

Synopsis of
A LAW SYSTEM ROOTED IN LOVE
THE NECESSITY OF OUR TIME

Our paradigm of *law* has to change.

By Dr. L. Fanaian

OVERVIEW

Living for living, vs. sublime life: Pressure of business and market forces are derailing human life of its natural course, i.e. a journey of spiritual growth and higher consciousness. Business mentality, that tends to commercialize everything, is reducing life to a goalless cycle of produce to consume. It takes away glory, heroism, excitement, sublime life and inner joy that we are all entitled to in our lifespan.

The ultimate outcome of this commercialized culture is *humanity* crisis. The loss of trust in our relations, devaluing timeless human values, family institution breakdown, school violence, juvenile crimes, high-tech crimes, repeat offenders, drug and alcohol abuse are some of the symptoms of this looming humanity crisis. This move to further commercializing *everything* is gaining momentum. No single person or group or organization can stop it; but a *law* system rooted in *love* can do the job as I argue here. How *love* can be the root of *law*? It depends on what we mean by law and love.

Love: In the light of today's high consciousness, *love* could be seen as the most conscious *effort* to explore our real selves, beyond what the dominant money-worshipping culture portrays us. Loving is *deeper* thinking, creative and critical thinking, to break the trap of ego and do more than serving self. It is this loving that makes our life purposeful, glorious, full of pride and excitement, and leads us to ultimate *oneness* of human race.

It is this love that revives the principles we have deep inside us, such as empathy, trustworthiness, honesty, humility, compassion and responsibility. These are the principles that make the root and soul of *law*.

Today's commercialized culture gives no value to this love, and the principles which come from it. It even promotes the opposite of this love. It promotes *shallow* thinking, or not thinking. It wants

people to remain thoughtless consumers and follower of temptations. It even ridicules people with principles, people who seek for values other than money, people who think critically and believe in *principles*.

Law: In the light of new changes and rise of consciousness, *law* could also be seen more than red light and negative sanction to keep peace and order. Law can be green light and positive sanction to promote love, the love we spoke of here. We definitely need this new understanding of law which is *proactive* and *caring*, which is the necessity of our time. It is this new law system that promotes *human* growth and transcendence, and acts as *counterbalance* to market that promotes the opposite. Our modern life and new generation requires this new *caring* or *paternalistic* law to survive and prosper.

Law evolves by rise of consciousness. At one point in past it was ‘might is right’ or law of jungle. Later, it became the decree of the dictators, or irresponsible rulers. It evolved much later to secular law based on democracy and social *contract*. Now, with amazing rise of public awareness and higher consciousness, law needs to evolve further to be workable today. It should go beyond contract and exchange, setting higher target which is *sacrificial* relations. If we fail to set such a high target, the conflict of interests and greed will push the system back to ‘might is right’ or new version of law of jungle, as it is happening now, reducing law to soulless words or formality.

Structural change: The move to shifting our paradigm of love and law, as I discuss here, is not limited to overhauling our law system. It is a move against *business mentality* that tends to solve problems with ‘quick fix’, patch up and bandaging¹. Superficiality and mediocrity are another outcome of this Business mentality that goes unchallenged and can only be challenged by a *proactive* law.

Apart from the concept of *law* and *love*, our understanding of key issues needs to be re-examined free from business mentality. For example, *education* for children and youth should not be only about skills, technology and science to serve business world, which we are having now. It is also about enlightenment, human values, responsibility, loving and sharing. *Freedom* is not only following temptation, immediate and irresponsible gratification, but acting out of *freewill*, free from pressure of dominant culture that promotes greed, shallow thinking and consumerism. And *family* is not cohabitation for convenience but a love cell that builds up the body of the society. And *Justice* for today’s highly conscious men and women is not guilt finding process only, but finding ways to heal,

to convert criminals and wrongdoers to dedicated citizens and wake up their 'within' justice or *conscience* that everybody has from birth.

Practical steps: Bringing love to law and overhauling law system needs no revolution or big budget. It needs new understating of law, seeing law more than peace keeper. For example, we can have a new legislation to make teaching of universal human values, loving and sharing, exploring the principles or virtues we have within us, *mandatory* in our elementary schools. Another new law may create a new department in government solely responsible for enhancing timeless human values, acting as a counterbalance to pointless and loveless force of market and business system. Another new law for administration of justice can create ways to wake up wrongdoers' conscience as opposed to make them more dangerous which is happening now. A new family law under this new paradigm can support healthy family institution as opposed to current family law that waits till family breaks down to intervene.

This move is not much about allocating budget and creating new business, and enhancing greed. It is a move to promote, persuade and encourage *deeper* thinking, as opposed to *shallow* thinking that market promotes day and night by commercial messages.

This move to change, overhaul or law system to make it more human, more caring, cannot be undemocratic or coercive, as it promotes the principles of humanity, (empathy, honesty trust etc.) that everybody believes, (except the psychopaths). But the current system discourages people to stand by their principles and not compromise their integrity.

