or outcomes where they might differ and evolve from the economic and political parameters set down since the 1920’s and 1930’s; and

(v) An over confidence and reliance on compliant forms of media and communication to drown out or silence critics that question or oppose such schools of thought.

**Article 62 – Scepticism**

331. **Scepticism** is generally the theory of possessing a questioning or doubtful bias toward certain existing, new or controversial ideas, models or systems of knowledge.
332. The general characteristics of Scepticism may be defined as:-

(i) The application of binary Logic in an inverted and “negative form” rather than a positive form; and to deduce conclusions from assumptions of doubt rather than certainty; and

(ii) An inherent and deep bias against positive assumptions and assertions, especially of a religious, spiritual and opposing nature; and

(iii) An inherent and deep bias in favour of inverted and negative Logic in the form of doubt, rather than viewing all forms of Logic as merely tools of thought and discernment; and

(iv) A steadfast belief (pseudo religious bias and absurdity) that nothing can be said to exist unless it can be empirically measured according to a certain system of rules, sometimes loosely called “scientific methods”; and

(v) An unscientific and subjective bias and intolerance to results, evidence or thinking that do not conform to one’s school of thought or sceptical philosophy, even if evidence and proof is provided and overwhelmingly demonstrated as demanded; and

(vi) A means of arguing against the hypocrisy and intentional blindness of scepticism when confronted with scientific evidence and overwhelming proof by defaulting to the power of doubt to justify the need for more evidence, more tests, different scientific methods or any number of other reasons.

Article 63 – Deficiency

333. Deficiency is the “positive” application of Critical Methods forms of Argument to expose what is claimed to be failures and weaknesses of an opposing Argument, rather than merely attack the one making such arguments. Pure Deficiency Arguments are rare in Critical Methods, as most rely upon the attack of both the author and the Argument.

Article 64 – Ad Hominem

334. Ad Hominem (Latin for “at the person”) is the “negative” application of Critical Methods forms of Argument to claim failures, errors and weaknesses of a person, rather than the weaknesses of the argument itself. Critical Methods is unique as a form of Argument in seeking to normalise and justify the attack of character, motives or
behaviour of a person as a “legitimate” form of Argument.

335. Generally, Ad Hominem Arguments seek to distinguish between fallacious (false) personal attacks and valid personal attacks. However, in practice, little weight is given to the difference, even in Non-Ucadia courts, except when such personal attacks are overwhelmingly egregious and abusive.

336. Personal attacks that are and should be recognised as fallacious (false) and without merit include: Circumstantial Personal Bias, Circumstantial Personal Motive, Circumstantial Personal Association, Unsubstantiated Personal Similarity, Unsubstantiated Personal Hypocrisy, Unsubstantiated Personal Scandal and Unsubstantiated Personal Abuse:-

(i) Circumstantial Personal Bias is when a claim is made or asserted upon circumstantial events or hypothesis that a person possesses a particular animus (bias). It contrasts to the valid Ad Hominem Argument of Actual Personal Bias. Unfortunately, this form of fallacious argument is often permitted in non-Ucadian forums of law; and

(ii) Circumstantial Personal Motive is when a claim is made or asserted upon circumstantial events or hypothesis that a person possesses or possessed a particular motive or intention. It contrasts to the valid Ad Hominem Argument of Actual Personal Motive. This form of absurd and fallacious argument is almost universally permitted and encouraged in non-Ucadian forums of law to allow prosecutors, magistrates, judges and other legal professionals to falsely establish motive; and

(iii) Circumstantial Personal Association is when a claim is made or asserted upon circumstantial events or hypothesis that a person possesses or possessed a particular motive, bias or sometimes even action by virtue of their proximity to another or some event at a time and place. It contrasts to the valid Ad Hominem Argument of Actual Personal Association. This form of absurd and fallacious argument is almost universally permitted and encouraged in non-Ucadian forums of law to allow prosecutors, magistrates, judges and other legal professionals to falsely establish bias, motive or action simply by a person being “in the wrong place at the wrong time”. The acceptance of this injury and injustice of law by non-Ucadian courts is most commonly the factor in some jurisdictions having a disproportionate number of innocent people falsely convicted; and
Maxims of Positive Law

(iv) **Unsubstantiated Personal Similarity** is when a person seeks to mitigate an argument against themselves by claiming both the attacker and claimant share similar faults or actions, whilst ignoring the substance of the allegation; and

(v) **Unsubstantiated Personal Hypocrisy** is when a person is charged with the allegation of hypocrisy without substantive evidence and without refuting or disproving their argument. A common use of this fallacy is to often accuse one who opposes to be a racist, or denier or miscreant of some description; and

(vi) **Unsubstantiated Personal Scandal** is when a personal scandal is alleged, or presented, whether real or alleged, in such a sensationalised fashion that the original substance of the Argument becomes irrelevant in the minds of others, especially the “court of public opinion”; and

(vii) **Unsubstantiated Personal Abuse** is when a person is faced with slander and personal abuse.

