

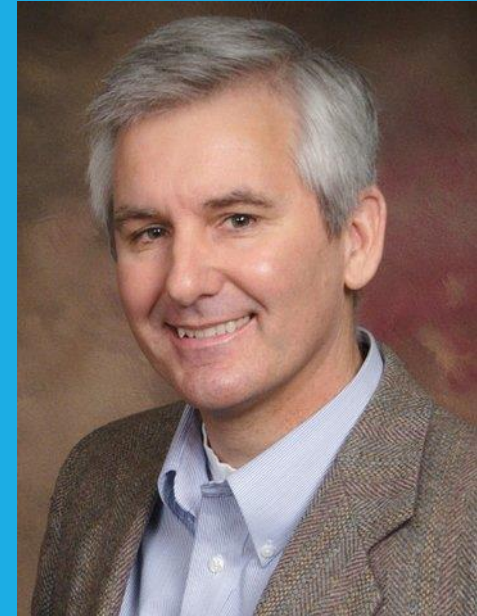
A Symbiotic Code for Providing Purpose and Scientific Structure to Legal Systems

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Abstract:

There is no generally agreed upon purpose of law. Law-making by legislators, unguided by a general purpose, can lead to laws which are contradictory, confusing, and sometimes harmful. Executive action and judicial rulings interpreting this legislation, unguided by scientific purpose, methods, or measures, may compound these harmful effects. Man-made laws lack validity when in conflict with natural law, facts, or scientific purposes. In contrast, a verifiable purpose for law can be scientifically deduced based upon observation of biology and confirmed by human history. A proposed short, “symbiotic code” may form a nucleus for the basic scientific purpose, methods, measurements to improve laws. Such an approach suggests that the purpose of law is salient communication in mutual decisions regarding reallocation of resources rewarding those causing mutual benefit and deducting from those causing mutual risk or damage in the acquiring, preserving, and efficiently utilizing resources to aid in the perpetuation of symbiotic lives.

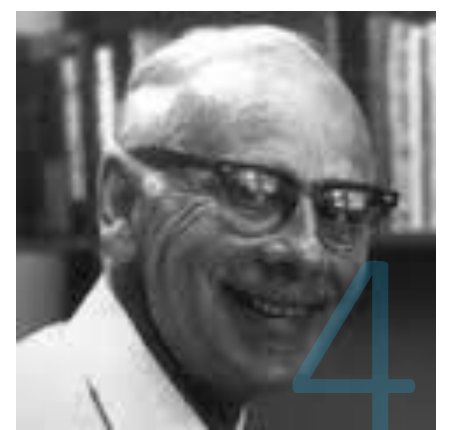
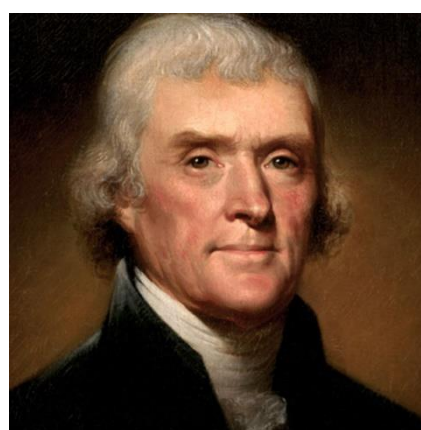
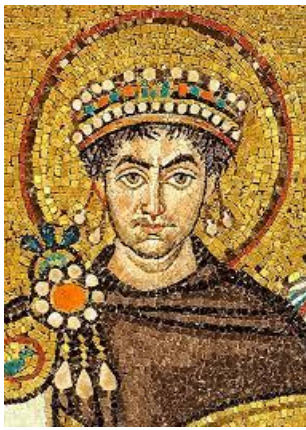
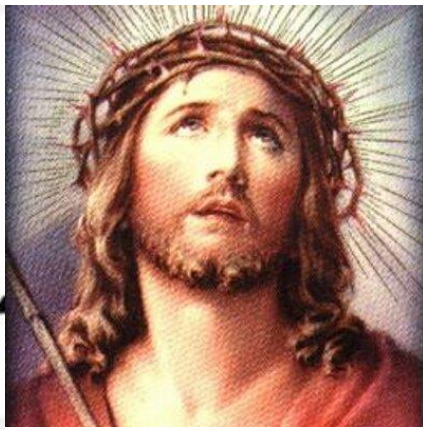
Major Points:

- 1. There is no general purpose of “law.”**
- 2. This leads to conflicting and bad laws.**
- 3. Natural law trumps man-made laws.**
- 4. Nature can give us a purpose for law.**
- 5. A proposed symbiotic code.**

1. There is no generally accepted purpose of “law.”

“There is no general agreement among jurists and other legal thinkers as to what the goals and purposes of legal regulation are or ought to be.”

Bodenheimer (2004) *An Introduction to the Anglo-American Legal System* (p.1).



1. There is no generally accepted purpose of “law.”



1. There is no generally accepted purpose of “law.”

“Legal development in a common law system is ragged and piecemeal; it is pressed forward, not by any urge for overarching consistency, but by the adversary system fueled by an individual lawyer’s desire to win a client’s case.”

Rendleman (1999) *Remedies*, (p.13)

1. There is no generally accepted purpose of “law.”

“Ideas of what the law are for are debatable...”

Pound, R., (1930) *Introduction to the Philosophy of Law* (p.60)

Why should anyone care?



1. There is no generally accepted purpose of “law.”

The problem has been this way through history.

No purposes in Code of Hamurabi, 1735 BC.

No purposes in Ten Commandments except will and judgement of God.

