Denver Law Review

Volume 50
Issue 3 *Symposium - Colorado Property Law*

Article 5

March 2021

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TOWARD A JURAL PASIGRAPHY

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A generation before the term came in vogue, Professor Marsh was an interdisciplinarian. Applying his extensive background in mathematics and logic, he has taught thousands of first year law students the art of case analysis. The following article is the fruit of Professor Marsh's study and teaching in Analytical Jurisprudence.† No more fitting tribute to Professor Marsh's scholarship can be found.

INTRODUCTION

THE vast irrelevance of analytical jurisprudence is of course reciprocal. It does not affect, nor is it affected by the nature of justice, the nature of man, the nature of nature, or the nature of God. It is not concerned with the source of law, whether it be the command of the sovereign, the social compact, the resultant of social forces, reason, social evolution, or whatever. It has nothing to do with the function of law, as a means of leading men to happiness and the good life, as a means of social control, or as a stabilizing influence.

Analytical jurisprudence is almost as abstract as mathematics, and it is therefore inherently universal, unaffected by time or place or content.

It is the purpose of this essay to develop another similarity between analytical jurisprudence and mathematics — a specialized written language composed of nonword symbols.

The utility of the customary symbols of mathematics will be appreciated if one solves a problem in long division in ordinary literary form, using sentences composed of such words as divisor, dividend, quotient, and subtrahend. It is believed that for analytical jurisprudence as for mathematics, a language composed of nonword symbols is more useful than one composed of words and sentences.

Ideas may be symbolized by words or by nonword symbols. A language or system of nonword symbols is called a pasigraphy. A jural pasigraphy is proposed.

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† For those interested in further reading in the area, see Marsh, *The Legal Continuum,* 64 NW. U.L. REV. 459 (1969).

I. THE HISTORICAL DEVELOPMENT

How should a jural pasigraphy be constructed? Alfred Korzybski has deplored the inadequacy of ordinary language, with its basic form of subject and predicate. He has said that it is ill suited for the expression of processes and that what is needed is a language that closely resembles the form of the subject matter.[1]

In order to develop such a language for analytical jurisprudence — a jural pasigraphy — the form of which would closely resemble the subject matter, it is of course necessary to determine the form of the subject matter.

It is always difficult to identify the origin of an idea, but Huntington Cairns credits Johann Fichte with having isolated the conception that the basis of law is the idea of the legal relation.[2]

> The conception of Law is the conception of a relation between rational beings. Hence it results only when such beings are thought as in relation to each other. It is nonsense to speak of rights between man and nature, or between man and the ground, soil, or animals, etc., as such. . . .
>
> It is only when two persons are related to the same thing that a question arises as to the Right to the thing, or, more properly expressed, as to the Right which one person has against the other to exclude him from the use of such thing.[3]

A plausible explanation for the introduction of this Fichtean idea into the study of analytical jurisprudence in the common law can be found in the fact that John Austin spent the winter of 1827-28 in Germany, preparing himself for his lectures on jurisprudence at the University of London. This in itself would justify the assumption that Austin became acquainted with the work of Fichte, and the assumption is confirmed by that part of Austin's 45th lecture in which he criticized one of Fichte's statements about the function of government.[4]

From Austin the course of development is clear: Holland (1880), Hohfeld (1913), Kocourek (1927). The high point was reached by Hohfeld. Though he did not mention Fichte, his

[1] A. KORZYBSKI, SCIENCE AND SANITY (4th ed. 1958). It is believed that his thesis has been correctly stated, but it is difficult to find quotable passages of reasonable length in this discursive book. The material beginning at the following pages is relevant: 50, 57, 59, 66, 92, 96, 110, 224, 227, 254, 261, 371, 563.

[2] H. CAIRNS, LEGAL PHILOSOPHY FROM PLATO TO HEGEL 469-71 (1949).

[3] Fichte, *Grundlage des Naturrechts nach den Principien der Wissenschaftslehre*, in THE SCIENCE OF RIGHTS 81-82 (A. Kroeger transl. 1869).

[4] II J. AUSTIN, LECTURES ON JURISPRUDENCE 790 (4th ed. 1873).

idea was wholly Fichtean. He described and compared eight legal relations which he called fundamental legal conceptions, and he asserted that "these eight conceptions . . . seem to be what may be called 'the lowest common denominators of the law' . . . to which any and all 'legal quantities' may be reduced."[5]

Hohfeld's essays evoked a great deal of contemporary interest, and although analytical jurisprudence was very soon overwhelmed by the various kinds of sociological jurisprudence, Hohfeld was not refuted.[6]

The most enduring manifestation of Hohfeldian analysis is to be found in the *Restatement of the Law of Property* where it is stated that:

> The word "property" is used in this Restatement to denote legal relations between persons with respect to a thing. . . . Clarity of thought and exactness of expression require the analysis and subdivision of legal relations into types having different significances. This analysis is made in §§ 1-4 defining respectively those legal relations designated by the words "right," "privilege," "power" and "immunity."[7]

These four plus duty, no-right, liability, and disability are Hohfeld's eight fundamental legal conceptions.