Personal attacks that are considered Non-Fallacious and Valid under Critical Methods include **Actual Personal Bias, Actual Personal Motive, Actual Personal Association** and **Actual Personal Testimony:**-

(i) **Actual Personal Bias**, sometimes also called Apprehended Bias is when clear and unmistakable evidence exists of the bias of a party, either in their own words or actions, or the absence of proper disclosure or action as required; and

(ii) **Actual Personal Motive** is when clear and unmistakable evidence exists as to the intentions or motive of a person. The most common and important form of evidence in non-Ucadian forums of law of Actual Personal Motive are recorded police interviews, often conducted without legal representation present; and

(iii) **Actual Personal Association** is when clear and unmistakable evidence exists as to the proximity and presence of a person to some alleged event or act, able to be established by forensic evidence, electronic or surveillance evidence; and

(iv) **Actual Personal Testimony** is when a person under oath or promise, provides written, or oral or in court testimony to an event or occurrence, providing grounds for examination and cross-examination on what they have disclosed and answered in the first person

337. 

Non-Fallacious Ad Hominem Attacks
2.4 – Dialectic Methods

**Article 65 – Dialectic Methods**

338. *Dialectic Methods* are forms and techniques of Argument between two or more people that are able to agree to a common subject yet hold different points of view in order to find a common solution (synthesis), or to debate until one side is declared victor with the other being defeated as absurd. Dialectic Methods are the least popular yet the strongest forms of Argument.

339. The term *Dialectic* comes from the Ancient Greek διαλεκτικός (dialektikós) meaning “relating to dialogue”. Therefore, Dialogue is the modern term for Dialectic.

340. The general characteristics of Dialectic Methods as a form of Argument may be defined as:-

(i) Normally objective (to a degree) as a consequence of agreement on subject and general rules of dialogue; and

(ii) Rarely applied in schools, in contrast to Critical Methods (Critical Thinking) that has been protected and supported by schools, particularly within modern Western education colleges; and

(iii) Inherently predisposed to dialogue and means of co-operation; and

(iv) Generally respectful (to a degree) of opposing view given the necessity for co-operation; and

(v) Capable of systematic and objective scientific discourse, free from misrepresentation and unscientific behaviour; and

(vi) Reliance on substance, quality and skill of Argument rather than any quantity or noise of discord or claims of authority; and

(vii) General intolerance of *Ad hominem* (personal attacks) as a means of Argument.

341. There are four essential categories of Dialectic Methods of Argument, namely *Classical, Scholastic, Diplomatic* and *Scientific*:-

(i) *Classical Dialectic Methods* of Argument refers to methods first formed by mainly Ancient Greek Scholars, such as the
Maxims of Positive Law

Socratic School and Plato School. Classic Dialectic Methods form the concepts and rule of the highest forms of debating in law, whereby the highest standards of courtesy are supposed to be observed, while participants use their auricular skills and memory skills to argue without written documents or “props”; and

(ii) **Scholastic Dialectic Methods** of Argument refers to methods first formed in the 15th and 16th Century, yet sometimes claimed of older provenance, whereby inherit bias and presumptions against opposing arguments were permitted from the perspective of one claiming to possess a superior intellectual knowledge, especially of faith and liturgical traditions. Scholastic Methods are the least rigorous form of Dialectic and traditionally follow a standard form of argument; and

(iii) **Diplomatic Dialectic Methods** of Argument refers to methods, sometimes also referred to the “Hegelian method”, first formed in the 18th and 19th Centuries and the advent of new forms of non-violent issue resolution under the “Laws of Nations” whereby opposing sides once some type of common ground of agreement was reached, could then engage with the aim of reaching a synthesis, usually resulting in some form of pact, or treaty; and

(iv) **Scientific Dialectic Methods** of Argument refers to methods first formed under Ucadia in the late 20th Century for the pursuit of higher and objective knowledge, particularly in emancipating and improved scientific thought.