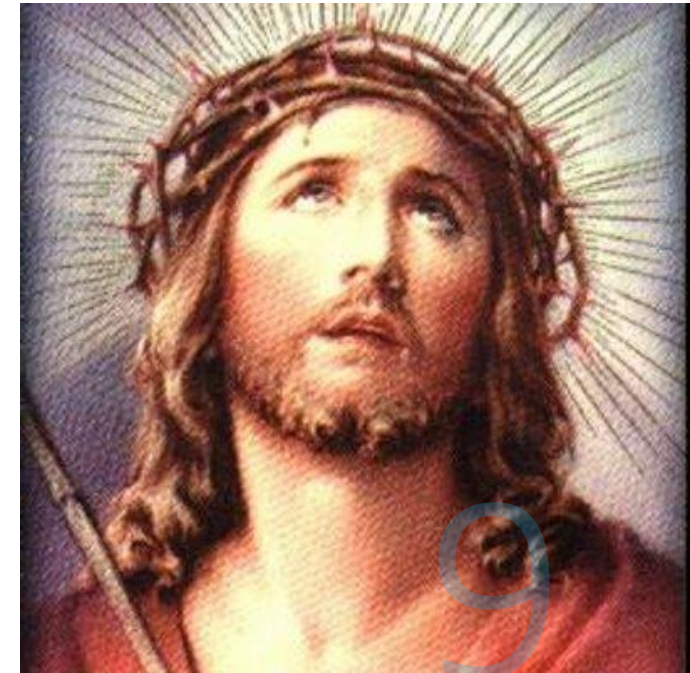
No stated purposes in Common Law Maxims of Equity.

1. There is no generally accepted purpose of “law.”

-Attempt: Golden Rule: In all things, do unto others as you would have them do unto you.

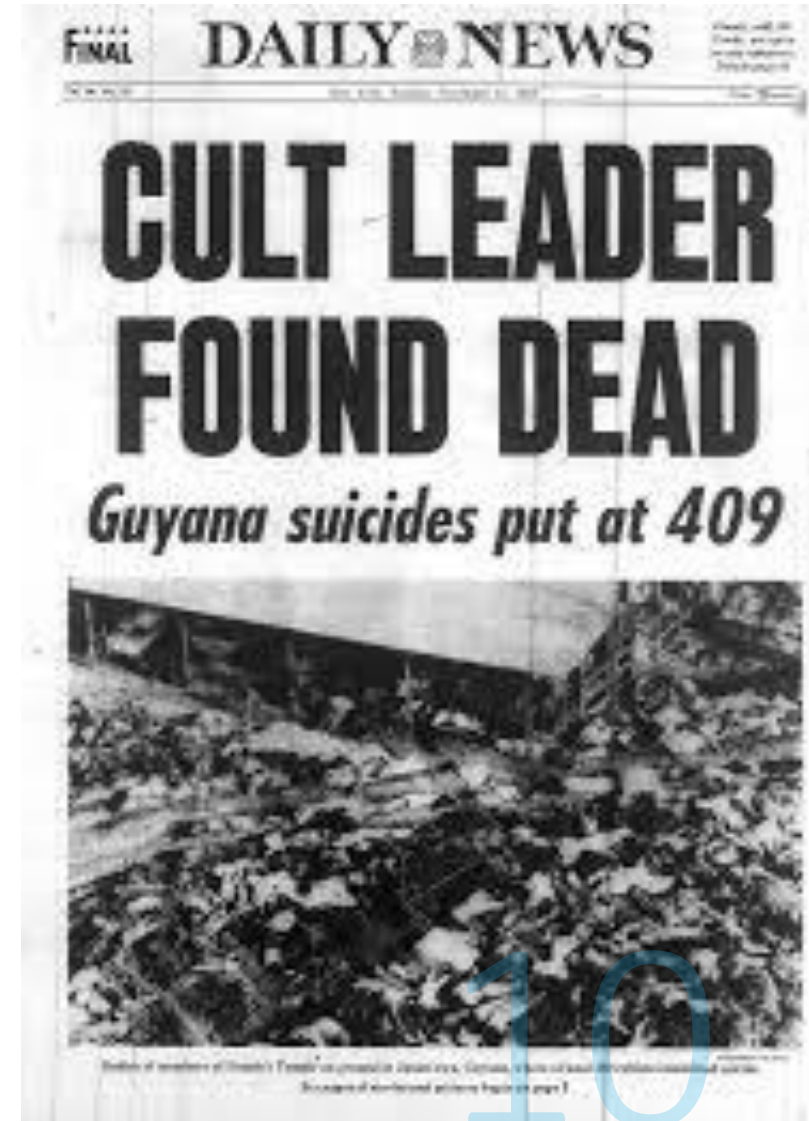
Jesus

-Problem: It would lead an individual or community to ruin.



1. There is no generally accepted purpose of “law.”

-If making laws is left to discretion, people can make laws which are confusing, contradictory, or harmful to society.



2. Lack of legal purpose leads to bad laws.

Magna Carta Rights:

- No selling Justice**
- No denying Justice**
- No delaying Justice**



2. Lack of legal purpose leads to bad laws.

Justice is Sold:

Attorneys are privately paid for delivering legal services.

<http://jolantabula.com/about/legal-fees/>



2. Lack of legal purpose leads to bad laws.

Justice is denied:

The common law system presupposes

Laws to be harsh and inflexible and has

Equity to moderate the law.

Equity is given at the

discretion of the judge.



2. Lack of legal purpose leads to bad laws.

Justice is delayed.

Lawsuits can last 20 to 30 years.

A law student could
resolve it in an hour.



2. Lack of legal purpose leads to bad laws.

Bad laws lead to loss of productivity and conflict.



2. Lack of legal purpose leads to bad laws.

The constitution should give direction to laws but it is generally vague and contradictory.



