

The Exception Proves the Rule and The Right to Contract

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Introduction

Thesis | “The right to contract means the right not to contact”.

With this article I want to explore this phrase of mine and attempt to prove it i.e. think it through.

Background

Notice, this is a “geek out” on language and a bit of critical thinking and there is very little scriptural references.

I wondered where does the phrase "the exception that proves the rule" come from? Here is Wikipedia’s answer.

https://en.wikipedia.org/wiki/Exception_that_proves_the_rule

“The exception [that] proves the rule” is a saying whose meaning has been interpreted or misinterpreted in various ways. Its true, or at least original, meaning is that the presence of an exception applying to a specific case establishes (“proves”) that a general rule exists. For example, a sign that says “parking prohibited on Sundays” (the exception) “proves” that parking is allowed on the other six days of the week (the rule). A more explicit phrasing might be “the exception that proves the existence of the rule.”...

Bad wording : "the exception that proves the rule"

Good wording: "the exception that proves the existence of the rule."

I would describe the example listed above, “parking prohibited on Sundays”, is an example of an **implied** rule.

Thinking like a computer programmer who is a practitioner of TDD

Exception Testing: Test code created to test the exception handling of the SUT^A and not the regular / happy path block of code. If the assertion of this exception test passes then it implies that the SUT is working (at least the “catch” block of code is working anyway).

More from Wikipedia...

Legal Maxim...

^A SUT: System Under Test.

- "*exceptio probat regulam in casibus non exceptis*"
- "the exception confirms the rule **in cases not excepted**"

This means a stated exception implies the existence of a rule to which it is the exception.

The second part of Cicero's phrase, "*in casibus non exceptis*" or "in cases not excepted", is almost always missing from modern uses of the statement that "the exception proves the rule," which may contribute to frequent confusion and misuse of the phrase.

The right to contract means the right not to contract

My wording isn't the best way to express my intent, because on its surface it's clearly contradictory.^B But how it's worded is the catch, or the trick, to get your attention so that I can show the nuances of what I wish to express.

So you might ask, what's the Good wording of the maxim...

The right to enter into a contract means the right exit a contact or not enter into it from its original offer and contemplation.

For sure more accurate, but way more wordy.

I often talk about, and rely most heavily on, the idea and importance of my contract/covenant with YHVH^C and how I want to leverage that thing to the max.

Rules apply to the public except for those who are not in the public.^D

^B Another example of this is "the law is for the lawless". See rule #8 of "Marsings-Rules-and-Key-Definitions", article #[501](#).

#8: The law is for the lawless

If you reject the law form of Torah, you are without that law and are Torah-less. YHVH, mercifully, does not allow mankind to live in a state of anarchy, so a law form (the default law form) will be imposed on you called public policy giving you a [public](#) legal status.

Also see "Numbers 15 - The Law is for the Lawless, article #???"

^C In fact it's rule #1 of "Marsings-Rules-and-Key-Definitions", article #[501](#).

^D ToDo: I like what I said here, but I need to think on this some and expand the thought.