342. An example of a Classical Dialectic Method is the Elenchus Dialectic Method, also known as the “Socratic Method” from the Ancient Greek word ἔλεγχος (elenghos) meaning "an argument of disproof or refutation; cross-examining, testing, scrutiny especially for purposes of refutation". As a formal dialectic system, the Elenchus Dialectic Method is based on six (6) core presumptions:

(i) All participants possess meieutics – that is the idea that truth is latent in the mind of every homo sapien being but must be brought to life by intelligent discourse; and

(ii) All participants are of equal status. No discourse, nor argument nor conclusion is valid when one must argue from the unfair position of judge to accused, or teacher to student, or master to servant; and

(iii) All true knowledge is recalled from within and not through the
collection of external facts, observation or study; and

(iv) The best method to help another discover meieutics is through questions formulated as tests of logic and fact enabling them to discover the deeper meaning of their beliefs and the existence of any contradictions of hypothesis; and

(v) The best method to test the truth or falsity of a hypothesis is to argue the opposite of any inferred assumptions and if found to be true, such a hypothesis may be said to have been reduced to the absurdity of its parts and found to be false; and

(vi) A Superior hypothesis may be found by systematically identifying and eliminating through questioning those beliefs that lead to contradictions of logic.

A further example of a Classical Dialectic Method is by the Plato school of the Philosophy is the Dialogue Dialectic Method, also known as the “Plato Method” from the Ancient Greek word διάλογος (dialogos) meaning “conversation, discourse”. As a formal dialectic system, the Dialogue Dialectic Method is based on six (6) core presumptions:

(i) All participants possess meieutics – that is the idea that truth is latent in the mind of every homo sapien being but must be brought to life by intelligent discourse; and

(ii) All participants are of equal status. No discourse, nor argument nor conclusion is valid when one must argue from the unfair position of judge to accused, or teacher to student, or master to servant; and

(iii) All true knowledge of higher self (soul) can only come through the careful and reasoned acquiring of external facts, observation and study; and

(iv) The best method to help another discover themselves and reason of the world is through active participation in intelligent discourse using the skill of logic to test and to learn new knowledge to discover the deeper meaning and justification of their beliefs; and

(v) The best method to test the truth or falsity of a hypothesis is to possess sufficient “true” knowledge of nature of form (ideas), the universe including our higher self (soul) and whether a new hypothesis enhances our knowledge or is contradictory to it; and

(vi) A Superior hypothesis may be found by systematically identifying and eliminating through questioning against
knowledge of a superior belief system those inferred assumptions of the hypothesis that lead to contradictions of logic.

344. The Scholastic Method similarly follows approximately six core presumptions as Classical Dialectic Methods, yet with inherit bias, namely:-

(i) All participants possess a limited form of meieutics. However, men and women need “Divine Help” not simply intellect to know truth; and

(ii) All participants are of born of equal status but choose to be unequal through failure to exercise of free will, lack of ethics or righteous behaviour, faith in key institutions and education. Therefore, people choose by their own actions and tacit consent to be addressed unequally in argument and discourse; and

(iii) Faith in key institutions is more pleasing to the Divine Creator than intellect. Therefore, true knowledge of higher self (soul) can only come through the assistance and guidance of the primary teacher (magisterium) of key institutions such as the church; and

(iv) The best method to help another discover themselves and reason of the world is through active participation in the life of such key institutions and strengthening its teaching tools and intellectual discourse by reference, argument and citation of key indisputable sacred texts and lesser historical intellectual texts; and

(v) The best method to test the truth or falsity of a hypothesis is to possess sufficient “true” knowledge of the sacred texts, doctrine and truths of the key institution(s); and whether a new hypothesis enhances our knowledge or is contradictory to such true (orthodox) knowledge; and

(vi) A Superior hypothesis may be found by systematically identifying and eliminating through questioning against knowledge of doctrine those inferred assumptions of the hypothesis that lead to contradictions of logic.

345. The Scholastic Dialectic Method takes the following standard form for all arguments:

(i) The Question to be determined; and

(ii) The principal objections to the question; and
(iii) An argument in favour of the Question, traditionally a single argument ("On the contrary."); and
(iv) The determination of the Question after weighing the evidence. ("I answer that..."); and
(v) The replies to each objection.

346. Diplomatic Dialectic Methods, also known as the “Hegelian method” greatly reduces the number of presumptions; and instead focuses on an agreed process to conclusion, based on three (3) core elements:

(i) A Thesis of "problem" is formed which gives rise to a socio political reaction; and
(ii) An Antithesis or "reaction" representing the opposing socio political ideology formed in reaction to negate/confront the thesis leading to some form of conflict; and
(iii) A Synthesis or "solution" being the resolution of the two opposing sides and a restoration of "balance" which has changed the previous status quo.