2. Lack of legal purpose leads to bad laws.

1st Amendment freedom of Speech
Unauthorized exceptions

- Obscenity,**
- Fraud,**
- Defamation,**
- Advocacy of Violence,**
- Fighting words.**



2. Lack of legal purpose leads to bad laws.

2nd Amendment Right to keep and bear arms

Unauthorized Exceptions:

Ownership

Loading

Possessing

Displaying



2. Lack of legal purpose leads to bad laws.

4th Amendment right to be secure from Searches without warrant or probable cause.
TSA conducts 1.9 Mil/day
Unauthorized exception: travel
277,000 searches per gun found.

Burns, B., (2016) The TSA Blog, blog.tsa.gov/.../tsa-2015-year-in-review.html



2. Lack of legal purpose leads to bad laws.

5th Amendment: Private property shall not be taken for public use without just Compensation.

**Unauthorized Exception:
Any tax which does not benefit
the person taxed.**



2. Lack of legal purpose leads to bad laws.

14th Amendment requires due process to deprive a person of liberty.

**Unauthorized Exception:
Interning 110,000 based on race
in American Concentration camps.
(Executive order 9066) Ex**



2. Lack of legal purpose leads to bad laws.

Homosexual sodomy is punishable by 20 years prison

Later, held to be a fundamental right.

Shows fickle nature of court



3. Natural law trumps man-made laws.

Natural Laws:

- $2+2=4$
- Surface area of a square
=base x height.
- Objects in motion remain
in motion until acted upon
by an unbalanced force.

Man-made laws:

- Stop at stop signs
- Pay taxes
- Don't steal
- Don't Murder

3. Natural law trumps man-made laws.

Edict:
\$100,000
+\$0
=\$200,000?

“This Constitution,
and the Laws of the
United States... shall
be the supreme Law
of the Land...”

Man-made laws in violation with natural laws are void.

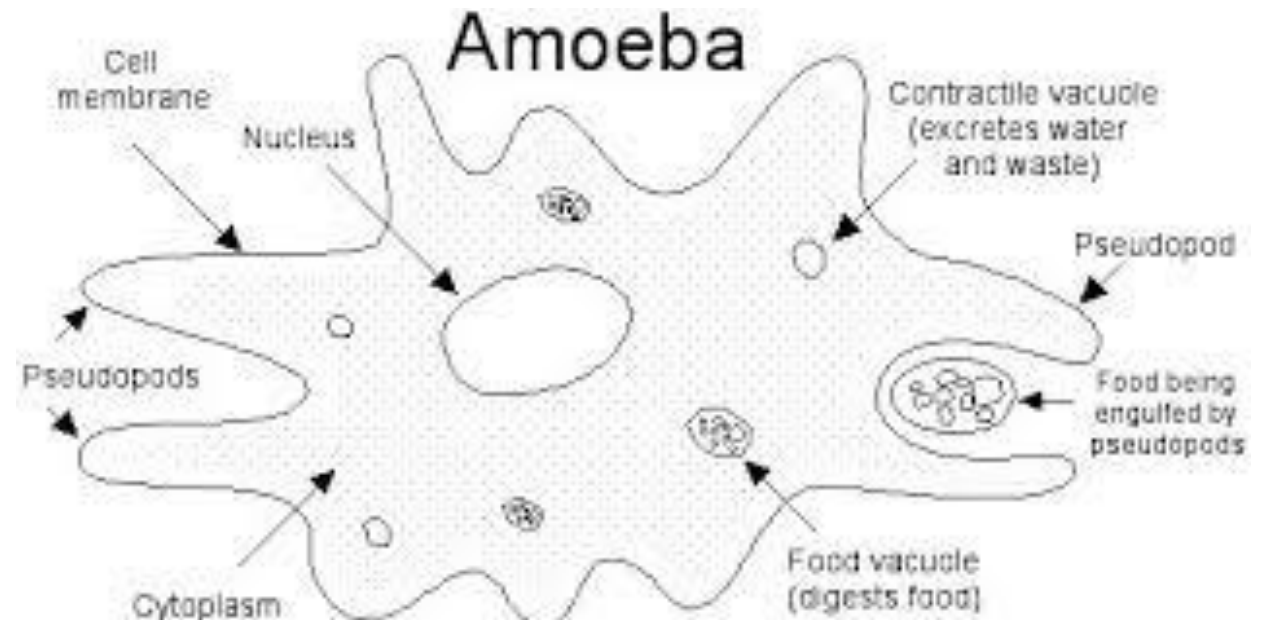
4. Nature can give us a purpose for law.

All life is cellular.