II. Kocourek's Pasigraphy

In order to develop a jural pasigraphy in accordance with Korzybski's thesis that the form of a language should closely resemble the form of the subject matter, it seems proper to adopt the Fichtean theory of the legal relation as the form of the subject matter.

The next step is to consider the form of a legal relation. Fichte's statement has already been noted: "a relation between rational beings."[8]

Austin said, "A party has a right, when another or others

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[5] W. Hohfeld, Fundamental Legal Conceptions as Applied in Judicial Reasoning 23 (1919); Hohfeld, *Some Fundamental Legal Conceptions as Applied in Judicial Reasoning,* 23 Yale L.J. 16, 58-59 (1913).

[6] Students of the Hohfeldian system will recall his claim that his set of fundamental legal relations constituted 'the lowest common denominators' of all legal discourse, by which he meant that anything that is said in other language can also be said in terms of his fundamental legal relations. . . . Nobody yet seems to have discovered a counter-example, i.e., a proposition expressed in other legal language that cannot also be expressed in the Hohfeldian language.

Address by Prof. Layman E. Allen, Proceedings of the First National Law and Electronics Conference, 1962.

[7] Restatement of Property, Introductory Note at 3-4 (1936).

[8] *See* p. 352 & note 3 *supra.*

are bound or obliged by law, to do or to forbear, towards or in regard to him."[9]

Holland, following Austin, analyzed and *diagrammed* the elements of a right as follows:

"The series of elements into which a Right may be resolved is therefore:

The Person Entitled	The Object	The Act or Forbearance	The Person Obliged"[10]

It will be noticed that the person who has the right is at the left and the person who owes the duty is at the right and that "the act or forbearance" (almost the very words of Austin) is placed between the persons.

Hohfeld declined to define his eight fundamental legal conceptions because he considered them to be sui generis.[11] They are, however, defined in the first four sections of the *Restatement of the Law of Property* in a way which is completely consistent with Hohfeld's analysis.

The legal relation which was called a "right" by Austin and Holland and the *Restatement* was called a "claim" by Kocourek, and he symbolized it as "$A \leftarrow B$" when A has a claim that B act or forbear.[12]

This symbol, one of the basic symbols in Kocourek's attempt to develop a jural pasigraphy, satisfies Korzybski's demand that the form of a language resemble the form of the subject matter. The two persons of the Fichtean relation are represented as A and B. The Austinian obligation to act (to do or to forbear) is represented by an arrow pointing left from B, who owes the obligation, toward A, to whom it is owed. The arrangement is the same as that in Holland's diagram.

An immediate consequence of the adoption of this nonword symbol to represent the "right" of Fichte, Austin, Holland, and the *Restatement,* as well as the "claim" of Kocourek, is that *there is no need to quibble about the name.* The symbol represents the idea, whatever it may be named.

The fact that this one symbol, $A \leftarrow B$, may also be used to represent the *Restatement's* Hohfeldian relations of duty, privilege, and no-right probably requires explanation.

A right, as the word is used in this Restatement, is a

[9] I J. AUSTIN, *supra* note 4, at 277.
[10] T. HOLLAND, ELEMENTS OF JURISPRUDENCE 77 (1886).
[11] W. HOHFELD, *supra* note 5, at 30.
[12] A. KOCOUREK, JURAL RELATIONS 21, 51 (1927).

> legally enforceable claim of one person against another, that the other shall do a given act or shall not do a given act.[13]
>
> • • • •
>
> The relation indicated by the word "right" may also be stated from the point of view of the person against whom that right exists. This person has a duty, that is, is under a legally enforceable obligation to do or not to do an act. The word "duty" is used in this Restatement with this meaning.[14]

Thus, $A \leftarrow B$ means that A has a right that B act, and that B owes A a duty to act.

> A privilege, as the word is used in this Restatement, is a legal freedom on the part of one person as against another to do a given act or a legal freedom not to do a given act.[15]
>
> • • • •
>
> The relation indicated by the word "privilege" may also be stated from the point of view of the person against whom the privilege exists. From the point of view of this other person it may be said that there is no right on his part that the first person should not engage in the particular course of action or of nonaction in question.[16]

By adding a zero above the arrow the existence of a relation may be negated. Thus, $A \overset{0}{\leftarrow} B$ means that A has no right that B act, and that B has a privilege not to act. If in the description of a particular situation there is no need to emphasize the fact that a duty does not exist, the symbol may simply be omitted.

