

Evolutionary Common Law

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Introduction

Armed with the knowledge of AT Math, we see that the English Common Law has reached a settled position. The Common Law could be codified.

In the development of English Common Law, there became a need for a court of Equity or Chancery as it was called. Here, parties could bring their case in which they felt unfairly treated by the rules of the Common Law system. They could also bring cases against the King. The court was said to be one of conscience rather than one of law [1]. The court was so overwhelmed that by the 17th Century, it was overloaded with cases. The Chancellors who oversaw the proceedings, made rules to deal with repeating circumstances in cases. Case law gradually developed. In the end, the Court of Equity followed rules as much or more than the common law, which defeated the original purpose of the Court.

The law of conscience was the law of the Church. Ordinary people were held to keep the Common Law; Prelates were to keep the Canon Law. Priests and Bishops and Popes were to obey the Canon law-a higher standard than the Common Law.

In the same way as Priests were held to a higher standard, so too was the Military. The Military has a code of conduct "becoming of an officer." Professionals, such as Doctors, Lawyers, and Engineers, have professional associations that call for Ethical standards [2]. However, there is no punishment available, except sanction under the Engineering Act for example. Professionals are those who are charged with decided who can be called a "Professional Engineer" and who cannot. It is the same for doctors and lawyers, architects, accountants, and veterinarians.

The conflict of laws between various broad areas of law provides grist for the mill of research. We have the conflict between Contract v. Torts, International Law v. Private Property, and Canon Law v. Civil Law. Modern day politicians are called to account by Congress in the US for example, whereas they do not have a king of course.

The question is: Does Professional Ethics have any teeth if it does not have a court to ensure compliance by members such as professional engineers? Currently, an engineering licence can be terminated for various reasons such as incompetence; but what about ethics? How can a court decide on an ethical issue if ethics is not nailed down? Decades ago, in wholesome times, people could be counted on to adhere to a certain standard. Since then, we have largely jettisoned the Church and its commandments. (Some call the Ten Commandments the Ten Suggestions!).

As an Engineer-in-training, an Intern, my first boss told me, "The rules are, there are no rules." He was a licensed professional engineer with a master's degree from the University of Waterloo, ranked as Canada's number one engineering school. I expressed my dissatisfaction with his attitude. I stayed with that company for 3.5 years until I eventually could not take it anymore. There were no ethics there. They did not even obey the law. They eventually went out of business but not before ruining a career and a life. What is the solution?

The Professional Engineers, for example, have a Code of Ethics [3]. It admonishes Engineers to "conduct themselves with equity, fairness, courtesy and good faith towards clients, colleagues and others,

give credit where credit is due and act as well as give, honest and fair professional criticism."

Engineers are admonished "not to associate with any enterprise that does not conform to ethical practices."

Part II of the Code of Ethics has: "Engineers, geo-scientists and member-in-training shall conduct themselves with integrity and in an honourable and ethical manner. [They] shall uphold values of truth, honesty, trustworthiness and safeguard human life and welfare and the environment."

In the Standards of Practice: All persons entered in the Register shall at all times conduct their practice, their relationships with members of the public, clients and professional associates, and members of the profession in accordance with "The Code of Ethics" contained in Part II of these by-laws." This means that Engineers are called to a higher standard than the common law of which forfeiture results in revoking membership.

What about Lay people? They are called to a high standard as well, which is best summarized by the Catechism of the Catholic Church of John Paul II, or a simpler form The Penny Catechism A Catechism of Christian Doctrine by Tan Publishers (Rockford Illinois). There is a Roman Catholic Version as well.

In An Introduction English Legal History, we have: The religious zealots proved more extreme in their way than Archbishop Laud. The Blasphemy Act of 1648 made it a capital offence to deny the trinity, the authority of the scriptures, or that the bodies of men rose again after death, or that there would be a last judgement. Two years later, fornication (on a second conviction) and adultery, were made punishable by death a measure more symbolic than effective. Actors and popular musicians were to be punished as rogues and whipped.

"Preface: ...ethics is all about private decision-making and draws on knowledge, experience, and serious commitment: there are no easy or set answers, only hard choices and constant reassessment."

Whereas ethics is voluntary, you cannot enforce a voluntary code. So all that can be done is to ensure members of the profession adhere to common law. Is there a common law for professionals especially? Yes, there is. Engineering, for example, is covered under the Professional Engineers Act of each province [4]. As professionals they are charged by law to decide who can be a member and who cannot be a member of the profession.

We now examine the evolution of English Common Law using AT Math. The Common Law has had 800 years to settle. It is settled.

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The following mathematics shows why. It is assumed that the reader is familiar with AT Math or Astrotheology Theory.

The engineers have a written Code of Ethics. I suppose other professions have one as well [5]. With the demise of the Church, it is more important than ever that ethical standards among professionals, politicians, priests, and the military be enforced.

Acknowledgement

None

Conflict of Interest

None

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