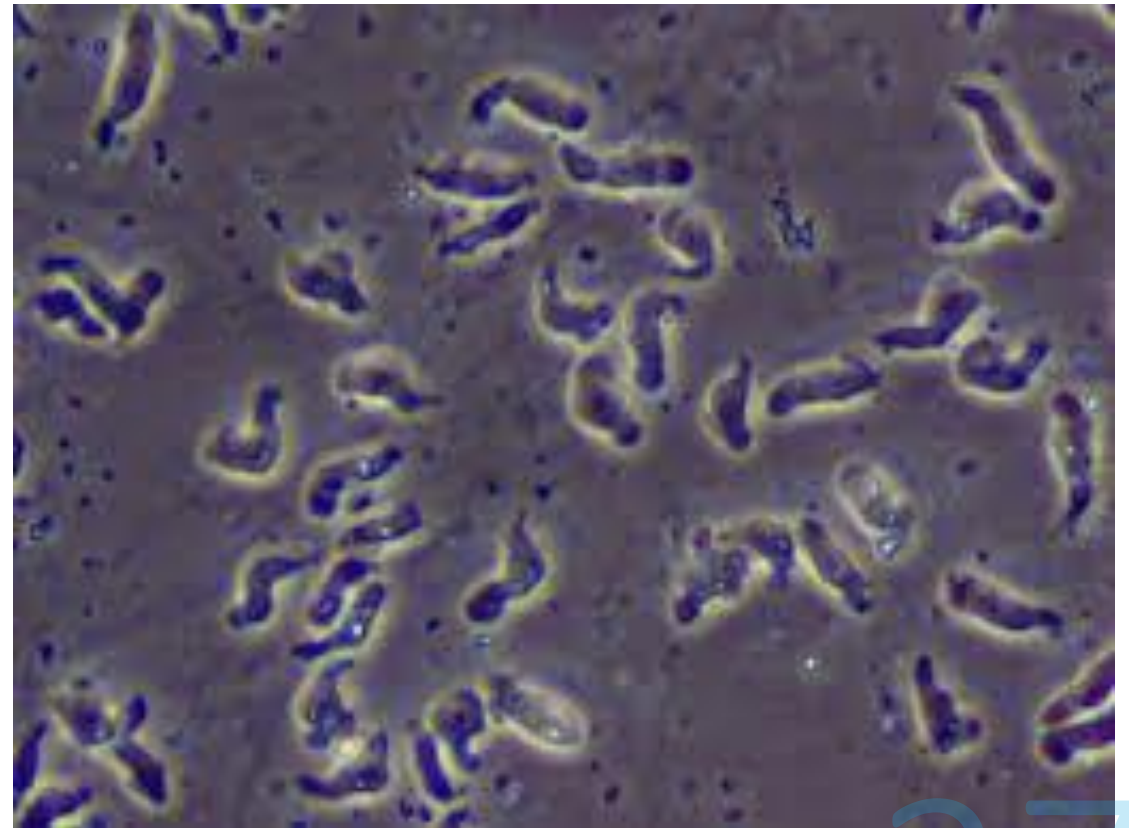
4. Nature can give us a purpose for law.

All cells have certain methods to acquire, preserve, and efficiently use resources to continue their lives.



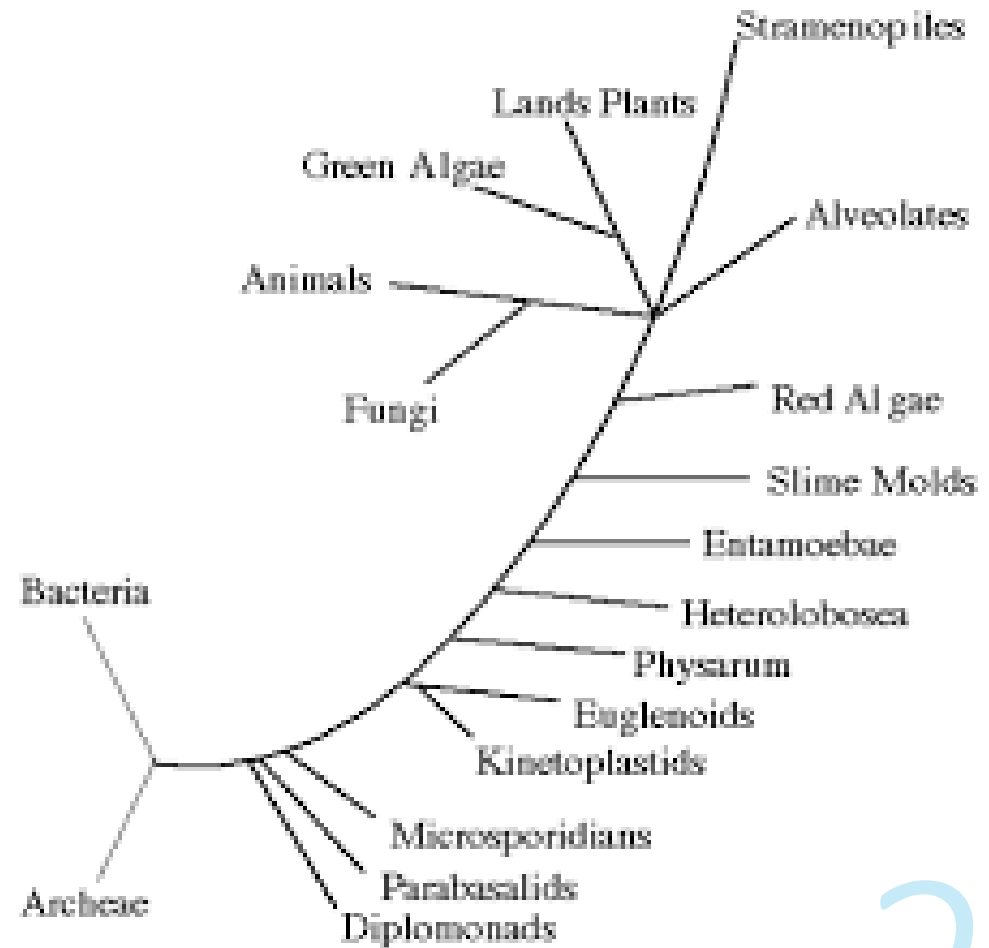
4. Nature can give us a purpose for law.