Hohfeld identified four more legal relations: power, liability, immunity, and disability, and they are defined in the *Restatement*.

> A power, as the word is used in this Restatement, is an ability on the part of a person to produce a change in a given legal relation by doing or not doing a given act.[17]
>
> • • • •
>
> The relation indicated by the word "power" may also be stated from the point of view of the person whose legal relation is thus liable to be changed. The subjection of the second person to having his legal relation affected by the conduct of the person having the power is a "liability" and the word is used in this Restatement with this meaning.[18]

Kocourek agreed that this relation should be called a

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[13] RESTATEMENT OF PROPERTY § 1 (1936).
[14] *Id.*, comment *a* at 4.
[15] *Id.* § 2.
[16] *Id.*, comment *a* at 5.
[17] *Id.* § 3.
[18] *Id.*, comment *a* at 6.

power, and symbolized it as $A \longrightarrow B$,[19] indicating that in this relation the act moves from A, who has the power, toward B, who is subjected to the liability.

> An immunity, as the word is used in this Restatement, is a freedom on the part of one person against having a given legal relation altered by a given act or omission to act on the part of another person.[20]
>
> . . . .
>
> The relation indicated by the word "immunity" may also be stated from the point of view of the person with respect to whom the immunity exists, that is, who has no ability so to alter the given legal relation. This second person has, in this particular, a disability with regard to the first person and the word "disability" is used in this Restatement with this meaning.[21]

Since immunity is merely the negation of power it may be represented as $A \xrightarrow{O} B$, for the sake of emphasis, or simply omitted, as was mentioned in the discussion of privilege.

If Hohfeld was right when he said that right, duty, privilege, no-right, power, liability, immunity, and disability "seem to be what may be called 'the lowest common denominators of the law' . . . to which any and all 'legal quantities' may be reduced,"[22] then all "legal quantities" may be represented by the symbols $A \longleftarrow B$, $A \xleftarrow{O} B$, $A \longrightarrow B$, and $A \xrightarrow{O} B$.

If "legal quantities" were static (and this may have been what Hohfeld had in mind) then nothing else would be required for a jural pasigraphy. However, whatever may be the nature of a "legal quantity," a legal transaction is dynamic. Things happen, and as a consequence thereof legal relations are changed. In order to depict this process Kocourek invented what might be called a syntax for a jural pasigraphy. He called his arrangements of symbols "linear graphs of concatenation." The following is an example:[23]

$$\underset{\longrightarrow}{\overset{(1)}{\mathbf{A}(+)\mathbf{B}}} \vee \underset{\longrightarrow}{\overset{(2)}{\mathbf{A}+\mathbf{B}}} < \underset{\longrightarrow}{\overset{(3)}{\mathbf{B}(+)\mathbf{A}}} \vee \underset{\longrightarrow}{\overset{(4)}{\mathbf{B}+\mathbf{A}}} < \begin{cases} \overset{(5)}{\mathbf{A}[+]\mathbf{B}} \\ \mathbf{B}[+]\mathbf{A} \end{cases}$$

> [Explanation: (1) is the power of A to make an offer to B; (2) is the evolution of the preceding relation; (3) is the result of the preceding evolution — power of B to accept A's offer; (4) is the evolution of the next preceding relation; (5) is a complex of two independent relations of B and A, respec-

[19] A. KOCOUREK, *supra* note 12, at 21, 54.
[20] RESTATEMENT OF PROPERTY § 4 (1936).
[21] *Id.*, comment *a* at 8.
[22] W. HOHFELD, *supra* note 5.
[23] A. KOCOUREK, *supra* note 12, at 72.

tively as domini Round brackets indicate mesonomic relations and square brackets indicate zygnomic relations. The sign ∨ means evolution; the sign < is equivalent to "resulting in." Unbracketed arrows are evolved relations or jural facts.]

The transaction begins at the left. As it develops and as the legal relations change, the symbols change and are arranged chronologically toward the right.

This arrangement of symbols — in a strictly chronological sequence, rather than in a sequence of subject and predicate — is the most important aspect of the proposed jural pasigraphy because it is so well suited for the depiction of a dynamic process, and in this respect conforms to Korzybski's desideratum.

A consequence of this chronological arrangement is that all the legal relations which exist at any one time must be represented by a column of symbols, as are those which conclude Kocourek's example of a linear graph of concatenation.