All these changes can be possible by realizing that the business mentality and contractual relations alone void of *love* is not working for today's highly conscious man. We need a new *caring* or *paternalistic* law rooted in love that sets higher target, aiming at *oneness* as opposed to *otherness*, as the ultimate goal, and promoting noble human values, and not solely serving the business and status quo. This change is seriously and urgently needed for avoiding a humanity crisis which is looming as a result of dominant culture of commercialization.

I. THE TOLLS WE PAY FOR COMMERCIALIZATION

Loss of purpose of life, decline of human values and business mentality

The current money-worshipping culture is taking its undeclared tolls against today's generation. It is this dominant commercialization system that promotes greed vs. human growth; shallow values vs. universal timeless human values. It promotes immediate and deceptive gratification, as opposed to intellectual aspiration for growth, transcendence and lasting joy.² It is causing imbalance life, where spiritual needs are ignored and materialistic needs are all the system recognizes and promotes.

This commercialized culture is shaping our public and private life.³ We are facing a serious humanity crisis.⁴ This culture tends to reduce human activity to a goalless process of produce to consume; no spirituality, no excitement, no glory, no transcendence and no purposeful life⁵. This has a vast negative impact on all aspects of our life.⁶ It has caused a dramatic decline of human values, such as public trust. It has slowed down progress in all areas of human activity such as art, literature, philosophy, music, etc, except science and technology. Even our achievements in technology are threatened by decline of human values, leading to rise of high tech crimes. Our movies tend to be not much more than sex exploitation or violence, just to serve the market.

This dominant culture is spreading a sort of 'business mentality' which seeks commercial solution for all of our social problems. It is a mentality that promotes superficiality, mediocrity, 'quick fix' and 'bandaging' for major issues we are having such as security, loss of public trust, breakdown of family, chronic stagnation of economy, budget deficit and so on.

For example, arming the teachers or having police in school permanently had been named as solutions for school violence problem. Or lowering the age of adulthood to punish harsher the young offenders is another 'quick fix' type of solution named for juvenile crime issue. Increasing budget for protecting parentless children is another superficial solution for family breakdown. Putting more energy, time and money to create more checkpoints, monitors and security guards to deal with security issue without investigating and addressing the underlying cause of the security problem is another outcome of business and commercial mentality. These are all the tolls we pay for an imbalanced life where *business* is everything and *market* is running the show.

No single person or group or community can reverse this love-void pointless vicious cycle of market and commercialization. But a new law system rooted in love can do the job, as we go to deal with it here.

2. A LAW ROOTED IN LOVE, a counterbalance to commercialization

Shifting our paradigm of *law and love*:

In searching for a solution of humanity crisis as we saw above, I point at the concepts of *law* and *love*, and more specifically, our *paradigm* of law, that has to change.

Despite huge changes in our social life, specially rise of public consciousness, we have not questioned and re-examined our understanding of *law*. We still see law as peacekeeper. Current law still sees man as *predictable* biological system; as opposed to unique unpredictable highly conscious being that we have today. By higher consciousness we can see a complementary relation between law and love that can make a *caring* law. *Caring* law could be a counterbalance to dominant commercialized system, and can bring balance to our social life. It would promote the principles (trust, honesty, compassion, humility, personal integrity etc.) which come from *love*, not parliament. They are now ignored under today's commercialized culture that promotes shallow values and shallow thinking. A new caring or paternalistic law system is what we need. That means overhauling or law system to have its root in *love*. But first, let's make it clear what I mean by *love* and *law* here.

a. what is *love*? What it has to do with law?

In the first glance, *love* may appear as *passion* or *feeling*. Passion has no place in *law*. Aristotle's words as 'law is reason free from passion' is still widely accepted among law scholars.

Real *love* has nothing to do with the type of passion that comes from our *material* achievements, sexual attraction or feelings.

In a hard look, we see that love is a move against *selfish ego*, against temptation for immediate, improper and deceptive pleasures. This love is a move to transcend petty wishes and shallow desires in order to reach higher goals, to have sublime life. It is *deeper* thinking that realizes our assignment, responsibility and purpose of life.

In comparing *law* with *love* we see that law is also about challenging selfish ego. Both of them, law and love, are vehicles to liberate us from isolation, from neglecting or denying the rights and freedoms⁷ of others. Both of them are about responsibilities to others. So, law and love have complementary relations with each other.

After a good research, I have reached to this definition of love:

Love is the most conscious effort to overcome selfish ego and unconscious conformity, for spiritual evolution of our own and others.