**All cells compete
with other cells for
limited resources.**



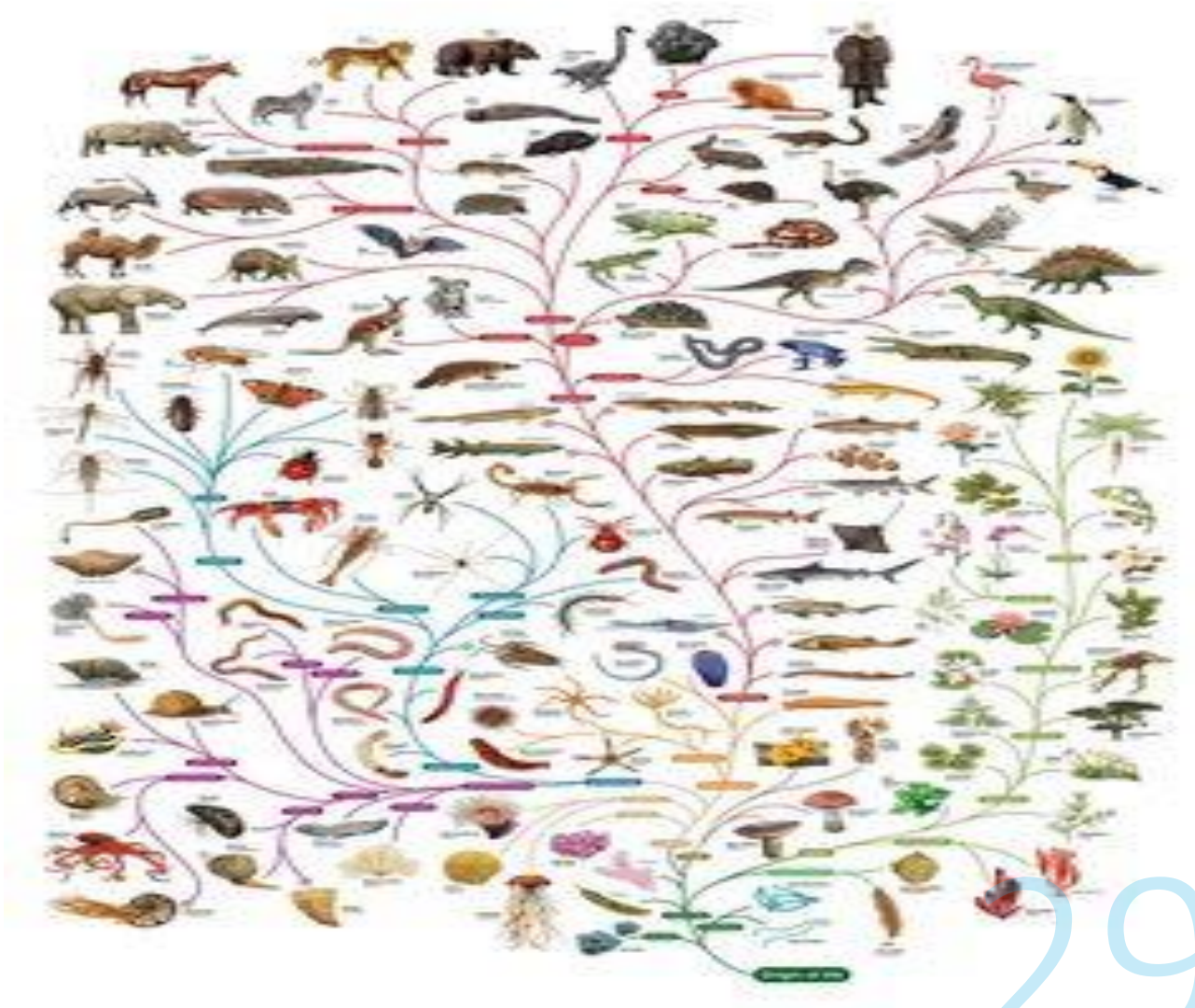
4. Nature can give us a purpose for law.

Some of these cells use methods of competition that involve cooperation with other particular types of cells for mutual benefit.



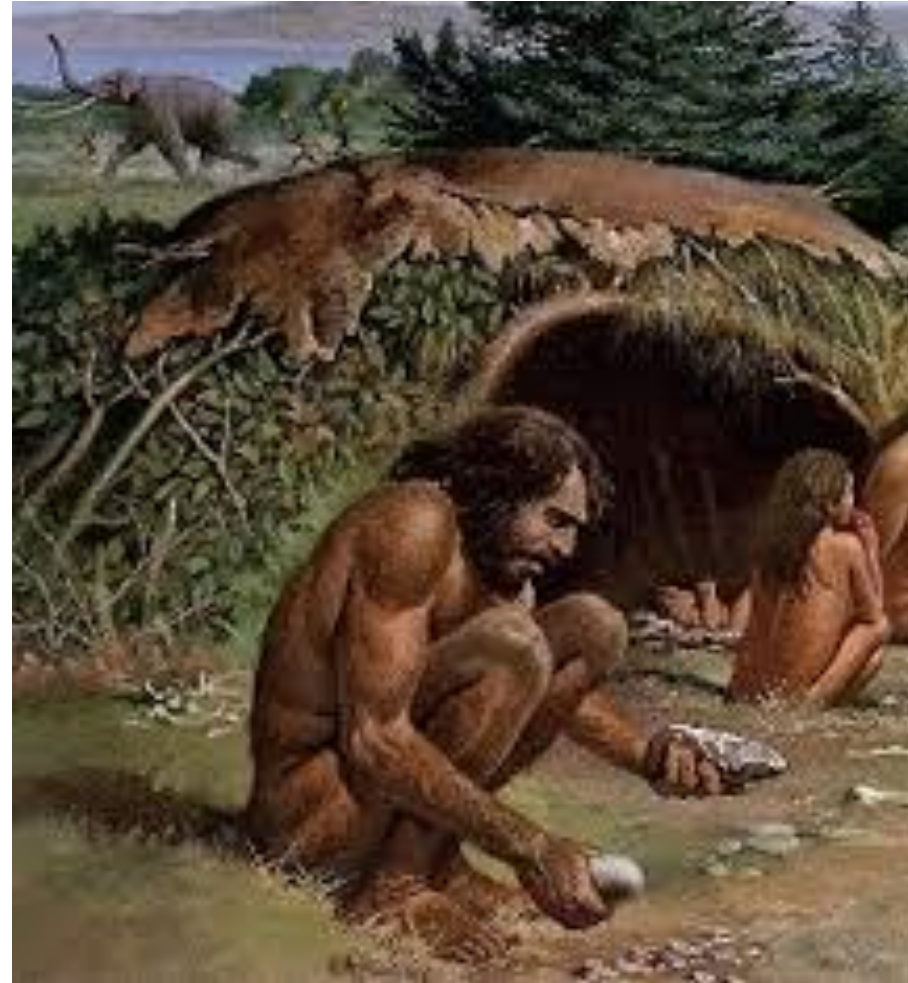
4. Nature can give us a purpose for law.

