

Public



Scrutiny

Inventory of the identifiers

first issue

For identification must each element be present and identified.

Identification of Fair 'play'

Each doing together has basic resemblances with a serious play.

- persons interact according only the rules which are reasonably publicly known beforehand;
- nobody interferes and intervenes in the escalation between 2 persons;
- the judge or referee is a dead element in the interaction(s) and solving process;
 - > he/she only guards the zero-tolerance on equality of power and on equality of arms;
 - > he/she conducts the process by supplying the correct and verifiable information on rules;
- Each do not do to another what one does not want to be done to oneself;

Inclusive in regard to legal 'plays' like trials:

- the law is accepted and applied solely according the legislator's or author's cogitation, object and purpose;
- a right only exists by a preceding law article that is developed to erect this right.

Interpretation versus Opinion

The author is the person(s) who expresses the expression that is object of the identification whether there is an interpretation or an opinion. The author remains always the owner of his expression.

Interpretation

An interpretation is identified by,

- it is about only an other author's expression(s);
- it fills in what is latent, but unclear;
- it is whether part of the obstruction to let happen what the express term states, or
- it is part of the ineluctable results of what the express term states;
- it is always in line with the author's cogitations, object and purpose.

Each correct interpreted interpretation is everywhere closely the same.

Because an interpretation is solidly and not detachable connected in the article it is and remains ownership of the author.

Opinion

An opinion is identified by,

- it is the own cogitation of the speaker, writer or cartoonist, regardless what the object is;

Independency, Impartiality, Legal act and Good faith.

The identification is that all elements must be detected. When one misses then doubt is present.

Independency

Independency is identified by,

- that no authority can prescribe what to say, write or draw and even no principal can do so;

- the freedom is restricted: by law or by a -in full freedom made- contract;

With understanding that an business order is not ordering but accepting (the offer of fulfilling a need).

Impartiality

Impartiality is identified by,

- the indisputable supremacy of interpretation or in case of total interpreted expression the indisputable correctness of the used determinations;

- the indisputable lack of any tiniest opinion or other subjectivity;

- the impeccable verifiability of the interpretation sequel: the factual source, the direct corollaries, the weighting of corollary results and the final weighting result;

- reverse engineered is impartiality absent in case of lying, cheating or secrecy because this is always to benefit someone and hide this beneficiating;

Impartial is not neutral because impartiality does matter.

A legal act

A legal act or deed is identified (in Dutch law, art.3:33 BW) by,

A legal act requires a will(ing) directed towards a legal consequence, which is manifested by a declaration.

This declaration of will can also be manifested by behaviour (Dutch law, art.3:37, §1 BW).

Good faith

Good faith is identified by,

the impossibility to react with to have not known before. In Dutch law (art.3:11 BW) is good faith identified as: Good faith, which is required for any legal effect, is absent if a person keeps up in pretending not to have known but knew the facts or the law to which his good faith must relate and also if he ought to have known them in the circumstances. The impossibility to investigate does not prevent a person who had good cause for doubt from being regarded as someone who should have known the facts or the law.

Truth versus Lie

Both are the expression of the author, but only one is the -for legality- required good faith.

Truth

A truth is identified by,

- it is a fact, so it is an unchangeable fixed happening, and;

- it is always unhindered accessible and verifiable by everyone, and;
- it is the verifiable exact copy of the truth's origin like an author's expression;
- preferable with the copyright fiat of the author or the verification location;

Be aware that oral expressions have a truth lifetime of a very few seconds.

In case of clarifying, then this must be asked; when this is impossible the expression has to be interpreted as explained above.

(A tutorial is available at URL www.de-openbare-zaak.nl, English section, "Highlighted", item 01)

A lie

A lie is identified by,

- it is a wrong statement;
- it is expressed on purpose, and;
- it is expressed (on purpose) aiming to let it be the truth, and;
- the author knew it was a wrong statement.

One way to expose the on purpose doing, is to ask clearly to persist in good faith with the statement and the author repeat the statement as being the truth.

Mistake versus Abuse

Both concern supplied (wrong?) information. Power can only be abused, because a respected use of power is doing the job correctly.

Mistake

A mistake is identified by,

- an average and sincere righteous person instantly excuse him-/herself for the increase of inconvenience;
- it is instantly corrected by the author or maker of the mistake;
- any causal results and damage are quickly repaired or compensated;

Therefore is a mistake fast and satisfactory deleted and by its volatility only once-in-a-while detectable.

Abuse

An abuse is identified by,

- it is a legal act (definition is above), and;
- it is an opinion (definition is above), and;
- it is indisputably not an interpretation (definition is above), so the required good faith (definition is above) is absent;
- it is the use of power while the manner of use and the goal is not in the mandate or authority;
- it is focused on a missing express term in a law or in a contract;

Note: being a legal act while the requirement is absent or a lack of mandate exists, seems a contradictory.

But illegal acts (like a crime or an unjust deed) are also legal acts, due to the will(ing) to do illegal.

Justice versus Revenge

Both concern compensation of injustice.

Salomo's wisdom:

Each person who developed itself above the "enough"-level of righteousness exposes itself by the receipt of each criticism like a grateful gift which helps to improve the quality of a highest level of protecting justice and peace, and do so. Comparable defends these persons

by explain the justice of their actions. Others do all to keep it in silence or to cover it up in many ways and pretends a defence by accusing the messenger in return and remain fighting.

Justice

A justice is identified by,

- it is produced by Salomo's wisdom;
- it is focused on repairing injustice, and;
- it is performed with impeccable fairness;
- it is executed according to and restricted by the law, and;
- losses are quickly repaired and unreparable losses are quickly compensated and in money only.

Revenge

A revenge is identified by,

- it is an emotional act, and;
- it is focused mainly on punishing, and;
- it is executed mostly without restrictions by law and without fairness.

Note:

Specifically this inventory is limited to the most important topics.

This public scrutiny's inventory is cooperative in harmony with the public scrutiny's judgments at this site in section "The Public Scrutinies".

The authentic documents are available at this site "www.publicscrutiny.nl" in the chapter "The Manual for the Public Scrutiny (...) and more documents"