This *spiritual evolution* realizes by *exploring ourselves* deeply, finding ourselves as a unique ‘part’ that should work in a greater ‘whole’ for its perfection, and ultimately realizing *oneness*, not only oneness of human race but universe.⁸

Conscious mind: It needs *effort* to think deeper, to think consciously. *Loving* is this effort. Quite often we unconsciously tend to follow others, (or unconscious conformity) or act under the influence of the dominant system or culture, or act habitually. A research shows that on average, 90% of the time that we think, we are not fully conscious. Our brain chatters, it reviews events and memories redundantly. Quite often we respond to the messages coming from our senses thoughtlessly. We tend to accept *dominant* ideas, belief or ideology and build up our mindset based on them without consciously and critically examining them.⁹ We tend to do all of these because they require little or no mental effort.¹⁰ Love makes us to explore our uniqueness, to be nonconformist and help others in their similar effort.¹¹

Selfish ego: The most serious block to our growth by love is our selfish ego, which is simply our false fear of losing our identity, false fear of separation from others, false fear of being attacked by others. This fear makes us constantly defending ourselves or sometimes attacking others; it confines us to the trap of ego, to our *little* self. The current social system implicitly promotes this ego.

Another way of seeing ego is the *default* setting of brain. In the absence of mental effort and fully conscious mind, the brain operates only by browsing the saved memories and coded genes which aims basically at self-preservation and reproduction, i.e., selfish ego. It is like someone uses the factory presets of his/her computer only, as opposed to using it for creating or composing new things. This is the case when we do not think creatively, critically or not disciplining our thought. And that is exactly the ego, or simply giving in to natural tendency of mental laziness and not thinking deeply. Only human-being, and no other being is capable of making effort (or love) to use the brain for creativity and for liberating himself / herself from ego or genes.

The healthiest life is a life full of challenge against ego or mental laziness, by *love*. And the reward is transcendence, a sublime life, excitement, glory, heroism and inner joy beyond express. That is what the commercialization and dominant money worshiping culture is taking it away from our life.

Unique part of a whole: The love we spoke of here also helps us to realize our spiritual connectedness with others¹². By *love* we realize that we are *part* of a greater *whole*, realizing a specific task assigned to us to use our specific talents for contributing to the perfection of the *whole*, and as such, we realize the purpose of our being, we realize how important we are.¹³ This gives us the real and great passion.¹⁴ The natural outcome of this loving action is all those timeless universal distinctive values that make us *human*, such as honesty, trustworthiness, empathy, humility, altruism, personal integrity, responsibility and so on.

Virtues out of love: It is important to note here that contrary to the type of piety and virtues that may be out of fear of a supernatural power, realization of and respect for these human values by exercise of love and higher consciousness is *willful* and *spontaneous*. With this type of love, you not only believe in honesty, truthfulness, compassion etc, but full heartedly desire to act that way. You become virtuous not necessarily for following certain religion, ideology or doctrine, but your awareness of being an active, unique and responsible *part* of a greater *whole*.

Reason and love: The love we spoke about is the love that goes fearlessly against unconscious conformity. It goes against the dominant commercialization and consumerism system that tends to eliminate our uniqueness, our timeless human values and reduces us to a consumer machine. So, *love* seeks *profound* rationality in *sharing*, as opposed to *ego* that seeks *superficial* rationality in *gaining* at the expense of other's loss¹⁵.

Purest love: The love we spoke about here gives us such a burning desire to help others to be their own real *self*, to remind them of their own noble values and uniqueness, to contribute to their growth. It is our purest love for others, without a shred of ego, as we want other person to be more of him/herself, regardless of our relation with that person.

b. What is *law*? How it could be based on *love*

Now, considering *love* as what we discussed above, we will see here how it could be the root of *law*. But first let's see what law is.

Law is a body of rules, based on certain timeless *principles* which govern our relations for the purpose of maintaining order and *growth* of the our social system.

The *Principles* in this definition are those unchangeable universal timeless human values, as I named before such as honesty, trust, compassion, empathy, personal integrity and responsibility, etc. They are the roots of law.¹⁶ While the principles remain unchanged, the rules which are driven from those principles are subject to change by time and location.

According to above definition of law, we see that the problem of today's legal system is the severance of the *principles* from the *rules*. As a result, the law system is becoming dysfunctional, as we see later here.

*The root of law is love: The principles that make the law are not coming from contract but from human conscience, and are recognizable by our effort to explore ourselves, or simply love.*¹⁷

This also shows how ignoring human conscience and the *principles* can jeopardize enforceability of laws. This is now happening to an alarming level by overwhelming syndrome of commercialization and excessive materialism as we discussed earlier. The very foundation of law is seriously threatened by this dominant system that uses all means (including human and human values) for its end, which is *profit*.

So, when the *principles* and the soul of law are ignored, breach of trust, unscrupulous act and dishonesty can be used for profit as long as one can use formality and legal mask to avoid clashing with the *wordings* of law. By formality I mean seeing the law as a bunch of words and phrases that can be used for any purpose by legal masks and loopholes, making the law an idiot¹⁸.