This intercellular cooperation to compete is the biological basis which produced many types of algae, plants, and animals.



4. Nature can give us a purpose for law.

One of these animals formed by ten billion competitive-cooperative cells is Homo Sapiens (Man).



4. Nature can give us a purpose for law.

Neither the cellular cooperation nor the competition was complete as man joined together with other men for mutual benefit creating families.



4. Nature can give us a purpose for law.

As technology improved, families combined for mutual benefits of safety, production, and efficient use of resources, and became larger clans.



4. Nature can give us a purpose for law.

Clans joined to form city-states, which joined to form kingdoms, which joined to form empires.



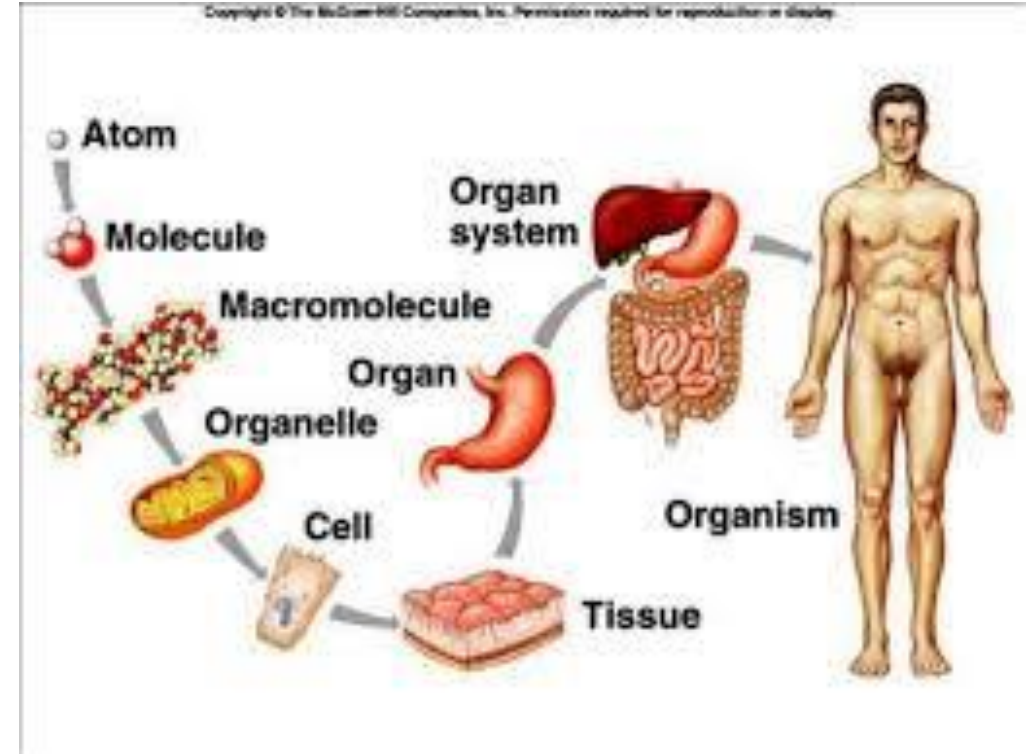
4. Nature can give us a purpose for law.

It is observable that the union of billions of people is a mere continuation of cooperation contingent upon mutual benefit, in acquiring, preserving, and efficiently using resources to preserve and perpetuate cellular life.



4. Nature can give us a purpose for law.

People significantly differ from cells within a body in that cells can not effectively prey upon their own bodies or defect to join other bodies.



4. Nature can give us a purpose for law.

People, however, are instinctively inclined, and biologically rewarded to align themselves with or disenfranchise themselves from groups, situations, or codes of conduct based upon their perception of personal risk or benefit.



4. Nature can give us a purpose for law.

The general purpose of law is to align interests of people to act in cooperation toward mutual benefit by rewarding contribution and punishing threats or damage to their union.



5. A proposed symbiotic code.

-100 words(+ -)

-4 rules

-3 exceptions

**-2 procedural
guidelines**

-1 guiding principle

Wallis Symbiotic Code:

*“Disclose information so others interacting may protect themselves from disadvantage,
and honor predictably mutually-beneficial agreements,
and don’t act to cause predictable risk of net damage to self or others,
and conform to scientifically reviewed governing rules of these same standards,
except in the least damaging way necessary,
to prevent a greater predictable risk of net damage,
or to extract proportionate compensation for damages predictably risked,
or to extract proportionate compensation from greater un-earned benefits received,
all to align individual interests with interests of others in symbiotic union,
to efficiently produce, conserve, and utilize resources for symbiotic lives.”*

5. A proposed symbiotic code.

Disclose information so others interacting may protect themselves from disadvantage,

- It makes people agents of each other
- It requires disclosure of risks
- It ends “buyer beware” mentality
- It sets a new standard for commerce



