

## **Constructive trusts are like the English language**

As was discussed in Chapter 7,<sup>1</sup> studying equity is very like learning the English language. At first blush, it seems that every rule has an exception and that most of the language is an entirely random collection of separate idioms and ideas. In fact, to a native Englishman the English language is made up of a very large number of strict grammatical rules and idiomatic structures which, if broken, really do jar on the ear. It is suggested that the doctrine of constructive trusts is similar. While it may seem at first glance that this area is comprised of doctrines moving in entirely random motion, in truth each species of constructive trust is based on its own well-understood principles. The principle of conscience, identifiable in equity from the *Earl of Oxford's Case* through to *Westdeutsche Landesbank* and beyond, operates as a high-level principle around which all of these constructive trusts revolve. There is in truth nothing more English than a constructive trust, along with the novels of PG Wodehouse, long games of cricket on June afternoons, and the English language itself.

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<sup>1</sup> Section 7.1.1.