
LAW AND SPIRITUALITY

Romil Aryan, CNLU Patna & Sadhna Parasher, CUSB Gaya.

ABSTRACT

In this article the relationship between law and spirituality has been explored. The difference between religion and spirituality has been discussed where it has been argued that the problems in the religion are not present in the spirituality and consequently there can be interrelation between the law and spirituality. Law aims at providing a just society where rights of the individuals can be realized. One of the most important functions of the state is to evolve a legal system which can ensure justice. Spirituality aims at realizing the divine potential of all human beings and inculcating the feeling of oneness and universal brotherhood. The message of oneness and universal brotherhood has the potential of providing a just society where people can live their life peacefully. The article goes on to argue that justice and equality are important features of both law and spirituality and spirituality can play an important role in averting the crime which is an essential function of the law. The article explores that how spirituality can contribute to the law and how Spirituality and law can play a collaborative role in bringing peace and harmony in the society.

Introduction

The most important purpose of any legal system is to do the justice by deciding the disputes between the parties and to ascertain the right and wrong so that peace can be maintained in the society. Law aims at providing a just society where rights of the individuals can be realized.¹ To begin with every individual had to help himself and protect his body and property and punish the wrongdoer. Every man was supposed to protect himself by his own hands or at best by the support of family and kinsmen. During those times there was no guarantee that person committing the crime will be punished and the concept of survival of fittest was prominent in the society.² When this concept of survival of fittest became disastrous for the primitive societies and the certainty of life was lost totally then slowly there was growth of political states and one of the most important functions of these states was to evolve a legal system which can ensure justice.³ Spirituality is distinct from the religion, traditions and rituals. Spirituality is a quest for finding the truth. The earnestness of the search for truth is one of the delightful and commendable features of the spirituality.⁴ Spirituality aims at realizing the divine potential of all human beings and inculcate the feeling of oneness and universal brotherhood.⁵ The message of oneness and universal brotherhood has the potential of providing a just society where people can live their life peacefully.

Religion and spirituality

The experience of interrelation between religion and law has not been very encouraging and it was noticed that religious institutions shielded the state and state became more powerful and this was a major reason that slowly there was divorce of law and religion and law became more secular. In modern times also it is a very prominent view that religious traditions do not stand for the equality and there is discrimination against women and sexual minority. It is often advocated that religious traditions and their opinions should not guide the law because religious traditions perpetuate inequalities and modern thoughts of the 21st century is not easily accepted by religious traditions. Such thought process being prominent in the society advocates that there should be no interaction between law and religion. However the word religion and

¹ V.D. Mahajan, *Jurisprudence & Legal Theory* 115 (Eastern Book Company, Lucknow, 5th edn., 2016).

² V.D. Mahajan, *Jurisprudence & Legal Theory* 117 (Eastern Book Company, Lucknow, 5th edn., 2016).

³ O.P. Gauba, *Social and Political Philosophy* 43 (National Paperbacks, New Delhi, 3rd edn., 2019).

⁴ Swami Ranganathananda, *The message of upanishads* 34 (Advaita Ashrama, Kolkata, 1st edn., 2019).

⁵ Swami Ranganathananda, *Men the known and men the unknown* 15 (Sri Ramkrishna Math, Chennai, 2nd edn., 2020).

spirituality though used interchangeably are not same and both these words have different connotations⁶. Religion is a certain set of organised beliefs and practices which are shared by a community whereas spirituality is an individual practice which aims at finding the purpose of life and secure peace in life.⁷ Spiritual traditions of both east and west have always talked about one goal which is happiness of all human beings irrespective of any other factor or considerations. In modern times science has shown that spirituality is a universal tendency and has very positive impact on the overall happiness and well-being.⁸ The problems which are often pointed out in a religion is totally missing in the spirituality and the relationship between law and spirituality can be explored.

Ensuring Justice: Aim of Law and Spirituality

Law and spirituality are linked at an intrinsic level. Although the law focuses on our external bodies and spirituality focuses on the invisible that unites us all as thread unites the pearls. Law and spirituality are interactive and interdependent entities. Consequently there is a tendency to find prosperous peace and happiness where the law supports spirituality. On the other hand we usually find conflicts and wars when the law denies or contradicts spirituality or when spirituality loses its legal support. Justice as an ideal has a spiritual significance which expresses spiritual humanism and is the ultimate goal of our civilization. Justice is the central theme of our Constitution. The Constitution provides social, economic and political justice to all citizens. It also provides for the creation of an egalitarian society based on liberty, equality and fraternity through the instrument of law.⁹ The law provides for the rights and the duties and expects people to follow the duties which have been provided by the law. When someone violates the law and cause loss to another then law comes into action and the offender is brought before the court room where judgement is delivered according to the prior deeds of the person who violated the law. When we look at law and its enforcement from this lens then we realize that this is not different from the doctrine of karma which is prevalent in spiritual traditions.¹⁰

⁶ Religion vs. Spirituality: the difference between them, available at <https://chopra.com/articles/religion-vs-spirituality-the-difference-between-them> (Visited on Oct 12, 2021).