347. Scientific Dialectic Methods, also known as the “Ucadia Method” follows the three stage Diplomatic (Hegelian) formula (Thesis, Antithesis and Synthesis), yet re-introduces necessary rules to the process of dialogue:

(i) All participants possess intellect and the capacity to participate in discovery depending not only of their knowledge, but more importantly their willingness to agree to a common theme and commitment to intelligent discourse; and
(ii) All participants are of equal status, regardless of qualification, status or past accomplishments. No discourse, nor argument nor conclusion is valid when one must argue from the unfair position of judge to accused, or teacher to student, or master to servant; and
(iii) All true knowledge of discovery can only come through the application of objective and diligent reasoning in the discernment of external facts, observation and study; and
(iv) The best method to help one another in improved discovery is through active participation in intelligent discourse using the skills of the appropriate and relevant form of logic to test and to learn new knowledge and to discover, test and prove the deeper meaning and justification of their ideas, models or systems; and
(v) The best test to the validity or truth of a hypothesis, idea,
model or system is whether it measurably enhances our knowledge, capacity or utility of technology and thinking or is contradictory to it; and not whether it conforms to traditional, orthodox or standard ways of thinking and doing; and

(vi) A Superior hypothesis, idea, model or system may only be found by first systematically identifying, acknowledging and mitigating such fallacies and inherit bias of assumptions that restrict the ability to ever achieve a consensus of enhanced knowledge, capacity, utility of technology or thinking.

348. As most Dialectic Methods agree on the latent and inherit intelligence of all Homo Sapiens as well as the fundamental requirement for equal status in any dialogue, no argument may be regarded as truly dialectic and logical if either of these presumptions are absent.

349. Any dialogue, argument or discussion in law founded on the principle of inequality of the participants is by definition devoid of logic, dialectic or validity and therefore null and void from the beginning.

**Article 66 – Thesis**

350. A *Thesis* is a formal proposition or statement, supported by Arguments representing either first stage of a Diplomatic or Scientific Dialectic Method, or a formal academic work, also known as a dissertation.

351. The term Thesis comes from the Ancient Greek τίθημι (títhēmi) meaning “to place, put, set; to put down in writing; to consider as, or regard”.

352. In proper application of the Scientific Method, also known as the Ucadian Method, the Thesis is never the new or challenging argument against a position of a “status quo”, but the best positive attempt, using new methods to justify a present state, position, orthodoxy, status quo, idea, model or system:-

(i) Under the Scientific Method, an existing position is required to positively prove its validity and legitimacy by rigorous discourse without resorting to dogmatic and self-referential statements or negative statements against possible alternatives; and

(ii) The existing and present state, position, orthodoxy, status quo, idea, model or system in a Thesis must honestly disclose any known problems, faults or flaws (if any) and what positive solutions could be applied to resolve such flaws.
Article 67 – Antithesis

353. An **Antithesis** is a formal proposition or statement, supported by Arguments representing the diametric opposite to another proposition (Thesis) as the second stage of a Diplomatic or Scientific Dialectic Method.

354. The term Antithesis comes from the Ancient Greek ἀντίθεσις (antíthesis) meaning “against, hostile to, contrasting with, opposite of thesis”.

355. In proper application of the Scientific Method, also known as the Ucadian Method, the Antithesis is always the new or challenging argument against a position of a “status quo”, providing positive answers and solutions to every attempt within the Thesis to justify a present state, position, orthodoxy, status quo, idea, model or system:-

(i) Under the Scientific Method, a new or proposed position is required to positively prove its validity and legitimacy by rigorous discourse without resorting to dogmatic and self-referential statements; and

(ii) The new and proposed state, position, orthodoxy, status quo, idea, model or system in an Antithesis must directly address known problems, faults or flaws (if any) of the present Thesis and what risks or consequences may exist in addressing them.

Article 68 – Synthesis

356. A **Synthesis** is the formal deduction, combination or formation of a conclusion born from the process of argument and debate of one or more Thesis and Antithesis to find common ground, as the second stage of a Diplomatic or Scientific Dialectic Method.