Every year, over 30 billion dollars is lost as a result of insurance fraud in US. Here in Ontario, Canada, over 1.5 million dollars of budget allocated to disability and social assistance recipients was paid to the wrong people, as auditor general revealed a few years ago. People have learned that current law system is *formality-lover*, not *truth-lover*.

We see that because of this *formality* and soulless law, our criminal law makes the criminals to *repeat* instead of *repent*¹⁹. For the same reason, our family law is more family breaker than family maker²⁰, our insurance law has become a fertile ground for fraud. Again, for that same reason, the taxation law has become an ongoing ‘hide and seek’ game between the taxman and loophole seeker who appears to have the control and lead.

3. PROACTIVE LAW: How does it work?

Law is not for peace and order only, but for growth as we saw in its definition above. Our current law system is only peace keeper; it is reactive and status quo keeper only.

Law can do much more than making peace. It can be instrumental in human growth²¹. It can have *positive* sanctions to promote timeless universal values and real love as we discussed above. This means persuasive and promoting measures.²² It will echo man’s conscience.²³

A *proactive* law is based on *interaction* of law and love. As Harold Berman, late law author and professor said, love provides law the *direction* and law gives *structure* to love. Without love, law, even in its modern form, is just a structure without direction²⁴, a super highway leading nowhere.²⁵ This relation is now disrupted by today’s secular law which is severed from its origin²⁶. The complementary relation of law and love is in fact the way of nature and is not limited to our modern societies. We can observe it in the formation of family institution which starts with a spark of love that gives *direction*. Then it is taken over by the law of mutual commitment and loyalty of the spouses to each others that give *structure* to further solidifying the union, making it a sustainable love cell for raising children.²⁷

How a *caring* law system works?

I believe new generation would welcome this change. The rise of consciousness of this generation is demanding such change of our law system. New generation is seeking more meaningful life and spiritual satisfaction. We see today increasing number of entrepreneurs are seeking social reward, not only money.²⁸ More volunteers join the environment activist groups. Even in the law profession, we see more lawyers joint so called ‘collaborative law’ practice that seeks non-adversarial resolution of disputes. They are all telling us that the time to change or law system has come. They tell us that battle in court for winning, egoistic debate in parliament between rival parties, justice by adversarial

litigation and exclusive reliance on material evidence and art of advocacy, all of these are out of date and ill match for rising consciousness of our generation²⁹.

Practical steps:

In the light of new paradigm of law, here are just a few examples of practical steps that we can take, without needing big reform or huge budget or too long time.

a. Education & Proactive law:

Today's education simply prepares children to be used in the fabric of the consumer society which is shaped by market and business. We educate children and youth to be used as the bricks of a building without letting them know what the building is for. We teach them all about money's value, not single word about their own value. The type of education we have now gives the *means* without a word about the *end*, about the ultimate goal of life. The human values and their source, which is love, remain completely missing in our school curriculum.

Mandatory change in the curriculum of elementary schools is one effective step to take. Under proactive law system, we will have a mandatory program in elementary schools to teach children those universally known human values such as loving, sharing, etc. as we named earlier. The program teaches children those things that make them proud of themselves, their unique being, their goal in their life to be great and valuable, not for their money but their reliability, responsibility, willingness to share, love and ready to sacrifice for others as becomes necessary.³⁰

b. Healing Justice:

In the light of the new approach we discussed here, the administration of justice can be overhauled to become a *healing* justice.

Holistic view: The main flaw in our current justice system is that it looks at facts in each case in isolation of other facts in our social life. (see more on this in endnotes³¹).

Capturing the opportunity: Let's not to forget that law and justice's ultimate goal is not limited to protect status quo, but also growth. Justice is not a game; it is a process of healing a wound, and *more*. By *more* I mean capturing the opportunity of a case brought to justice system for wakening up people's conscience, their compassion and sacrifice³².

The fallacy of objective evidence: Our justice system relies solely on *objective* evidence to the extent that makes the hunch, intuition, insight and general inference and wisdom of the judge irrelevant. It doesn't see beyond objects. Due to the fact that quite often legal issues are so bound up with non-material values, we can't have a fair judgement only by relying on objective evidence. Even in science, scientists tend to agree that the knowledge of man is not coming solely from experiments, empirical approach and objects.³³ As a result of relying solely on objective evidence, numerous criminal charges are being thrown out of the court every year because of technical issues brought up to refute *objective* evidence³⁴. This fallacy of objective evidence can seriously impair our administration of justice. It can reduce the operation of justice to a futile jargon with no result, or worse, a misleading result³⁵.

