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An Exegesis Of Natural Law And Man-Made Legal Constructs

A Comparative Analysis Utilising Literary Texts and Media Discourses

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Abstract: The concept of man's will has been paradoxical in the sense that one attempts to escape the consequence of his wrong doings, man-made laws are the just projections of such phenomenon. Comparative analysis between the man-made laws and the natural laws, has been critically studied with the analysis of various texts and films. In the postmodern conditions, media plays a vital role to blur the border between reality and a simulated one. The panoptic society has been associated with the decline of privacy fuelled by the rise of a capitalistic free market. Here the focus of the exploration is on man-made laws which are till date thought to be yardsticks of measuring a person's designation in respect of his/her past and can be studied how it has often led civilization to fail in civilizing man, and alienating him from his fellow beings.

Index Terms - Nature, Man, Capitalism, Media, Postmodern, Civilisation, Panoptic society.

I. INTRODUCTION

“Farewell, Frankenstein! If thou wert alive and yet cherished a desire of revenge against yet cherished a desire of revenge against me, It would be better satiated in my life than in my destruction.”

(Frankenstein: Chapter 24)

“The horror! The horror!”

(The Heart of Darkness Part 3, Section: 3)

“That man was one of the greatest men in Umuofia. You drove him to kill himself; and now he will be buried like a dog.”

(Things Fall Apart: Chapter 25)

Albeit taken from three different texts of different contexts, they capture the profound despair and horror in the human condition. These narratives reflect the monstrous consequences of unchecked ambition of Man. The pursuit of knowledge without ethical constraints, greed for power and exploitation and desire for dominance are the results of insatiable desires of Man. In the Prologue, the chorus in Christopher Marlowe's Dr. Faustus says, “Till swoll'n with cunning, of a self-conceit, His waxen wings did mount above his reach And melting, heavens conspired his overthrow!” This explicitly describes Faustus's downfall and his unwillingness to face the consequence of his own act, the supreme pleasure he enjoyed for twenty-four years.

This shows the paradox in Man's will. So, there is always a will present in Man to escape the consequences of his act. Escaping from consequences of the wrongdoing have always been the subject and man-made law consisting of legal loopholes can be seen as the product of such viewpoints. For instance, *Vinci Da* - a 2019 Bengali psychological thriller film by Srijit Mukherji, portrays a young Adi Bose who escapes the harsh ramifications of murdering his father by utilising a legal loophole to get a much lighter sentence. But the law of Cause and effect forming consequentialism, which is the part of natural laws, says that it "holds that the Consequences of one's conduct core the ultimate basis of judgement about the rightness or wrongness of that conduct." [1] This establishes the discrepant relationship between the natural law and the man-made laws.

II. THE CONCEPTS OF 'HUMAN SUPREMACY', 'ENLIGHTENMENT ETHICS' AND 'COLONIALISM': FACTORS INFLUENCING MAN-MADE LAWS.

According to Aquinas "because human beings have reason, and because reason spark of the divine, all human lives are sacred and of infinite value compared to any other created objects meaning all humans are fundamentally equal and bestowed with an intrinsic basic set of rights that no human can remove." [2] This emphasises on the supremacy of human beings over every creature and object of nature. Therefore, he was not a supporter of slavery though "Certain passages in the *Old Testament* sanctioned forms of temporal slavery for Israelites as means to pay a debt." In the words of Desrochers, "Anthropocentrism", or more recently "human supremacy", views humankind as the most important form of life on Earth, endowed with an unparalleled and beneficial ability to remake its natural environment for its benefit.[3] Anthropocentrism is the belief that human beings are the most significant entities in the world – "Therefore I tell you, do not worry about your life, what you will eat or drink; or about your body, what we you will wear. Is not life more than food, and the body more than clothes? Look at the birds of the air; they do not sow or reap or store away in barns, and yet your heavenly Father feeds them. Are they you not much more valuable than they" (Matthew 6:25 NIV). It sets forth the idea of divine concern of for human well being promoting a sense of importance and value for individuals in the grander scheme of existence.

The age of Enlightenment demonstrates the idea of androcentric power structure [4]. Initially, the emphasis was on the "emancipation" of "adult white, property- owning human males." In Enlightenment Ethics, the concept of "person" takes precedence over the traditional understanding of "human nature." Previously, human nature was often defined in terms of the interplay between body and soul, with the soul encompassing reason, emotion, and appetites. However, Enlightenment thinkers, particularly Immanuel Kant, shifted the focus to the idea of a person as a moral agent. According to this perspective, a person is defined by their capacity for "practical reason," emphasizing the ability to make rational choices. Unlike the previous emphasis on bodily and emotional aspects, Enlightenment Ethics centres on the moral agency of individuals. In this framework, feelings are significant only insofar as they express moral attitudes, and these attitudes are evaluated based on their alignment with rational choices. Kant, a prominent figure in Enlightenment thought, underscored the importance of moral reasoning and the autonomy of individuals in making ethical decisions. This approach highlights the evaluation of moral actions based on the rationality of the choices made by persons, emphasizing the moral worth residing in the capacity for reasoned decision-making. The celebration of reason takes precedence over emotion; thus man-made civilisation was seen as superior to primitive nature. Thus, everything being understood in terms of binary opposition. In Kipling's *White Man's Burden*, three C's are referred to as "Civilisation", "Christianity", and "Commerce." This reflects the imperialistic mind set of the time where colonizers felt a sense of duty or a burden what they perceived as progress and enlightenment to the other parts of the world.

