

**NATURAL LAW AND CONSCIOUSNESS (1987).** By Michael Sandford King. Gantheaume Press, Perth. Pp. ix + 89. Unpriced.

**THE THEORY** of natural law is of ancient origin dating back to a few centuries B.C. It has been continuously flourishing, despite its periodic eclipse, which is a tribute to the vitality and utility of the theory in the field of jurisprudence. Natural law and its universal principles have fascinated people through the centuries. The theory of natural law has had profound influence on scientific, legal, religious and political thought.

The book under review titled "Natural Law and Consciousness" is an innovative work written by Michael Sanford King. It makes an original as well as a unique contribution to the field of jurisprudence. The author wants to show the relevance to natural law of Vedic Science in the 'Transcendental Meditation' (TM) form as practised by Maharishi Mahesh Yogi.

The author states that in the Western legal tradition it has been thought that natural law can be discovered by studying nature through the aid of reason. In the Vedic tradition of India, it has been thought that natural law is inherent in human consciousness, and can be known by experience through meditation. The Vedic seers have said that through regular meditation one can attain a state of life where one acts in harmony with natural law.<sup>1</sup> Therefore, the western proponents of natural law would explore nature and universe with the aid of reason to find natural law. Whereas Vedic science seeks to find natural law through the TM programme to have consciousness in the inner self of a human being so that one can reach a state where one acts in harmony with natural law.

Natural law in the Western sense has been understood to mean many variety of things to different people at different times. (1) ideals which guide legal development and administration. (2) a basic moral quality in law which prevents a total separation of the "is" from the "ought". (3) method of discovering perfect law. (4) the content of perfect law deducible by reason. (5) the conditions *sine quibus non* for the existence of law.<sup>2</sup>

Whereas the human nervous system is a vehicle by which we experience the absolute field of life. It is said that through the practice of TM one is able to practice this absolute field of life. Through the regular practice of this technique, one gains the ability to know all the laws of nature and act in accordance with them. TM is not an intellectual practice, depending on our reasoning power; it is a technique whereby one experiences finer levels of the thinking process until one transcends the finest level of thought and experiences the source of one's thinking process, a field of pure consciousness. This field of pure consciousness is the absolute aspect of life.<sup>3</sup>

The author states that his aim is to compare Vedic tradition with the

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1. Michael Sandford King, *Natural Law and Consciousness* (1987)

2. Dias, *Jurisprudence*, 653 (4th Edn . 1976)

3 *Supra* note 1 at 5

common law tradition and does it with the help of teachings of Maharishi Mahesh Yogi who taught him Vedic analysis.<sup>4</sup>

The book has been divided into nine small chapters. The first chapter deals with the Greek understanding of natural law. The author has basically summarised the thought and philosophy of Plato and Aristotle. He states that both Plato and Aristotle have been interpreted by students of western philosophy as perceiving reason as the means by which natural law can be known and lived. This idea became active in the development of the science of jurisprudence by Roman theorists.

In every society, from the ancient times, people observe rituals and ceremonies evolved in society for the purposes connected with restoring and maintaining harmony between people and their environment. In some societies even magic is practised to influence nature. Some of the aboriginal medicine men, of 'High Degree' have the ability to know and control the elements, and possess psychic powers such as levitation, clairvoyance, invisibility, telepathy and the curing of illness.<sup>5</sup> Frazer refers to superstition or magic practised to influence nature as the first stage of development. In the second stage rituals and prayers are used to appease the gods to attain the peoples desires.<sup>6</sup> The next stage referred to by Frazer is belief in 'Natural Law'. Which means fixed, immutable laws governing nature and capable of objective study i.e., the study in a scientific manner.<sup>7</sup>

The second chapter briefly deals with the contribution of the Romans to jurisprudence. He briefly gives the philosophy of Roman jurists and in particular the Digest and Institutes of the Emperor Justinian and then in some detail discusses Marcus Cicero. He quotes Cicero who regards

nature as the fountain-head of all law. Nature is governed by a supreme being, God. The individual has the spark of the divine within, namely soul, which is eternal. A person has the capacity to discern the divine law, the law of nature through reason.<sup>8</sup>

Chapter 3 describes briefly the essential features of the theory of natural law as propounded by St. Thomas Aquinas who is regarded as the father of natural law in the 13th century. As is well known Aquinas categorised four kinds of laws, (1) Divine law, (2) Eternal law, (3) Human law (Man made law or positive law), (4) Natural law. Aquinas says that natural law consists of general principles of tendencies. They may be applied through the medium of reason to determine what is right in a specific fact situation. Thus one reasons from the general to the specific. The general principles of natural law do not change, but their specific application may change according to the

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4 *Ibid.*

5 *Id* at 3.

6. *Ibid*

7 *Ibid.*

8. *Id.* at 15

circumstances. So although natural law is the same throughout creation, its particular manifestations may differ.<sup>9</sup>

In the fourth chapter the author tries to show the development of natural law theory from the Norman times. He finds that the whole of common law is basically based on the natural law. Coke is said to have stated in a judgment that the law of nature forms part of the law of England and such law is immutable. Though Coke seems to take a more restrictive interpretation of the ability of mankind to cognise natural law. According to Coke common law respects the order of nature. Coke emphasises the importance of the common law as under:

The common law is the best and most common birth right that the subject has for the safeguard and defence, not only of his goods, lands and revenues but of his wife and children, his body, fame and life also.<sup>10</sup>