III. A Refined Pasigraphy

The basic requirements of a jural pasigraphy have thus been established: symbols (corresponding to the Arabic numerals of arithmetic) by which all of Hohfeld's fundamental legal conceptions (legal relations) may be depicted; and a syntax or scheme for their arrangement (corresponding to the arrangement of Arabic numerals and lines for long division).

Actual use of these symbols in the analysis of the opinions in hundreds of cases has of course led to the recognition of the necessity for some further elaboration.

First of all, a chart should show what it is that causes an aggregate of legal relations to change. Holland said:

> [I]f the right is put in motion, phenomena of a new kind intervene. They are shifting, dynamical, and may be expressed by the general term "Facts" under which are included, not only the "Acts" of persons, but also the "Events" which occur independently of volition. . . . [I]t is through the agency of "Acts" or of "Events" that rights are created, transferred, transmuted, and extinguished.[24]

A jural pasigraphy requires, therefore, a symbol to represent an act and one to represent an event.

The *Restatement's* definition of a power, "an ability . . . to produce a change in a . . . legal relation by doing or not doing a given act,"[25] indicates that an act is the exercise of a

[24] T. Holland, *supra* note 10, at 78.

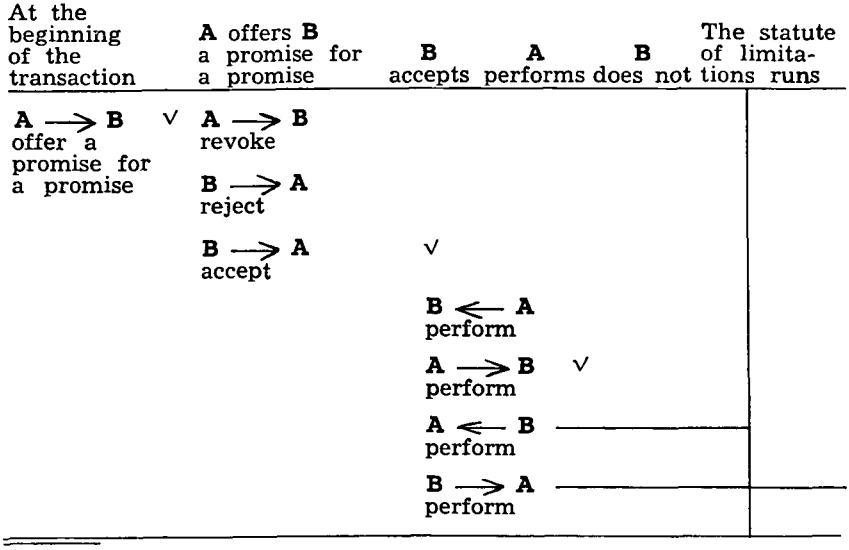
[25] Restatement of Property § 3 (1936).

power. In his linear graph of concatenation, Kocourek called this the "evolution of the preceding relation" and depicted it as "$A \xrightarrow{(+)} B \vee A \xrightarrow{+} B$."[26] This could be simplified to $A \xrightarrow{\quad} B\vee$, meaning that the power is exercised, *i.e.*, the act is done.

The other facts which Holland said would affect legal relations were called " 'events which occur independently of volition.' "[27] Since such an event, *e.g.*, the expiration of a period of limitation, occurs independently of any legal relation, it is properly represented by an entirely independent symbol. For this purpose a vertical line has proved to be effective. It is drawn at the proper chronological place in the diagram.

With these symbols it is possible to present an unsophisticated example of the use of a jural pasigraphy. The narrative of the transaction is divided into the specific facts (acts and events) of which it is composed, and these are stated in chronological sequence across the top of the page and are spaced in such a way as to permit the symbols of the legal relations to be coordinated with the facts of the transaction. A horizontal line continued toward the right from the symbol of a legal relation means that the relation continues to exist.

Of course the legal consequences of any act or event depend upon the law of the time and of the place. The diagram which will be used as an illustration is drawn in accordance



[26] A. KOCOUREK, *supra* note 12, at 72.
[27] T. HOLLAND, *supra* note 10, at 78.

with what is thought to be orthodox contemporary common law, and a typical statute of limitations. When applied to the same facts, the law of an earlier day, before the recognition of trespass on the case in assumpsit, would have produced a different aggregate of legal relations, as would the contemporary law of some other legal system, but in all of these situations the pasigraphy itself would remain the same. So it is that analyses by opposing lawyers, even though upon agreed facts, and even though using the same jural pasigraphy, will result in different charts because of the use of different law.

It should be repeated that this illustration is an unsophisticated example of the use of a jural pasigraphy, and additional refinements are required in order to improve its accuracy. Those refinements will now be discussed.

