

# American Justice Foundation®

⌘ Promoting Public Justice Education ⌘

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## **RULES 101**

In this series of articles, Jurisdictionary® presents for your contemplation a set of Rules that make Peace possible. I may not live long enough to present all the Rules you need to know about, but I will try.

We all want Peace *and a reasonable degree of Prosperity for our lives and loved ones.*

To have Peace, however, there must be Order in the world, Order in our homes, Order in our government and its offices. Without Order all is chaos, and in chaos there can be no Peace.

Order, however, is impossible where Justice is denied or frustrated or otherwise prevented from having its healing influence where strife and disagreement have control. We need Justice in our homes, our business dealings, and certainly in every aspect of our governments here in America and around the world.

Which brings us to the crux of the problems we face and the cure for at least the major part of those problems.

Without Order, Peace is impossible.

Without Justice, Order is impossible.

Without Rules, Justice is impossible ... no Order ... no Peace!

So, this second article presents for your contemplation what Jurisdictionary® wishes you to see as some of the most basic Rules about which no reasonable persons can disagree.

### **The Burden**

When one person challenges another, he has the Burden to Prove that what he alleges is True. (Remember our First Light in the previous article?) The person challenged does *not* have a burden to prove those allegations are false.

This applies in your personal relationships, in business, and most certainly in court.

Sadly, many people still don't know this simple Rule, so they struggle valiantly to prove what someone said about them, or that a crime charged against them, is not true.

This is backward thinking.

It is not suggested that one should not defend himself (or herself), but that the burden of proof is not on the person defending. It is on the person accusing.

This Rule must never be allowed to be overturned by your government!

⌘ *A Thing Similar is Never Exactly The Same* ⌘

This Rule is essential to secure your Liberty and the exercise of your property rights.

It should be applied in every circumstance where one person accuses another, whether it is over a debt, a crime, or a simple dispute between two friends.

Applying this Rule opens the door to Resolution, and Resolution must be the goal in every dispute, because Resolution is what secures our Safety and Peace.

### **The Right to Equity**

The old adage is, "He who comes to Equity must come with clean hands."

This actually applies in court cases but also in all circumstances where one individual seeks to have "fairness" applied to his situation when he may or may not have been "fair" in his own dealings with the issue at hand.

It does not mean that a person who did something underhanded in *another circumstance* should be penalized in a separate circumstance. Instead it is applied within the circumstance at hand. If a party to some dispute has lied yet wishes to be treated with fairness, his right to be so treated is offset by his failure to act rightly in that same dispute.

The Law should not favor the Lawless.

This principle applies in American courts when a murderer seeks to inherit the property of his victim. Equity forbids it.

Other examples should be obvious to reasonable persons.

### **The Reasonable Man**

This Rule goes to the heart of every decision, legal, equitable, or otherwise.

What's "reasonable" to some extent depends on personal opinion, but some things can be said to prevent that term from being applied incorrectly.

Though some militant feminists might proclaim this an oxymoron, the "reasonable man" is a concept critically essential to the very framework of our judicial system and should apply in our personal and business relationship as well.

The reasonable man is a fictitious person. In real life there are very few if any persons male or female who could be said to be reasonable in every regard.

Our civil law *invented* the Reasonable Man to serve as a standard for us all. Either we live up to the standard set by the Reasonable Man, or the court may find us to be unreasonable and thereby unfit to enjoy the blessings of Liberty and Justice.

In tort law Negligence is defined as the failure to act reasonably, i.e., as a reasonable man would act. Failure to act reasonably *is* negligence in fact.

The reasonable man exercises care not to injure others.

To the reasonable man some truths are self-evident.

The reasonable man knows the difference between direct facts and imagined conjectures.

The reasonable man cares for his neighbor's welfare. He does not steal. He does not lie. He acts responsibly to others and to himself. He follows the Golden Rule.

He is not required to throw his life away attempting to rescue the widow's parakeet from a marauding cat. He is allowed to exercise self-interest.

He is not required to give his money to the poor, though kindness may encourage it.

He *is* required to act in a way that will not adversely affect the welfare of others or the welfare of society as a whole.

The reasonable man exercises due diligence to ensure that his acts (including his words both spoken and written) do not injure others.

The reasonable man sets the stage for civilized governments to establish systems of justice and fair play.

What is good for the reasonable man is good for us all.

### **Foreseeability**

Consequence *always* follows Causes.

Not all Consequences of our words and actions are foreseeable, but the Reasonable Man knows Causes *always* result in Consequences ... whether foreseeable or not.

Some Consequences are more foreseeable than others.

Cause and Consequence are sisters.

There is *always* Consequence to Causes.

That some Consequences are foreseeable is one of the Rules of our American System of Justice, because this Rule creates our Responsibilities.

Without Foreseeability no Responsibility can be assigned to our words and actions.

Our American Heritage of Law and Justice give us a clear view of when Consequence is Foreseeable from Analysis of acts or failures to act that are its Cause.

This clear view is found by examining the reasoning of *reasonable* appellate justices who have published their opinions of how Cause in certain cases incontrovertibly resulted in the Consequence of Damages to an aggrieved party.

Understand, however, that not all appellate court opinions are “reasonable”. Enough are, fortunately, that by their study one can quickly conclude which are and which are not.

Failure of Responsibility lies entirely in failure to foresee Consequence.

This Rule is *primary* to the right of government to enforce Justice on wrongdoers and those whose Negligence results in injury to others, for Negligence in every case presupposes that the wrongdoer could or should have exercised a Reasonable degree of caution and by failing to do so ignored the Foreseeability of the Consequences.

Where no Reasonable Man could foresee the Consequence, no Negligence can lie.

### **More to Come**

**Please email me to tell if these are helpful.**

**lawbook@jurisdiction.com**

By these and many other Rules I hope to live long enough to share with you, we establish a Fixed Code to guide Justice and regulate with clear and understandable Law the Organization of Society that alone can promise Peace and Prosperity for our brothers and sisters around this Beautiful Planet.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Fred Graves', written in a cursive style.

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