357. The term Synthesis comes from the Ancient Greek σύνθεσις (súnthesis) meaning “a putting together; composition”.

Article 69 – Absurdity

358. **Absurdity** is an Argument or position contrary to reason, manifest truth, logic or meaning. In Dialectic, it is the negative expression of the losing argument in a contest of two opposing views.

359. The term Absurd and Absurdity originates from the Latin *absurdus* meaning “ill fitting, inharmonious, dissonant and out of tune”.

360. The fact that one or more Maxim be found in error or in need of correction does not therefore or necessarily render such a Maxim absurd.
Any claim in entirety against the present Maxims or the most Sacred Covenant Pactum De Singularis Caelum as being absurd, is itself a most wicked and immoral profanity and absurdity.

2.5 – Socratic Methods

Article 70 – Socratic Methods

Socratic Methods or Socratic Questioning Methods are forms and techniques of disciplined and well directed Questioning between two or more people for the purpose of discovery, exploration, teaching, or argument. The positive outcome of Socratic Questioning Methods is the pursuit of clarity and truth. The negative outcome of Socratic Questioning is the exposure of falsity, ignorance or hypocrisy.

Socratic Questioning Methods relies upon a relative loose framework of three parts being Supposition, Interrogation, Response and Conclusion:-

(i) **Supposition** is an open or hidden (underlying) assumption generally used as the starting position for questioning; and

(ii) **Interrogation** is the active process of disciplined and systematic questioning and obtaining responses; and

(iii) **Response** is the is the act and process of expressing something in words or in writing in return to a question; and

(iv) **Conclusion** is the intended destination and arrival by the end of Interrogation.

Whilst Socratic Questioning Methods possess certain formalities and techniques, the primary strength of this particular form of Argument resides in the inherit power and effect of purposeful questioning itself to control and drive an Argument:-

(i) Being questioned, particularly by strangers or persons in positions of authority, is inherently intimidating for people required to answer, especially if such persons asking questions has the capacity to embarrass or injure the one answering; and

(ii) Some formalities in law, such as questioning a witness or law enforcement investigations, gives particular people at certain times the potential to control the narrative by asking questions and compelling responses; and

(iii) Well formed questions can place the person required to
answer in a weaker position and at a disadvantage, as to answer the question properly may require clear comprehension, feats of forensic memory and contorting real life experiences of multi-valent logic into “all or nothing” binary logic responses, whether either yes or no may be false to a degree.

365. The general characteristics of Socratic Questioning Methods as a form of Argument may be broadly defined as:-

(i) Well structured and systematic questioning, used to pursue thought and active responses in particular direction for some underlying purpose known or unknown to those answering; and

(ii) As long as the questioner is able to maintain control of questioning, and continue active responses, it is possible the direction and path of dialogue can be maintained and underlying purpose achieved; and

(iii) Complete dependence on the participation of one or more whose active answer is required. A refusal, disinterest or reluctance to answer renders such a method of Argument less effective; and

(iv) High emphasis on the broad skills and expertise of the one asking questions, lending the method normally to people professionally educated in such techniques and positions of authority; and

(v) The questioner may engage the audience or subject from a wide variety of approaches that may variously be distilled into either an active voice or passive voice – active when it is clear that the questioner is leading the direction by questions; or passive when it appears that both the answers and the questions are collaboratively determining the direction; and

(vi) Those questions used for positive or negative outcomes, with positive questioning used for clarity and education, while negative questioning is used for interrogation and exposing hypocrisy, falsities and ignorance.

366. The most common and classical categories of Positive Socratic Questioning for Clarity are Clarification, Assumptions, Evidence, Perspective and Implications:-

(i) Clarification questions generally seek to challenge the respondent to think more deeply concerning the conceptual comprehension of the problem or possible solutions; and
(ii) Assumptions questions generally seek to challenge the respondent about the underlying assumptions of their argument or the discussion as a whole; and

(iii) Evidence questions generally seek to challenge the respondent as to evidence to support their responses, or the confidence of the evidence presented; and

(iv) Perspective questions generally seek to challenge the perspective of respondent, sometimes to reveal inherent weaknesses or bias; and

(v) Implications questions generally seek to challenge the logical implications of their responses.

367. The most common categories of Negative Socratic Questioning for Clarity are Investigation, Accusation, Incrimination, Motivation and Conclusion:

(i) Investigation questions generally seek to obtain a response that establishes a connection, a binding, a jurisdiction or joinder or contract to justify further investigation and questions; and

(ii) Accusation questions generally seek the respondent to accept, confess or agree by silence to one or more assumption and bias loaded statements; and

(iii) Incrimination questions generally seek to challenge the respondent as to evidence leading to the respondent self-incriminating and effectively “confessing” to one or more allegations or accusations; and

(iv) Motivation questions generally seek to challenge the perspective of respondent in order to establish potential motive, as a critical element of evidence; and

(v) Conclusion questions generally seek to challenge the respondent as to the limited logical implications of their responses, usually to only one conclusion.