⁷ Religion vs. Spirituality: the difference between them, available at <https://chopra.com/articles/religion-vs-spirituality-the-difference-between-them> (Visited on Oct 12, 2021).

⁸ The correlation between spirituality and happiness, available at <https://chopra.com/articles/the-correlation-between-spirituality-and-happiness> (Visited on Oct 13, 2021).

⁹ A. K. Sikri, *Spirituality and the legal profession*, Sunday Guardian Live, May 2, 2020.

¹⁰ Ibid.

Averting crime : Role of spirituality

Though the law is effective in crime prevention but it has some limitations. Law cannot always go into the root of problem. Law simply gives the judgement and resolve the disputes but spirituality helps in going to the root of the problem. Both law and spirituality has common aim when we discuss in the respect of the society. Both aims to promote the truth and justice in the society and prevent crime in the society. Though the terminology is different but both law as well as spirituality believe that people suffer because of their own wrong deeds and law calls it crime whereas spirituality calls it sin.¹¹

In modern world many crimes are attributed to the wrong way of living. Modern world has become too much matter oriented where sense pleasures and material possessions define the happiness. The way to measure success in this modern world is money and material possessions which one have. In today's world people don't have time to talk to themselves and think about the bigger and fundamental questions. In such scenario self alienation increases and meaninglessness creeps in. It has been noted that such meaninglessness in life where one doesn't have anything higher to do leads to frustration which in turn results in crime. When society considers material possessions and money as success and only means of happiness then young generation tries to have money and material possessions and for this they often choose paths which goes against the dictate of the law. Our modern society has not been able to teach people that there is something higher and bigger which one should seek. People try to satisfy themselves and become happy by trying sensual transient pleasures and when these pleasures are not able to satisfy them any more then they indulge in various affairs which again goes against the mandate of the law. Spirituality has the potential to provide an alternative to this present situation. Spirituality provides that there is some higher truth which should be discovered by everyone and provides guidance for achieving the same. Spiritual traditions of the east and west teaches that humans are not limited creatures but are infinite if they realize their truth which is hidden. Spiritual traditions have always maintained this position that the meaning of the life is not just sense pleasures but something more than this and without realizing the ultimate truth a human being can't be totally fulfilled. If the teachings of spiritual traditions can be understood and one tries to understand spirituality as a way of life then many problems which law struggles with can be countered. Fear of law or fear of god can't always stop a person from committing a crime. Spirituality teaches universal brotherhood, love and

¹¹ Ibid.

compassion and if these teachings are internalized then it can lead to a better and safe society.

Equality: Basic feature of law and spirituality

Right to equality is one of the basic features of law and spirituality also considers that everyone is equal. Law considers everyone equal before the eyes of the law and spirituality considers everyone equal before the God. Our Constitution provides fundamental right to equality.¹² Our Constitution provides that everyone shall be treated equally before the law irrespective of his gender, economic status or any other considerations. Spirituality also provides that everyone is ultimately one reality in the highest analysis and everyone is equal irrespective of their gender, age, nationality etc and consequently everyone should be treated equally with compassion. The basic spiritual values and fundamental principles of the law enshrined in our Constitution are the same, but the law is being improved and developed towards more socially acceptable guidelines for the benefit of society as a whole and in this process spirituality has much to contribute.

Conclusion

Everybody loves happiness above all else. Even if people deny happiness for the sake of another person or an impersonal cause, they do so ultimately because it makes them happy. All social institutions ultimately attempt for human happiness and law is no different. Law also tries to create a peaceful and just society where people can live happily and peacefully. Spirituality also has the similar aim and it attempts to make human beings happy. Spirituality has much to contribute to the law and legal professionals in creating a better society. Legal professionals are guided by the professional ethics which has a statutory force and these ethical considerations have spiritual basis attached to them. Law provides the rules for smooth functioning of the society and when the lawyers and judges imbibe the spiritual values in enforcing the laws then a better society can be expected. There are many areas as explored in this article where spirituality can contribute to the law and Spirituality and law must play a collaborative role in bringing peace and harmony in the society.

¹² Article 14, Constitution of India, 1950.