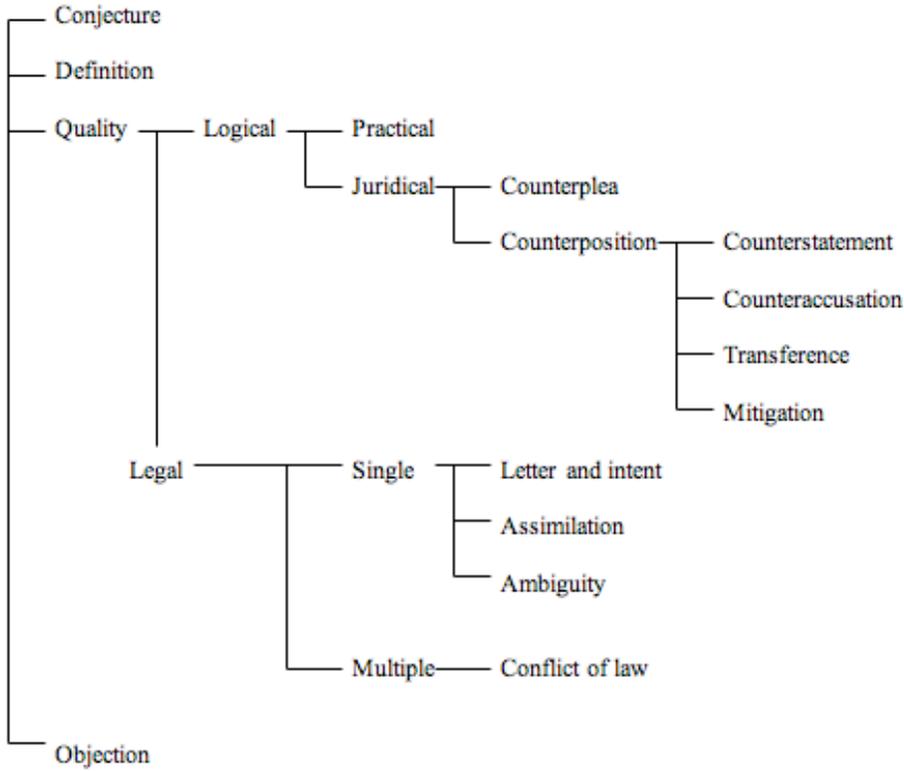


Stasis Theory Methodology



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| <p>(1) Are the facts of the case in dispute?
 (a) yes: the issue is <i>conjecture</i>
 (b) no: go to (2).</p> <p>(2) Is the correct categorization of those facts in dispute?
 (a) yes: the issue is <i>definition</i>
 (b) no: the issue is <i>quality</i>; go to (3).</p> <p>(3) Does the dispute focus on the implications of substantive features of the acts in question, or on the implications of the law under which the charge is brought (or of some other relevant legal instrument)?
 (a) act: the issue is <i>logical</i>; go to (4).
 (b) law: the issue is <i>legal</i>; go to (9).</p> <p>(4) Is the dispute concerned with a past or future act?
 (a) future: the issue is <i>practical</i>.
 (b) past: the issue is <i>juridical</i>; go to (5).</p> <p>(5) Does the defense deny that the act in question was <i>prima facie</i> illegal?
 (a) yes: the issue is <i>counterplea</i>.
 (b) no: the issue is <i>counterposition</i>; go to (6)</p> <p>(6) Is responsibility for the act accepted or transferred?
 (a) accepted: the issue is <i>counterstatement</i>.
 (b) transferred: go to (7).</p> <p>(7) Is responsibility transferred to the victim?
 (a) yes: the issue is <i>counteraccusation</i>.
 (b) no: go to (8).</p> | <p>(8) Is responsibility transferred to an accountable third party?
 (a) yes: the issue is <i>transference</i>.
 (b) no: the issue is <i>mitigation</i>.</p> <p>(9) If the dispute focuses on the implications of a law or legal instrument, is there one instrument or more than one (or one divided into more than one part)?
 (a) one: go to (10).
 (b) more than one: go to (12).</p> <p>(10) Is the literal interpretation of the law agreed?
 (a) yes: go to (11).
 (b) no: go to (13).</p> <p>(11) Is an implied meaning of the instrument substituted for its explicit meaning, or added to it?
 (a) substituted: the issue is <i>letter and intent</i>.
 (b) added: the issue is <i>assimilation</i>.</p> <p>(12) If the dispute is concerned with more than one legal instrument (or one divided into more than one part), then the issue is <i>conflict of law</i>.</p> <p>(13) If the literal meaning of a legal instrument is disputed, then the issue is <i>ambiguity</i>.</p> <p>(Heath 71-2, qtd. in Ranney, 15)</p> |
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Stasis Theory Methodology

The Four Questions (Major Stases)

1. **Conjecture** (*stasis stochasmos*) -“Is there an act to be considered?”
2. **Definition** (*stasis horos*) -“How can the act be defined?”
3. **Quality** (*stasis poiotes*) -“How serious is the act?”
4. **Policy** (*stasis metalepsis*) -“Should this act be submitted to some formal procedure?”

(Crowley and Hawhee 67)