So far, only two kinds of legal relations have been considered, duties and powers. In the actual analysis of cases it has been discovered to be necessary to recognize three kinds of duties (actual, potential, and inchoate) and three kinds of powers (actual, potential, and inchoate).

An actual duty is one which is presently breachable and presently enforceable, $A \xleftarrow[\text{not trespass}]{} B$.

A potential duty is one which is presently breachable, but not presently enforceable, $(A \xleftarrow[\text{exercise care}]{} B)$. The failure of B to exercise care breaches his duty, but there will be no enforcement unless and until B's negligence produces substantial harm to A.

An inchoate duty is one which is not presently breachable and of course not presently enforceable, $[A \xleftarrow[\text{pay on next June 1st}]{} B]$. There is of course an actual duty not to repudiate this duty.

The symbol of an actual duty is simply $A \xleftarrow{} B$; a potential duty is enclosed in parentheses $(A \xleftarrow{} B)$; and an inchoate duty is enclosed in brackets $[A \xleftarrow{} B]$.

The three kinds of powers are distinguished from each other in the same way.

An actual power is one which is presently exercisable, and the exercise would have a present effect upon other legal relations, $A \xrightarrow[\text{offer}]{} B$.

A potential power is one which is presently exercisable, but

the exercise would not have a present effect upon any other legal relation. This definition will have to be modified, but before doing that an example of potential powers will be described.

If it be assumed that a will does not become a will until it has been written, signed, published, and witnessed by two witnesses, then the exercise of the power to write a will does not itself affect any other legal relation. Nor does the exercise of the power to sign, nor does the exercise of the power to publish, nor does the exercise of the power of the first person to witness. The exercise of the power of the second person to witness does presently affect other legal relations (for example, there comes into existence an actual power to revoke) and it is therefore an actual power. But before one person has witnessed it is not known which of the two will have this actual power. When the first person witnesses, what had been a potential power of the second person then becomes an actual power. It might therefore be said that the power of the first witness was an actual power because its exercise affected the power of the second witness. This could lead to a domino effect which would convert the whole series of powers to write, to sign, to publish, to witness, into actual powers. In order to preserve the utility of the concept of a potential power it has therefore been defined as one which can be presently exercised, but the exercise will have no present effect other than to change an existing potential power into an actual power.

The example of the execution of a will would therefore be diagrammed as follows:

$(A \longrightarrow B)\surd$
write a will

$(A \longrightarrow B)$ ——— $\surd$
sign

$(A \longrightarrow B)$ ——————— $\surd$
publish

$(W \longrightarrow B)$ ——————————— $\surd$
witness

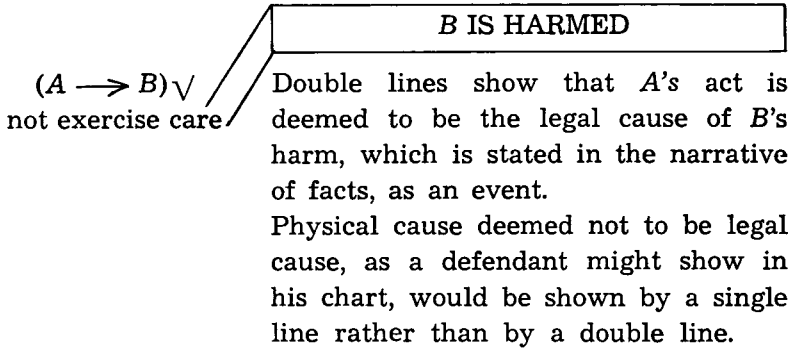
$(X \longrightarrow B)$ ——————————— $W \longrightarrow B\ \surd$
witness

An inchoate power is one which cannot be presently exercised, and of course no legal relation can be presently affected by its exercise:

[A ⟶ B].
enter upon breach of condition

In order to demonstrate the use of this method of diagramming a chart of *Jones v. Alfred H. Mayer Co.*,[28] a civil rights case, will be presented. But before doing so, some additional symbols which have been found to be useful should be tabulated.

I	to emphasize that a relation is terminated.
X	a duty is breached.
O	it is known that some unidentified person is involved in the legal relation.
A	*A* is now identified as the person.



IV. An Example — *Jones v. Alfred H. Mayer Co.*

In *Mayer,* the Supreme Court held that the Civil Rights Act of 1866[29] was a valid exercise of congressional power under the thirteenth amendment, that it prohibited private racial discrimination in the sale of land, and that therefore it was error for the district court to have dismissed a complaint in which the plaintiff sought an injunction against a defendant who was alleged to have refused to sell him a home solely because he was a Negro.

There are two charts of this case. One presents an analysis in accordance with the majority opinion, the other an analysis in accordance with that part of the dissent which argued that the Act prohibited only state action. The narratives in both charts are, of course, the same, and are based upon the facts alleged in the complaint.