In the next chapter dealing with the Natural Law and Human Rights the author discusses the importance of natural law in international society. Whether or not the passage of the Declaration of Rights of Man and the Citizens during the French Revolution or the incorporation of a Bill of Rights in the United States Constitution (as a departure from the practice in Great Britain) or even the inclusion of Fundamental Rights in Part III and the Directive Principles in Part IV of the Constitution of India, are viewed as an influence and contribution of natural law? The use of natural law arguments to justify basic human rights is an unquestioned contribution that the natural law theory has made to the modern world. It stands as the most obvious example of natural law thought in the world today.<sup>11</sup>

In chapter 6 titled 'Natural Law in the Modern Legal System' the author has very ably pointed some basic features in the judicial system which clearly show the influence of natural law. For instance common law system itself is primarily based on natural law and reason. Thus American jurist Roscoe Pound had stated that Common law doctrine is reason applied to experience. Even in the law making process the principles of natural law are taken care of and while interpreting the statutes the courts interpret with justice, equity and good conscience. Moreover, the principles of natural justice followed by the courts or tribunals are nothing but accepting the importance of natural law in the modern world. Moreover, the basic premises of our legal system that every citizen has the ability to choose right and wrong and he chooses best according to the circumstances, are all based on the basic theory of natural law that humans should decide their actions according to universally accepted principles of life.

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9. *Id.* at 21.

10. Coke, E: *The First Part of the Institutes of the Laws of England* (1983) quoted in *supra* note 1 at 29

11. *Supra* note 1 at 41

Chapter 7 of the book deals with the Vedic approach to natural law. According to Vedic seers natural law can be known by human beings and that they can live in tune with those principles of nature that promote life for greater happiness and fulfilment.

According to the Vedas there are two aspects of life: (1) the absolute, and (2) the relative. The absolute is an eternal, unbounded, unmanifest field of life containing within it in potential form all the principles which give rise to the whole of the manifest creation. It is a field of natural law in its virtual form. It cannot be seen with the eyes nor heard with the ears or tasted with the tongue nor smelt with the nose nor touched by the hand, it is beyond manifestation. It is omnipotent and omnipresent, it pervades and underlines all that is created and is a field of infinite correlation.<sup>12</sup> In Vedic science there is a precise relationship between action and its fruit. Every action, every word and even every thought of an individual has an effect on every aspect of the universe.<sup>13</sup> The absolute aspect of life described by the Vedas is, in its essential nature pure consciousness. Human beings are endowed with a nervous system that enables them to experience this absolute field of life as well as to function in the ever-changing relative field of life. The nervous system is a mediator between these two fields of life and allows them to be fully integrated in the individual.<sup>14</sup> Maharishi Mahesh Yogi states that Transcendental Meditation is a technique that allows the individual to experience this absolute unbounded aspect of his own nature. The source of one's thinking process, pure consciousness is in fact the absolute aspect of life described in the Vedas.<sup>15</sup> It is stated by Dr. Robert Keith Wallace, that the experience of pure consciousness constitutes a fourth major state of consciousness. The author has supported his thesis by quoting many research studies and he states that there are now more than 350 studies available on the effects of TM on the individual and on social life. Some of these studies have indicated that through the practice of TM, more positive self-actualising values of the personality develop, concentration improves while the ability of the meditator to maintain a broad framework of awareness is maintained, there is decreased incidence of psychosomatic illness, reaction time improves, mind/body co-ordination improves, productivity at work increases and the ability to get along with fellow workers and management improves, happiness in life increases, the ageing process tends to slow down and dependency on prescribed drugs declines. Maharishi Yogi cites these studies as evidence that the practice of TM promotes life in accord with natural law.<sup>16</sup>

The author observes that if this analysis is correct then the idea that persons can know all the basic principles of natural law necessary for their life, solely through the application of reason, may need to be

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12. *Id* at 55.

13. *Id.* at 56.

14. *Id.* at 57.

15. *Ibid.*

16. *Id.* at 57-59.

reappraised.<sup>17</sup> The author states that through the collective TM Sidhi programme such a powerful effect is generated on the level of consciousness as to improve the quality of life in society as a whole. He also points out that researchers have shown that through collective TM Sidhi programme there is reduced crime, disease and accident rates, and improved economic growth in society. And through the application of this technology the means of social change could be greatly streamlined.

So there are two approaches to practise natural law. The western approach stresses on rationality and reason for discerning natural law principles for application in a legal system. Whereas the Vedic approach stresses on the practice of TM Sidhi programme to attain pure consciousness which brings human beings close to nature and the natural law principles. The writer rightly suggests that the western world must learn from the Vedic principles and make the life of human beings less materialistic and create a better world. The western principles of natural law make a person a reasonable man. But the practice of the TM Sidhi programme brings a man closer to nature and makes him an enlightened man. The author believes that the integration of the Vedic approach to natural law can provide the basis for fulfilling the highest ideals of the Western approach to natural law.

For fulfilling the high ideals for the betterment of human beings the author suggests that there should be a synthesis of the western approach and the Vedic science approach to natural law. Griffiths calls this approach as "The Marriage of the East and West." According to Thomas Kuhn the integration of these two approaches to natural law will lead to a paradigm shift.<sup>18</sup>

On the whole it may be said that King's Natural Law is an interesting jurisprudential contribution. The book should prove useful to the students of jurisprudence. The publishers of this monograph need to be congratulated for having published this work in an attractive form and free of error. The book is unpriced and one wonders how persons who may be interested would be able to procure this monograph. One hopes that more editions of this monograph would be published soon.

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17. *Id.* at 63.

18. Kuhn, T., *The Structure of Scientific Revolution* (2nd Edn., 1970).

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