III. MAN-MADE LAWS FUNCTIONING AS TOOLS OF CAPITALISTIC SOCIETAL SYSTEM

Mahasweta Devi's Short story *Draupadi* is about struggle and resistance against corruption and fundamental rights of survival. The exploitation and marginalisation, of land-owners and police, on the tribals and guerrilla fighters like Dopdi Mejhen and her husband Dulna Majhi as the depicts the earlier torture and exploitation of the British on Indians as they knew very little about the indigenous culture and practices of India. Several operations had been done against the Naxalites to suppress the movement. The state, much like the 'panopticon', exercises surveillance over individuals engaged in resistance movements. The constant operations against the Naxalites mentioned in the context of the story reflect a form of systematic observation and control by the state. The state, acting as a panoptic authority, seeks to suppress dissent and resistance by maintaining a pervasive presence and monitoring activities. Media plays a vital role to cover the news, "The continual violent activities of these groups have attracted much media attention. The Naxal movement has been given front-page coverage in the broadcast on televised print media and news casts.... The same news is aired many times within a day, and the increase frequency of the same violent news has a greater rich to cadres

and sympathisers of the movements, in terms of ideological effects,” (Vijay). [5] In Baudrillard’s words, “we have lost contact with the ‘real’ in various ways, that we have nothing left but a continuing fascination with its disappearance.” He mentions in his work, *The Gulf War did not take place* “The media presented or hyped, as The Gulf War was a code in itself – pro-western, xenophobic, technocratic and visually and verbally selective.” [6] Strinati describes “Postmodernism, tries to come, translate, understand a media-saturated society. The mass media, for example, where once thought of as holding up a mirror to, and thereby reflecting a wider social reality. Now, that reality is only definable in terms of surface reflection of the mirror” [7]. Therefore, media works as a middleman between a world of data and information, and viewers.

In the film, *Jana Aranya* or *The Middleman* (1976) by Satyajit Ray, Utpal Dutta acting as Bishu da clarifies the concept of middleman saying that on the one hand it is “...supplier...”, on the other hand it is “...buyer...”, “..and you in the middle.” the film’s narrative criticises late capitalism, suggesting the pursuit of profit may require individuals to compromise their moral principles, turning blind eye to ethical considerations in the interest of financial gain. In terms of media, Baudrillard observes that consumer culture is driven by desire for science and symbols rather than the utility of products. People become more interested in the simulated images associated with commodities rather than the tangible, functional aspects of the products themselves. This shift contributes to a loss of connection with the genuine use of value or “real” essence of the items.

The film also focuses on the free market condition through the protagonist Somnath's journey of beginning his career as an entrepreneur. The character Natabar Mittir is a good researcher on the customers and attempts to explore their “weak spot” to sell them the products and he also takes fees to do research on Somnath's customer, so that he gets the order. In a free market, there is a decentralized structure where individuals and entities make independent economic decisions. However, this decentralized structure is not devoid of power; rather, it creates a different form of disciplinary power. “Panopticon” as described by Foucault, involves a form of disciplinary power where individuals regulate their behavior due to the possibility of being observed. The free market-situation can be seen as a form of surveillance where individuals, through their economic actions, are constantly shaping and being shaped by market forces without direct oversight.

People embracing this capitalistic mode of society are no longer individuals; the relationships depict the Marxist notion of class structure where individuals are represented as numbers – “Nature, his body, his spiritual essence become alien to him. “Man is made alien to man.” When carried to its highest stage of development, private property becomes “the product of alienated labour...the means by which labour alienates itself (and) the realization of this alienation.” It is also at the same time “the tangible material expression of alienated human life.” [8] *Das Kapital* emphasises on the consequence of man's alienation from nature and each other due to the way capitalistic societal system operates. The process of alienation generates the products such as social divisions, competition, or a lack of genuine human connection, moreover a degradation in human values. Private property, in this framework, is both a consequence and a symbol of this alienation, embodying the broader social and economic structures that contribute to the estrangement of individuals from themselves and their surroundings.

IV. CONCLUSION

Thus, the words “civilisation” and “man-made laws” opposed to the ideas of Nature and Natural laws often fail to civilise a civil and in consequence, it often proves to be a disaster for an individual's life. Man-made laws having loopholes sometimes fail to address such gaps; hence power may determine an individual's course of action. Sometimes it is the lack of knowledge of co-existence and empathy for the marginalized tribals, sometimes it is the lack of the knowledge of an individual's redemption and positive transformation as in Magwitch of Dickens's *Great Expectations* lead to the disastrous array of cause and effect writing the history of “an individual's experience of threat to self.” [9]

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