Fallacy of adversarial confrontation: Our justice system is based on adversarial confrontation and debate which is more at the service of ego of the parties than the truth. There is a fundamental flaw in the very nature of this adversarial system. When we take a position against our opponent, we most likely miss the truth as a result of only focusing on evidence to support our position to win. (See more on this in endnotes.³⁶)

c. Department of public conscience:

With our new paradigm and under *proactive* law, we can have an independent public body mandated and commissioned by law to act as the *voice of public conscience*, counterbalancing the market, and bringing a balanced life. This public body created by law will promote, persuade, and foster *love* as we defined earlier, the love that is the source of all those timeless values. Numerous measures and positive sanctions could be used by this *voice of public* body, such as honouring, awarding and introducing to public those citizens, who are the most *human* in the society, the most dedicated individuals for their community. Variety of methods and manners could be used for this purpose to send powerful messages to public.

d. A new Family law:

The institution of family is becoming the first victim of the force of commercialization and our soulless legal system.

Family needs immediate attention. It needs to be protected and revitalized by law, without delay.

The impact of family breakdown on the society at large is devastating and unbearable, such as school violence, toxic ideas among youths, teen pregnancy, child abuse and so on. A fully functional Family is diminishing. We urgently need a family law that promotes *functional* families, as opposed to our current family law which only reacts after families have already broken down. (I have designed a Pilot Project as a practical move to change our family law from reactive to proactive which was submitted to the office of Attorney General of Ontario. See more in this in endnotes³⁷).

e. Canadian Charter and Supremacy of God

The preamble to Part 1 of Canada's Constitution Act of 1982 states that "*Canada is founded upon the principles that recognize the supremacy of God and rule of law*". 'Supremacy of God' with no elaboration, no commentary or definition, raises questions about its real meaning. Some may see it as supremacy of Christianity.³⁸ That is why some politicians see it unsuitable for a pluralistic society like Canada. To my understanding, this reference to God is not about certain religion or faith or belief. It should be seen as supremacy of timeless and universally known human values, and *love* which is the ultimate source of those values that all religions share. They are to be paramount in our political and judiciary power and structure.³⁹

So, the supremacy of God in Canadian constitution (and similarly in many other countries' constitution) is not a useless clause. It is a great reminder to our lawmakers. It really means 'universal human values are paramount in our laws'. In every piece of legislation, the prime goal must be upholding, enhancing and safeguarding compassion, honesty, humility, trustworthiness, truthfulness and so on. To make it shorter and clearer, it is about giving law a goal and direction, which is *love* and spiritual growth.

ENDNOTES

¹ Later in this summary, I have given examples showing how business mentality makes superficial solutions for major issues such as security, school violence, juvenile crimes etc.

² Current dominant culture of market and commercialization promotes sub-rational justification for self interest as opposed to loving and sharing. It favours unscrupulous opportunists and hypocrites while disappointing people with principle and personal integrity. It tends to make a generation of *contractual mentality*, where people have no relation with each other except contractual relation and exchange. This contractual mentality has even affected the relation between loved ones and family members, to the extent that lovers expect monetary response for their love.

³ Our justice system and law profession are not immune from the attack of commercialization. O.J. Simpson's case is good example. One of the longest trials in the history did not serve the truth as much as it did the commercialization. The skill of advocacy and litigation, just like any other marketable commodity, can be purchased and used, sometimes to the extent of derailing justice in favour of market. Lawyers are also facing the tough challenge; demands of commercialization system on one hand and their conscience and professional responsibilities on the other. Benjamin Sells, himself a psychotherapist and lawyer, has shown in his book how lawyers are experiencing pressure in their life as a result of their profession. The requirement of the profession to survive under harsh adversarial legal system and competition on one hand, and their own moral standard, belief and integrity on the other, have created psychological problem for the lawyers. The lawyers are increasingly becoming dissatisfied of their professional life. **See Error! Main Document Only.** Benjamin Sells, The Soul of the Law 1994, Element Inc. Rockport, MA, USA p 58.)

Our democracy is not immune from this attack, as the scope of our political parties' agenda is limited solely to materialistic issues and short sighted plans to attract immediate attention of the voters. Party leaders' effort is more focused on fighting each other than serving democracy.

⁴ Many scholars and authors have written about this humanity crisis. Among numerous books, articles and essays on this topic, I found the following book the most comprehensive one;
The Ascent of Humanity, Charles Eisenstein. Patentee Press, 2007.

⁵ It appears that economic prosperity and modernity is inversely related to a purposeful and meaningful life. The rate of suicide in Sweden, Japan and many other rich countries is above 15 per 100,000, while this rate in Haiti, Egypt, and many other poor countries is less than 0.50.

⁶ For greater account of this crisis, we can see numerous examples in Charles Eisenstein, (ibid) under "The Convergence of crisis", in Chapter VII of that book.

⁷ In the meantime, our paradigm of freedom may need to be checked and corrected. Responding impulsively and thoughtlessly to the messages we receive from our senses, or our temptation and selfish ego may not be our *real* but *illusory* freedom. Market system loves this *illusory* freedom, of course. It embarks on, invests and feeds in this type of illusory freedom. Proactive law can promote and support real freedom, freewill, free from the pressure of immediate, illusory pleasure.