A. *Comment on Chart 1 — The Majority*

There were 36 states in 1865, when Congress proposed the adoption of the thirteenth amendment. Each of the states there-

[28] 392 U.S. 409 (1968).
[29] 42 U.S.C. § 1982 (1970).

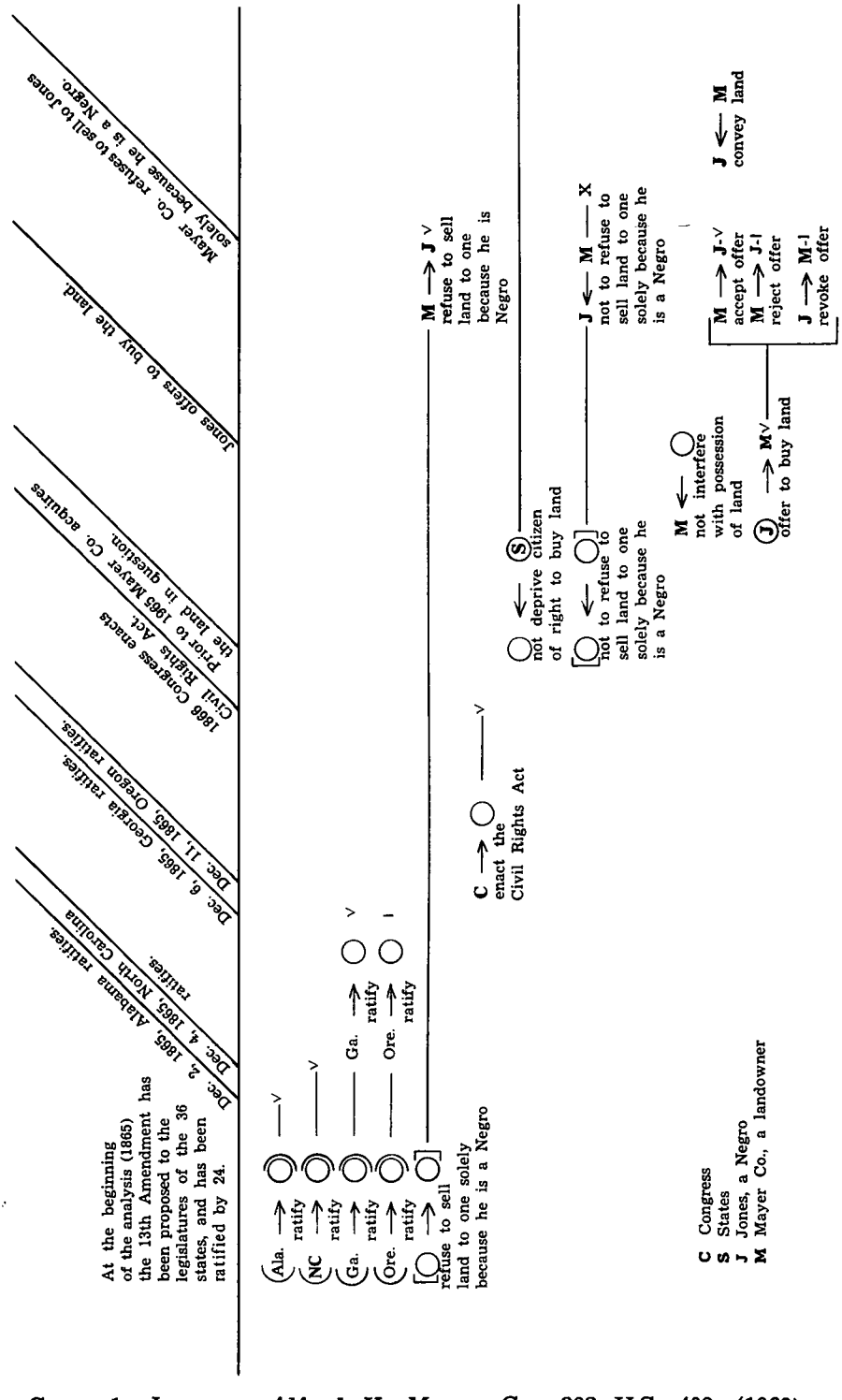


CHART 1 *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968); Analysis in accordance with the opinion of the Court