368. A Supposition is an open or hidden (underlying) assumption generally used as the starting position for interrogation under the Socratic Questioning Method.

369. The term Supposition comes from the Latin suppositio meaning “underlying theme, hypothesis or context”, from sub- (under) and positio (position or theme).
Article 72 – Interrogation

370. **Interrogation** is the art and practice of questioning and examination by inquiry.

371. The term Interrogation comes from the Latin *interrogo* meaning “inquire, examine or argue” from *inter-* (between or among) and *rogo* (ask or request).

372. Interrogation without the use of physical or mental violence is not torture. Torture is by definition the application of methods of physical or mental violence, whether or not a confession or statement is sought from the victim.

373. The use of physical or mental violence as part of Interrogation is morally repugnant, barbaric and prohibited by all civilised societies. No forum of law is permitted under any circumstance to admit as evidence any statement or confession gained through the use of torture.

374. General examples of Classical Clarification Socratic Questions include (but are not limited to):-

   (i) Why do you say that?
   (ii) What do you mean by?
   (iii) How does this relate to?
   (iv) Could you give me an example?
   (v) Could you explain further?
   (vi) What do we already know about?
   (vii) Could you put that another way?
   (viii) Would this be an example of?
   (ix) How does x relate to y?
   (x) Is your point x or y?

375. General examples of Classical Assumptions via Socratic Questions include (but are not limited to):-

   (i) You seem to be assuming x. Is that correct?
   (ii) Could you explain why you arrived at that conclusion?
   (iii) What could we assume instead?
   (iv) How can you verify or disapprove that assumption?
Maxims of Positive Law

(v) Why would someone make this assumption?
(vi) What could we assume instead?
(vii) What are you assuming?
(viii) Can you give examples to justify your assumption?
(ix) On what basis did you come up with that assumption?
(x) What would happen if?

376. General examples of Classical Evidence via Socratic Questions include (but are not limited to):

(i) What do you think caused x to happen?
(ii) What evidence is there to support your answer?
(iii) Why do you think that is true?
(iv) Do you have any evidence for that?
(v) How do you know?
(vi) Could you explain your reasons to us?
(vii) Is there a reason to doubt that evidence?
(viii) How does that apply to this case?
(ix) How could we find out whether that is true?
(x) What evidence would you need to change your mind?

377. General examples of Classical Perspective via Socratic Questions include (but are not limited to):

(i) What would be an alternative?
(ii) How could you answer the objection?
(iii) Can anyone see another way?
(iv) How many other perspectives can you imagine?
(v) How would someone else (they) respond?
(vi) What is another way to look at it?
(vii) Is there another way to look at this?
(viii) What makes this the best option?
(ix) What are the weaknesses as well as strengths of?
(x) If you were in their shoes what would you have done?

378. General examples of Classical Implications via Socratic Questions include (but are not limited to):
(i) Why could that happen?
(ii) What are you implying?
(iii) What effect would that have?
(iv) What is the likely outcome of that decision?
(v) If this and this is the case, what else must also be true?
(vi) If we disagree, what consequences could result?
(vii) Would any implication or result cause you to think differently?
(viii) If that happened, what else could happen? Why?
(ix) What are the consequences of that assumption?
(x) If we (he/she) did that, what could happen?

379. General examples of Investigation (negative) via Socratic Questions include (but are not limited to):
   (i) What is your name? Where do you live?
   (ii) Do you have any identification or proof on you?
   (iii) Can you hand me your drivers license (and insurance) please?
   (iv) Do you understand?
   (v) Do you know why I stopped you (pulled you over)?
   (vi) Are you carrying any contraband, weapons or illegal drugs?
   (vii) Have you recently been drinking or taking drugs?
   (viii) What do you do for a living?
   (ix) Where are you going? Where have you just come from?
   (x) May I check your bag/car to prove you’re telling the truth?