5. A proposed symbiotic code.

*and honor
predictably
mutually-beneficial
agreements,*



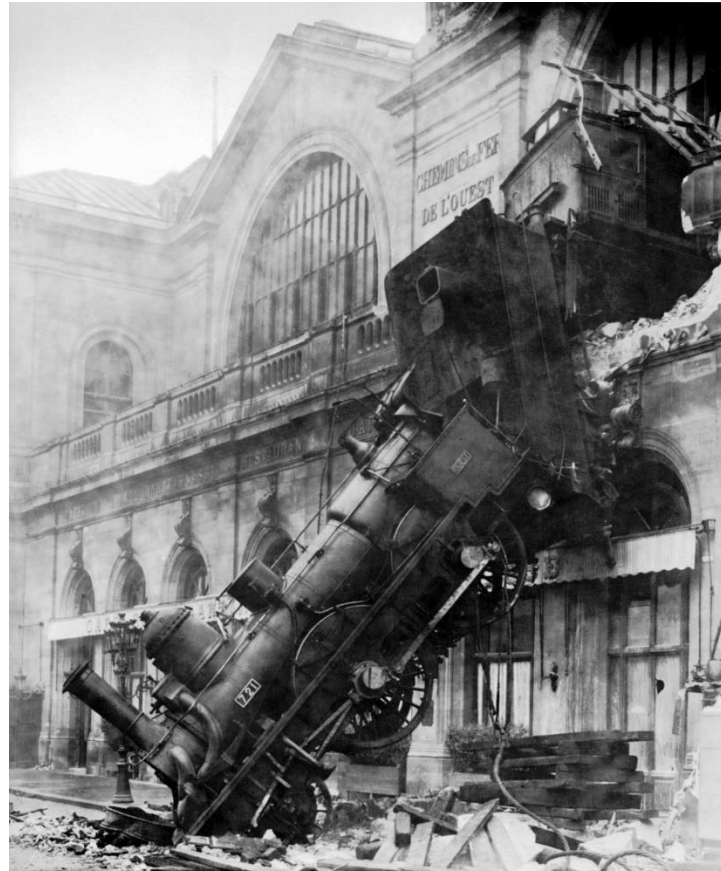
-Ends use of contracts to knowingly trap people into disadvantage.

-Ends estoppel as a substitute for consideration in contracts where it is known one side has nothing to gain.

5. A proposed symbiotic code.

-This could include criminal acts, intentional torts, negligent torts, business transactions, taxation, etc.

and don't act to cause predictable risk of net damage to self or others,



5. A proposed symbiotic code.

*and conform to
scientifically reviewed
governing rules of
these same standards,*



-Keeps government as an authority but requires that the government legislation conform to scientific standards and the other standards of the symbiotic code.

5. A proposed symbiotic code.

*except in the least
damaging way
necessary,*

**-Requires extra care to
minimize damage when
it must be done to others
for a greater good.**



5. A proposed symbiotic code.

*to prevent a greater
predictable risk of net
damage,*



**-Sets strict criteria for
when harmful action
is clearly justified.**

5. A proposed symbiotic code.

or to extract proportionate compensation for damages predictably risked,



-Sets guidelines for compensation of harm done rather than some punitive measure which would not rehabilitate or compensate.

5. A proposed symbiotic code.

or to extract proportionate compensation from greater un-earned benefits received,



-This is the clause which allows taxes when the benefit of the tax to the taxpayer is greater than the amount of tax paid.

5. A proposed symbiotic code.

all to align individual interests with interests of others in symbiotic union,

-Unless individuals see advantage in helping others, and detriment in hurting others, there is no reason to expect them to be cooperative.



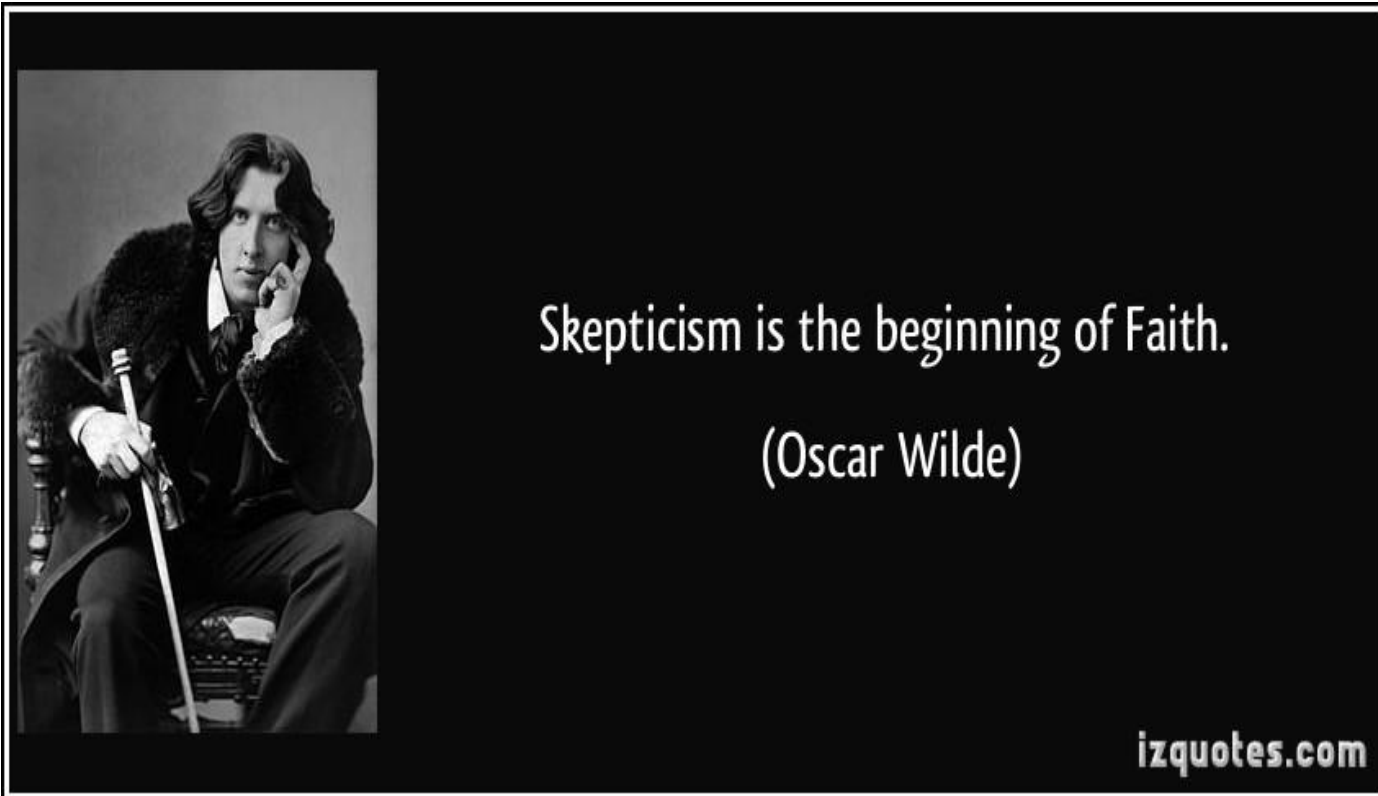
5. A proposed symbiotic code.