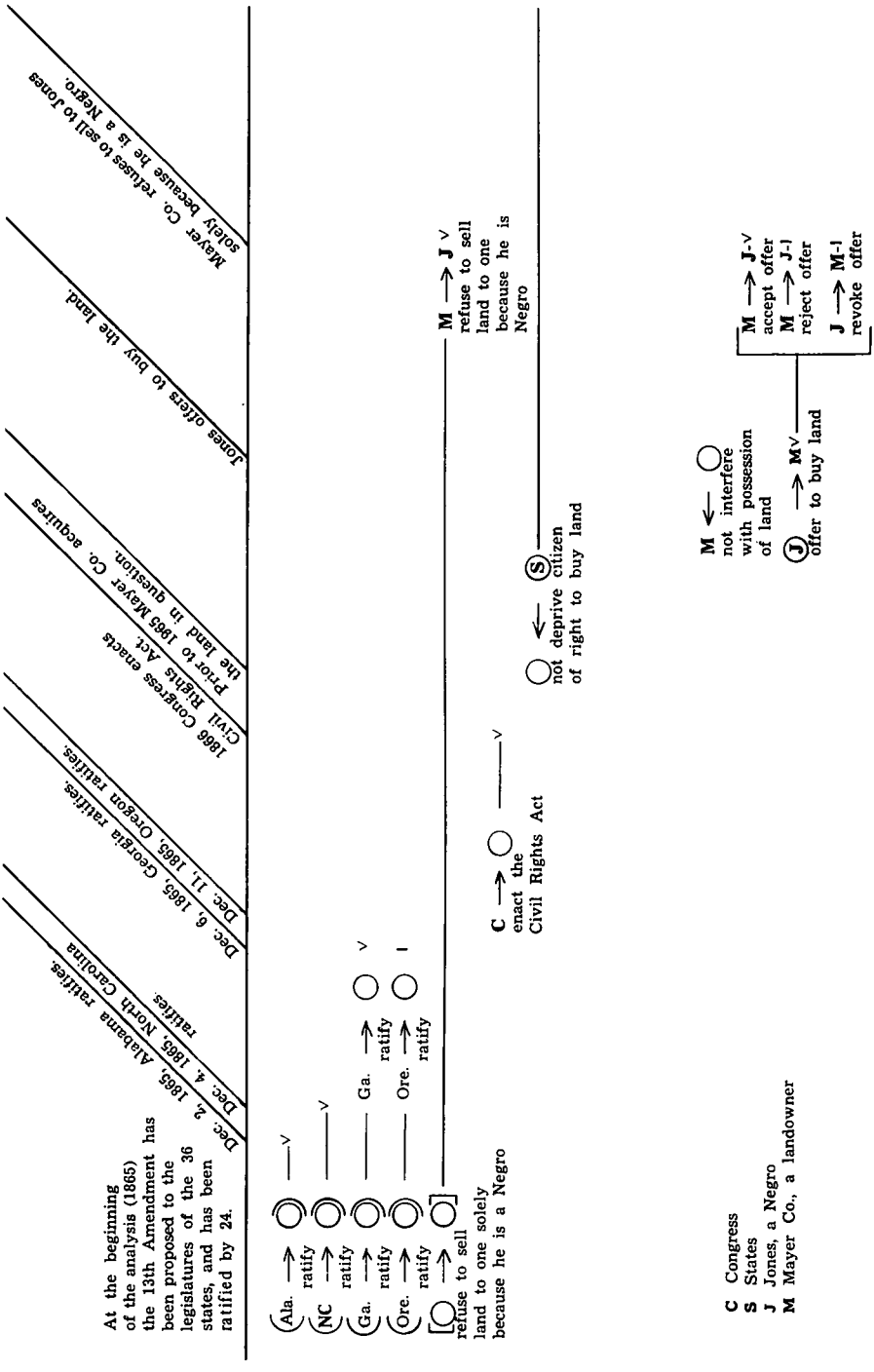


CHART 2 *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968); analysis in accordance with that part of the dissenting opinion which argued that the Civil Rights Act of 1866 prohibited only state action.

upon acquired a potential power to ratify the amendment. These are very good examples of potential powers. It will be recalled that a potential power is one which can be presently exercised, but its exercise will have no effect upon any other legal relation, except, in some cases, to change some other potential power or powers into an actual power or powers. Because adoption requires ratification by three-quarters of the states,[30] 27 of the 36 powers must be exercised, but the first 25 will have no immediate effect. The exercise of its potential power by the 26th state will cause the potential powers of the remaining 10 states to become actual powers because the exercise of any one of them will effectuate the adoption of the amendment.

The chart begins at a time when 24 states had ratified. Among those which had not were Alabama, North Carolina, Georgia, and Oregon. The first column shows that each of these states had a potential power to ratify. (The other eight states which had not ratified are omitted because they are accurately represented by Oregon.)

On December 2, 1865, Alabama, the 25th state, exercised its potential power to ratify. It is shown that this ended Alabama's power, and that it had no effect upon any other legal relation.