380. General examples of Accusation (negative) via Socratic Questions include (but are not limited to):
   (i) Why/How/When did you (accusation)?
   (ii) Where/how did (incident) happen?
   (iii) Where were you going/coming from when (incident) happened?
   (iv) At what time did you (accusation)?
   (v) If you’re being truthful, then how do you explain (accusation)?
   (vi) Is there any other reason you can think of why your were at (place/time) when (incident)?
Maxims of Positive Law

(vii) I put it to you (accusation)?
(viii) You can deny all you want, the evidence I have put to you shows clearly (accusation)?
(ix) If you have nothing to hide why don’t you respond?
(x) An honest person would respond, why won’t you?

381. General examples of Incrimination (negative) via Socratic Questions include (but are not limited to):-
(i) How did you know (name)?
(ii) Have you and (name) ever argued or gotten into any physical altercation?
(iii) Do you know the identity of anyone who has ever argued or gotten into a physical altercation with (name)?
(iv) When and where did you last see (name)?
(v) Did you see the man/woman (describe person)?
(vi) Can anyone else honestly confirm you were (at place/time)?
(vii) What do you think really happened (about incident)?
(viii) You know this is your one and only time to tell the truth and your side of the story, so what really happened?
(ix) If you are being genuinely honest, you must have some idea about (incident), so what do you think really happened?
(x) What do you think really happened?

382. General examples of Motivation (negative) via Socratic Questions include (but are not limited to):-
(i) Did (name) owe anyone money or have financial problems?
(ii) What do you know about the will or any insurance of (name)?
(iii) Have you and (name) ever argued or gotten into any physical altercation?
(iv) Do you know the identity of anyone who has ever argued or gotten into a physical altercation with (name)?
(v) Did (name) owe anyone any money?
(vi) Did you honestly like (name)?
(vii) Tell me everything you remember about (incident)?
(viii) You must have some idea if you are being honest, so why do you feel (incident) happen?
(ix) How did you feel when you first heard about (incident)?

(x) What did you think when you first learned about (incident)?

383. General examples of Conclusion (negative) via Socratic Questions include (but are not limited to):

(i) There is no other way to look at all this evidence except as proof of your guilt, unless you can give me some verifiable alternative?

(ii) On (time) you said (statement), now you say (statement), so which one is correct?

(iii) Based on everything you’ve seen, if you were me, what else would you conclude?

(iv) Throughout this interview you have either declined to respond or not been truthful, so this is your last chance to tell me how this can be viewed as anything but your guilt?

(v) Throughout this interview we have been polite and given you ample opportunity to explain your side of the story, but you have chosen not to show any decency or honesty. Is there any chance you have regret or remorse and want to be truthful?

(vi) One last time, do you want to say something truthful at least and explain yourself before we conclude?

(vii) I know accidents happen and sometimes we do things without really thinking. But if you say nothing then it looks like you meant it and are guilty. This is your last chance to tell what really happened.

**Article 73 – Response**

384. *Response* is the act and process of expressing something in words or in writing in return to a question. Response is the formal reply to a question raised under Interrogation.

385. The term Response comes from the Latin *respondeo* meaning “to reply, or attend, appear, agree, yield or answer”.

386. Even if a person is arrested and authorities seek to commence interrogation without legal counsel present, it is a universal human right that all people are entitled to request a pen and paper to prepare and subsequently read a written response, before answering any questions:

(i) The written response and its recording is demonstration of willingness to co-operate. It is also an opportunity to express
whether sufficient time or rights were given to review the claimed evidence before being questioned; and

(ii) The written response is further opportunity to explain why “no comment” may be used in response, given not having sufficient time to look at the claimed evidence or prepare an accurate recall of information before being interrogated; and

(iii) In many cases, a well balance written response that is honest and objective is able to nullify the interrogation techniques and process of being forced into recorded interrogations by authorities.

387. General examples of Responses to Investigation (negative) Socratic Questions include (but are not limited to):

   (i) Am I under arrest? If not, I have nothing to say; and
   (ii) On what reasonable grounds am I under arrest?
   (iii) What is the probably cause of the warrant issued for arrest?
   (iv) If I am not under arrest and there is no warrant, why do you continue to unlawfully detain me?
   (v) How can I or anyone reasonably respond without all the facts first?

388. General examples of Accusation to Investigation (negative) Socratic Questions include (but are not limited to):

   (i) No comment.
   (ii) I cannot recall.
   (iii) I have no opinion or comment.
   (iv) Before I answer anything, I request access to competent legal counsel.
   (v) Please refer to my opening statement as to why you have forced me to response to your interrogation with no comment.
   (vi) How can I or anyone reasonably respond without all the facts first?
   (vii) Are you trying to create more controversy?
   (viii) It is terrible what has happened and I am deeply saddened. But without being given the right or opportunity to understand the facts you are asking, all I can do is refer to my written statement and respond with no comment.