*to efficiently
produce, conserve,
and utilize
resources for
symbiotic
lives.”*



5. A proposed symbiotic code.

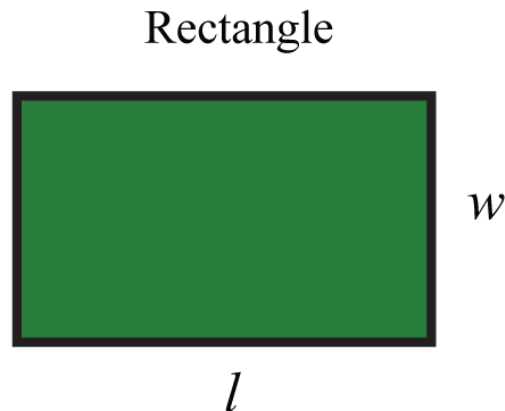
Objections:



- Too Vague
- No absolute rights
- Not liberty based
- Naïve; too idealistic

5. A proposed symbiotic code.

**Objection:
Too Vague**



$$P = 2l + 2w$$

$$A = lw$$

Responses:

-The more general the principle the more broadly it can be applied.

-This isn't an answer; it is a formula for answers based on available facts.

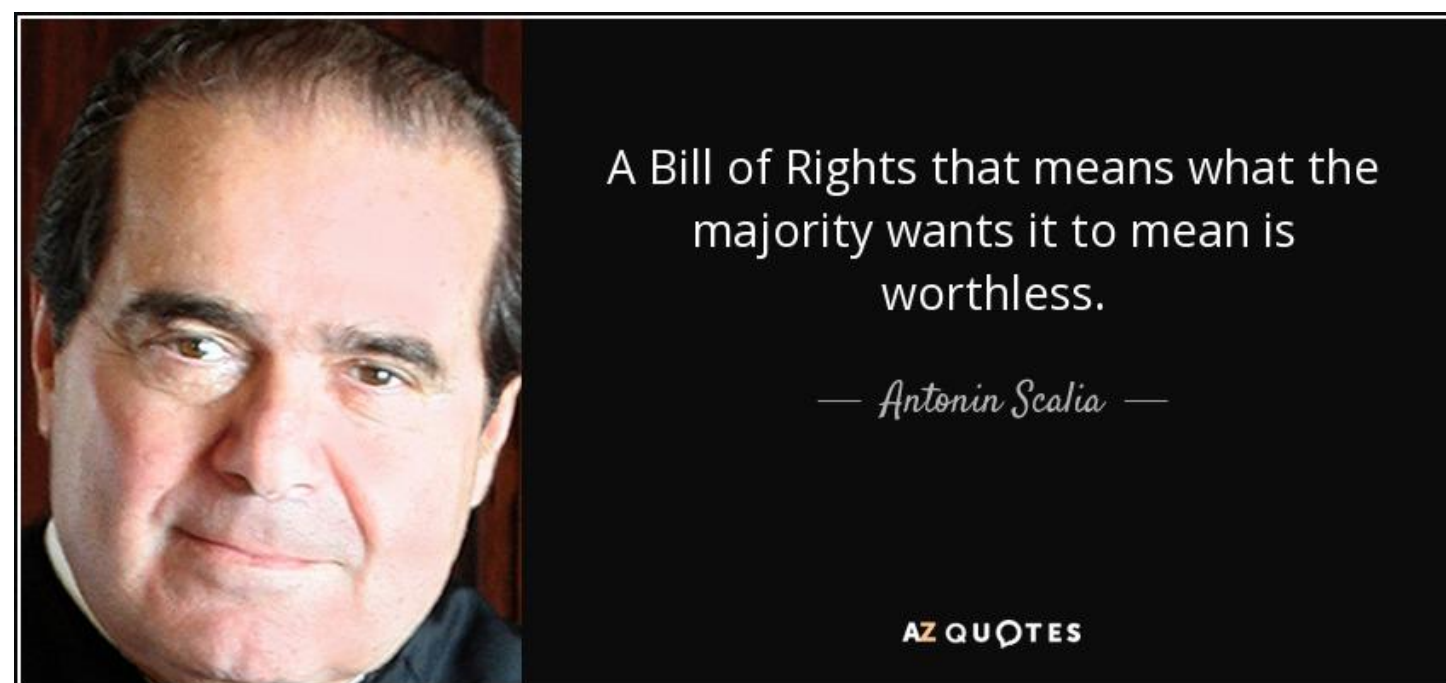
-Negligence law example

5. A proposed symbiotic code.

Objection:
No Absolute Rights

Responses:

- You have no rights now.**
- Rights now deprived without criteria.**
- By symbiotic code rights can expand and contract by utility.**



5. A proposed symbiotic code.

Objection:
**Code not
based on
liberty**



Response:
**-Liberties are given
or removed based
on utility.**

5. A proposed symbiotic code.

Objection:

Too idealistic

-The code is designed to reward people out of some of the benefits they bring others. Making government more efficient = massive rewards.



Future Research Suggestions

- Write this paper again co-authored by biologist and anthropologist.**
- Use the code in an existing club, business, or non-profit.**
- Contrast code use against existing laws and legal decisions.**