On December 4, 1865, North Carolina, the 26th state, exercised its potential power to ratify, thereby changing the potential powers of Georgia and Oregon — and the eight other states which are not shown on the chart — to actual powers. This change in the nature of the powers is shown by eliminating the parentheses from the symbols, which are repeated on the horizontal lines indicating the continuance of Georgia's power to ratify and Oregon's power to ratify.

On December 6, 1865, Georgia, the 27th state, ratified, terminating the powers of all the remaining states because subsequent ratification by them of an amendment which has already become a part of the Constitution cannot have any effect upon the legal continuum. This is shown by the short vertical line which terminates Oregon's power. Georgia's ratification created in Congress an actual power to enact that all citizens of the United States shall have the same right in every state as is enjoyed by white citizens to buy land.[31]

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[30] U.S. CONST. art. V.

[31] 42 U.S.C. § 1982 (1970).

On December 11, 1865, Oregon ratified. This had no effect upon the legal continuum. Nothing on the chart is changed. The existing relations simply continue. The same would of course be true of subsequent ratification by other states.

Congress then enacted the Civil Rights Act of 1866.[32] The exercise of this power affected the legal continuum by creating new duties: actual duties owed by the states not to deprive a citizen of the right to buy land,

$$O \longleftarrow \textcircled{S},$$

not deprive citizen of
right to buy land

and inchoate duties owed by persons in general not to refuse to sell land to one solely because he is Negro. At the time of the creation of these duties in 1866 it was not known who would be the person who would owe the duty 100 years later, nor to whom it would be owed. Therefore the symbol includes a circle at each end of the arrow,

$$[\,O \longleftarrow O\,].$$

not to refuse to sell land to
one solely because he is a Negro

These duties are inchoate (and therefore are within brackets) because they could not be breached until there had been an offer by a Negro to buy.

Sometime before 1965, Mayer Co. acquired the land in question. This affected the continuum by creating, *inter alia,* an actual duty owed to Mayer Co. by persons in general (the circle) not to interfere with the possession of the land. This is but one of the many relations which are usually included in the aggregate of relations which constitute ownership. Another is the actual power of persons in general to offer to buy the land. At the time of the creation of these powers Jones was not identified as one of the persons who has such a power, but when, as stated in the narrative, he made the offer, he was then identified and a letter *J* is placed inside the circle.

The symbol

$$[\,O \longrightarrow O\,]$$

refuse to sell land to one
solely because he is a Negro

appears at the bottom of the first column of the chart, at the beginning of the transaction, and has continued to exist. It has

[32] *Id.*

not heretofore been mentioned in the comment because it was of no importance, but now it is. It is obvious that the persons had to be represented by circles, and that the power was inchoate until an offer was made by a Negro. When Jones made the offer, the power became actual (the brackets are removed and Jones and Mayer Co. are identified as the persons who are involved).

Jones' offer also affected the legal continuum by creating the typical trio of actual powers: to accept; to reject; to revoke.

When Mayer Co. refused to sell to Jones solely because he was a Negro, this was a breach of the duty under the Civil Rights Act of 1866[33] as shown by the X mark. It was also an exercise of his power to *accept* Jones' offer! This is shown by the $\surd$ mark following the symbol $M \xrightarrow[\text{accepts offer}]{} J$, and is the necessary inference from the decision that Jones would be entitled not merely to damages, but to an injunction. The powers to reject and to revoke are thereupon ended, and there is created an actual duty owed by Mayer Co. to Jones to convey the land.

B. *Comment on Chart 2 — The Dissent*

This chart of the dissenting opinion is of course very much like Chart 1 in general appearance. The narrative is the same. The first change comes with the enactment by Congress of the Civil Rights Act of 1866. This chart shows that the *only* effect upon the continuum was the creation of actual duties owed by the states not to deprive a citizen of the United States of the right to buy land.

Since the Act of Congress did not create any duties owed by persons in general, this chart shows that Jones' offer merely created actual powers to accept, to reject, or to revoke, and that Mayer Co.'s refusal was simply a rejection and not the violation of any duty.

CONCLUSION

These charts have presented almost all of the symbols of the jural pasigraphy: actual powers, potential powers, inchoate powers, actual duties, inchoate duties, acts, breaches, continuation of relations, modification of relations, termination of relations, relations in which the persons were identified by the circumstances creating the relations, and relations in which the persons were not immediately identified. The only important

[33] *Id.*

symbols which were not used were those of potential duties, events, and causation.

The process of constructing the charts has demonstrated that new insights — *e.g.*, that Mayer's apparent refusal of Jones' offer was really an acceptance — result from the use of pasigraphy to analyze cases.