389. General examples of Motivation to Investigation (negative) Socratic
Questions include (but are not limited to):-

(i) No comment.

(ii) I cannot recall.

(iii) I have no opinion or comment.

(iv) Before I answer anything, I request access to competent legal counsel.

(v) Please refer to my opening statement as to why you have forced me to respond to your interrogation with no comment.

(vi) It is terrible what has happen and I am deeply saddened. But without being given the right or opportunity to understand the facts you are asking, all I can do is refer to my written statement and respond with no comment.

390. General examples of Conclusion to Investigation (negative) Socratic Questions include (but are not limited to):-

(i) Thank you but no comment.

(ii) I cannot recall.

(iii) I have no opinion or comment.

(iv) Please refer to my opening statement as to why you have forced me to respond to your interrogation with no comment.

**Article 74 – Clarity**

391. *Clarity* is the state or measure of being clear, either in appearance, thought, style or lucidity.

392. The term *Clarity* comes from the Latin *claritus* meaning clear or brightness.

**Article 75 – Hypocrisy**

393. *Hypocrisy* is the contrivance of a false appearance of virtue or goodness, while concealing the true character of malice or vice, or claiming certain motives or intentions that are then contradicted by ones words or actions.

394. The term *Hypocrisy* comes from the Ancient Greek ὑποκρίνομαι (hupokrínomaí) meaning “I reply falsely or disguise the truth”.

57
2.6 – Rhetoric Methods

Article 76 – Rhetoric Methods

395. **Rhetoric** is the knowledgeable use of the properties, methods and types of public speech to persuade others through oral argument. Of all the tools of argument, Rhetoric is the most powerful precisely because it can be the most persuasive.

396. Rhetoric differs from generalised techniques of public speaking in that it specifically concerns the ability to present the optimum methods and skills of oral argument at the appropriate location, time and manner for the purpose of persuasion; whereas a well executed public speech in itself may not itself address such a specific goal.

397. All forms of public oration under Rhetoric may be defined by five (5) generalised properties being *Reason, Purpose, Conditions, Propositions* and *Constraints*:

(i) **Reason** is the reason, event, occasion for a public oration that expresses its context; and

(ii) **Purpose** is the objective(s), goal(s) of the orator in making the oration, which implies some optimum form sought to meet such objective(s); and

(iii) **Conditions** are the practical conditions to which the public oration will be addressed including the audience, recent events, knowledge and opinions of the orator; and

(iv) **Constraints** are the physical and sensitivity constraints placed on any oration including time, length, subjects considered taboo and not to be mentioned; and

(v) **Propositions** are the proposed physical points and contents of the oration.

398. All forms of public oration under Rhetoric may be defined by six (6) generalised methods being *Kudos, Ethos, Pathos, Logos, Tempos* and *Dynamos*:

(i) **Kudos** is the qualities of name, recognition and renown of the speaker; and

(ii) **Ethos** is the qualities of character, values and ethics of the speaker; and

(iii) **Pathos** is the qualities of audience empathy and emotional connection between a speaker and their intended audience; and
Logos is the qualities of a relevant narrative, engaging topic and reasonable argument used by a speaker to their intended audience.

Tempos is the qualities of the frequency or rate of words and phrases spoken in speech, therefore its “timing”; and

Dynamics is the qualities of energy level or power within the voice at different stages of a speech in contrast to the rate (tempo) of speech.

All forms of public oration under Rhetoric may be defined by seven (7) generalised types being Monologue, Dialogue, Prologue, Epilogue, Catalogue, Analogue and Ideologue:

(i) Monologue is a form of speech characterised by a long speech by one (1) person without interruption; and

(ii) Dialogue is a form of speech characterised by a spoken conversation between two (2) or more individuals; and

(iii) Prologue is a form of speech characterised as an introduction to some longer formal oratory event; and

(iv) Epilogue is a form of speech characterised as occurring at the audience at the conclusion of an event; and

(v) Catalogue is a form of speech characterised by the complete itemising of elements of an argument, often using the techniques of logic or dialectic to prove certain inferences in a forensic manner; and

(vi) Analogue is a form of speech characterised by the use of forensic questions and the subsequent answers to validate an argument in a methodical manner; and

(vii) Ideologue is a form of speech characterised by the expert knowledge and competence of the speaker providing specific knowledge on a topic, idea or belief.