⁸ With the realization of love as above, I see myself as a player in a 'musical band' i.e., the society. I see a common goal, I see my interests in the interests of others. With this realization comes all the noble timeless human values such as compassion, honesty, humility, trust, empathy and so on. These values are also the roots of *law*. If law loses these roots, it reduces to formality and soulless words that can be misused as legal mask. This is happening now.

⁹ James W. Fowler has more on stages of development of mind in his book *The psychology of Human Development and*

the *Quest for Meaning*, Harper & Row, Publishers, San Francisco, 1981, pp 149-150.

¹⁰ Millions on this planet follow the herd in their entire life, never exploring their own unique being. This is a hurdle to our growth. This reminds us of the poem of great American poet, Henry Wadsworth Longfellow in his “*A Psalm of Life*”

*In the world's broad field of battle,
In the bivouac of Life,
Be not like dumb, driven cattle!
Be a hero in the strife!*

¹¹ This also reminds us of Ralph Waldo Emerson’s well known words as “whoso would be a man must be a non-conformist”.

¹² Eckhart tolle sees true love as “the recognition of the other as yourself in essence, not the form.”

¹³ This love is a move in harmony with the law of evolution that applies not only to biological but mental and spiritual evolution as well. This love is in tune with the movement of the entire universe which operates under the law of love, the expansive love that strives for endless perfection.

¹⁴ The passion coming from this love is real passion of lasting joy, quite different from passion coming from infatuation, temptation and sexual drive. One of the viewers of my interview in CTV challenged my way of comparing love with law, saying that *love* is passion and *law* is reason. Yes, law is reason free from passion, but not the type of passion that comes with *real* love, i.e., great joy of having a goal in life, of exploring our uniqueness and our spiritual connectedness with others.

¹⁵ This reminds me I what Blaise Pascal said as “The heart has its reasons that reason does not know.”
Blaise Pascal, “Pensees” p 16.
Also Jalāl ad-Dīn Rumi says “Love’s reason is different from other reasons. Love is the astrolabe of God’s mystery.”

¹⁶ In order to show how those timeless human values or *principles* are the very roots of law, we take the example of fraud, a criminal offence. It is a serious lie with the intention of deceiving someone. A less serious lie could be misrepresentation that could be a civil wrong. In both cases, the issue is a legal issue and in the domain of law. But it is also about virtue or human value. It is about lack of honesty, a universal timeless human value that comes from a rational mind of a conscious man. The same is true in other issues in the domain of criminal law, such as breaching trust, assault etc. So, the more conscious we are of our own values, the more we are law abiding and the less we need external enforcement of law.

¹⁷ The above mentioned principles that come from love are not base on our feeling or passion. They are based on *reason*, free from *passion*. For example, a witness may lie under oath in court and get even passionate and happy for getting his friend off the hook. Yet his conscience free from his passion and feeling still finds him guilty for lying. Those universal values are the very *reasons* we use in our investigation of truth. They are reasons free from passion. And they come from love, the type of love we defined and elaborated above.

¹⁸ It is this soulless law that can be abused by any one and becomes an ‘idiot’, as Charles Dickens called it in his *Oliver Twist*, ‘law is an idiot, an ass’. Jalāl ad-Dīn Rumi, the great spiritual leader and thinker, also refers to this way of seeing law in his analogy; the case of a blind man who expects the cane to be his eyes, (the details are in my first book, *Loving Law*, 2008, p 25 and endnote 22).

¹⁹ Fifty nine percent of inmates in Canada are repeat offenders. In us, 2/3 of the prisoners re-offend within three years after released. Dr. James Gilligan, former director of Harvard Medical School calls prison ‘School for crime and offences’.

²⁰ Almost 40 percent of all the children born in US in 2005 were born out of the wedlock, often living with only one

parent, more likely the mother. *U. S National Centre for Health Statistics, a report released on November 2006.* The percentage of the same cohort in Canada had been 30%, for a little older period, but it shows that this percentage had doubled within ten years (1984-1994). **Error! Main Document Only.** *Statistics Canada, Population and Demography, Catalog No. 89-566-XE*
There is one divorce for every two marriages, both in US and Canada.

²¹ This is nothing new but has been neglected in our so called secular law system. The great philosophers like Plato and Aristotle who introduced the concept of law to civilized man believed that ultimate goal of law is enhancement of human values.

²² Let's not to forget the incredible impact that promotional devices in public policy and law had on great works of art, philosophy, poetry etc., in past. Greece produced the brightest stars of philosophy the world has ever seen, like Socrates, Plato and Aristotle, at the time when philosophers were honoured most. The same happened in Austria for flourishing music and in Persia for flourishing poetry, where composers and poets were promoted, honoured and praised.

²³ There is a sort of consensus among theist and atheist philosophers on the existence and function of our inner judgment or conscience, although they disagree on how we have got this capacity. Regardless of the theory about how we got it, conscience or inner law is the sign of human growth, sign of being more 'human', sign of being more conscious. Here is a quick look at creationists and evolutionists' views of human *conscience*:

In Semitic religions, conscience is the ability to self-judging that God has given to man. We can infer this from Bible (John 7:53-8-11, *conscience of the sinners prevents them from casting the first stone*; also Luke 10:25-37, *conscience of a Samaritan makes him helping a stranger*.) and from Quran (Surah Ash-Shams 91-8, *God inspired conscience...*)

In Buddhism conscience is known as facing the truth, or mind being withdrawn from sensory interests.

In Zoroastrianism, one of the oldest religions, it is known as higher nature.

The secular philosophers also acknowledge this self-judgment capacity or conscience of man. Sigmund Freud calls it super ego that comes with the growth of civilization. Charles Darwin finds it as the more advanced form of social instincts, or higher social instincts. In general, evolutionists' view is that morality evolved among social beings because it helps their survival.

²⁴ Here is what Harold Berman, well known late law professor and author, said about complementary relations of love and law: "Law, by which I mean society's effort to establish just relations among people to resolve conflicting interests, to regulate social life, and love, by which I mean the sacrificial sharing of one's whole life with God and with one's fellow men, stand in a complementary relationship to each other.

Harold Berman: *Love and law*, a lecture at Official Bulletin of the Episcopal Theological School May 1964.

²⁵ Historically we see that law had always link with spirituality either in form of some established religion or belief in supernatural power who judges human behaviors and conduct. Law had historically divine origin which formed the conscience of people. But general rise of public awareness today has come to a level that people, when encouraged and reminded, (by proactive law as we spoke about) could find in their own conscience what used to be the inspiration and indoctrination of religion or divine laws. As of the existence of conscience in every human being here are Emanuel Kant's words which are inscribed on his tomb: 'There are two things which fill me with awe: the starry heavens above us, and the moral law within us'.

²⁶ There is more about severance of law from its origin in Peter Goodrich, *Law in the Courts of Love*, by Rutledge, London, 1996.

²⁷ I found Professor Zenon Bankowsky's reference to Big Bang, the arbitrary explosion (the love) and rationality (law) relevant to what I say about complementary relations of *law* and *love*. He writes;

"...we need the big bang and the big, arbitrary explosion is the obverse of the system rationality which both needs it and is sustained by it and, lest we want to throw system rationality away altogether, is sustained by that very rationality."

Zenon Bankowsky, *Living lawfully, Love in law and law in love*. Kluwer Academic publisher, 2001 Dordrecht, Netherlands page 101

Another word, this complementary relation is universal. The Big Bang is the *will* to create, for the sake of loving to create. But this love or will to create could not create without the numerous laws that provide the structure, such as laws of gravity, thermodynamic, quantum physics and so on.

²⁸ today growing number of entrepreneurs seek social return, love and spiritual satisfaction for their creative ideas, and not only profit. They go for helping the poorest of the poor of the world by using their creative. For example, the entrepreneurs' micro-finance operations for the poor have attracted 600 million clients. The Aspen Institute's study of more than 110 US schools shows a 79 per cent increase in courses relating to social benefit and social management from 2005-07.

Cheryl Kernot, "New breed of business leaders learn to use their conscience" *Business Day*, June 2, 2009

²⁹ Modern man's tendency to look inward, to rely on his own judgment of what is good or bad independent from outside criteria, is becoming pivotal in the process of the evolution of mind. Man is becoming the author of his own virtues and *laws*, as opposed to following or observing blindly the social norms and taboos. This new inwardness of man leads to empowering man's dignity and becomes a new source for all noble human values.

Charles Taylor argues that the sense of identity and sense of good are firmly connected to each other. He says 'inwardness' is the understanding our selfhood by turning inward to explore ourselves as opposed to how we are known externally by our position, job, profession, social status or else.

Charles Taylor, *The Sources of the Self*, 1989, Harvard University Press.

³⁰ In this mandatory program children would learn to compete for best service and sacrifice as opposed to fighting each others for satisfaction of their ego. The program can show them how they can contribute to the achievements of the society and the world by exploring their unique traits and talents as opposed to forging them for filling a gap in the job market as a piece of soulless brick. Given today's circumstances where religion and family are losing their grip on children and youth or failing to teach them about human values, this step in education is crucial and indispensable. I don't see how parents would oppose this mandatory program that aims at making their child more respectful, responsible and honest to the parents and others.

Currently, there are several operating programs on this subject which are very close to what I am suggesting. But they are not mandatory as I am proposing here. Here are some of the groups and schools that have human values (love, truth, honesty...) in their school curriculum:

- Sathia Sai Primary School, with its slogan "Human values are innate qualities".
- Human Values Foundation. It runs Education in Human Values (EHV) programs, publications, exhibitions, conferences and staff exploration sessions.

There is also Spiritual Empowerment Program for youth. To know more about this program see

https://www.youtube.com/watch?v=drYmKpny_Dg&feature=youtu.be

³¹ In social relations, a fact has meaning only in the context of a whole set of other facts. This means, as an example, a technical error of the prosecutor should not lead to the release of a dangerous offender, sending a wrong message to public, to the offender and the victim. Justice should not be seen as a process of finding only who wins or who is at fault in a case. Currently, it is the art of advocacy and the skill of litigators that determine the fate of a case, whether civil or criminal. This leads to victory for a party who may not have necessarily the truth on his side. The proactive and healing justice will have a panorama view, as opposed to a tunnel view of today's justice. It will be a process of exploring and addressing the root of the problem for improving social relations at large and not only the parties involved.

³² Today, it is only the media that take the opportunity of a big court case to make a big tabloid and profit.) By capturing this opportunity, a healing justice can change not only the wrong doer and offender in that particular case but the potential offenders. It will make the offender much more *human* than before the incident, as opposed to making him a repeat offender, which is happening now.

³³ In referring to Greek philosopher Democritus' discovery of atom 450 BC, Richard Dawkins, writes;

If these ideas had been given credence and investigated further, and the atom detected and understood early, how much further

developed would our theories be today? While I am for the most part sympathetic to the views of most people on this forum regarding religion and superstition, doesn't the empirical approach run the same risk as the dogmatic approach? It seems like by ridiculing an epistemology that is not our own we run the risk of stifling the impulse most central to both scientific/religious thought, which is the impulse to understand the world. [underlined mine]

For more visit the following site:

<http://forum.richarddawkins.net/viewtopic.php?f=18&t=103289>

³⁴ For example, a 16 years old boy admits the stabbing, but the defence lawyer argues that he admitted the charge before seeing his lawyer, and as such there is no admissible evidence against him. The stabber walks out of the court with a smile, learning a lesson which is just the opposite of what the ultimate goal of *healing* justice is.

³⁵ O.J. Simpson's case is good example. The point here is *not* that we let emotion, prejudice and personal opinion (which are the flaws of

subjective evidence) affect our judgments and decisions. The point is to avoid the pitfalls

of objective evidence which gives us a limited vision. This can be done by using a non-partisan fact-finding panel, or a trio-judge court. In this type of panel or court, in addition to objective evidence, general inference, insight, intuition and hunch and insight of the members can be exchanged, elaborated and deliberated to reach consensus, as opposed to defensive and offensive tactics, which focuses solely on objective evidence.

³⁶ The more we work for our position to win, the more we may distance ourselves from the truth. We may continue pressing our claims and our position even after encountering evidence that disproves our position. The result: loss of truth in the wake of tension and vicious confrontation over conflicting egoistic interests. This runs counter to the human values and growth we discussed earlier here. This is what happens frequently, not only in our courts of law, but our parliamentary confrontation, tribunals, and union disputes which operate under adversarial system. I have more about the harm, the flaws and unsuitability of adversarial method in my first book, "Loving law" (op.cit) page 88 pp.

³⁷ Here is the highlight of this project:

There will be a centre established in Ontario called Preventive Service Program which helps removing tension in families that are experiencing early symptoms of tension and poor communication. There is another Program specially for young and newlywed spouses called Profound Family Education. There will be a parenting program for helping parents in dealing with their young children. For families that are seeking divorce, a Pre-divorce program is purposed to deal specifically with the impact of divorce on children, on parties' life after divorce and also for possibility of reconciliation. There is a mandatory mediation for all family disputes. Finally, there will be a Collaborative Lawyer's Involvement which the parties who cannot resolve their disputes and are seeking court involvement are urged to take that route first. This is a route free of adversarial confrontation and litigation.

³⁸ In 1999, Canadian Member of Parliament Svend Robinson of the New Democratic Party proposed in the parliament that the clause 'supremacy of God' be removed from the preamble of the Canadian Constitution because it is not suitable for the Canadian diverse society, and the fact that some Canadians would not share that principle. He was supported by a thousand constituents who had signed a petition. But in the parliament, his move was not supported even by his own party.

³⁹ In fact, major religions of the world believe that each one of us is made in God's own image; each one of us is a beam of light of God. By love we see this beam, while in the absence of love it remains unnoticed. The image that we have from God is not our body which is formed by evolution, neither the image of *consumer* man that market economy portrays us. It is our conscience. Our conscience is the *beam of light* of God, his fingerprint that we all share. The beam of the same light that we all share shows how we are spiritually connected to each others. Love liberates us from the trap of ego and unconscious conformity so that we pay attention and realize this beam of light, or the God within us. That *love* is also the *soul* of law.