

THE 'MASS' OF LAW

**Ashit Kumar Srivastava, Assistant Professor-Law, Amity Law School, Amity University,
Lucknow, India**

Under Newton's theory of Gravitation, the gravity of a substance is directly proportionate to the mass of the substance. As far as the legends go, it was one afternoon when Sir Isaac Newton was sitting under the shade of an apple tree, when suddenly an apple befell upon him, pushing him to contemplate the phenomenon to its logically reasoning. Sir Isaac came up with a hypothesis that there is force working upon the apple which forced it to fall upon the land similarly, there is a force compelling the earth to move towards the apple, however as the mass of the earth is far superior to that of apple; therefore the apple falls upon the land. Sir Isaac comes up with a formula to diagnosis the force working upon; which he calls 'gravity'

- F is the force between the masses;
- G is the gravitational constant ($6.674 \times 10^{-11} \text{ N} \cdot (\text{m}/\text{kg})^2$);
- m1 is the first mass;
- m2 is the second mass;
- r is the distance between the centres of the masses.¹

On the basis of the aforesaid principle, Newton deduced that anything that has mass is capable of and is generating, gravitational pull towards each other, whether it is the moon revolving around the earth or the milky-way revolving around the Universe. Every bit of mass is generating a gravitational pull.

• KANTIAN IDEA OF FREE WILL

Immanuel Kant in his most celebrated work 'Groundwork for the Metaphysics of Moral' introduces the idea of 'free will', though he alone cannot be credited for this idea. As in 1759, anterior to Kant's work, Adam Smith had introduced an idea quite similar to it; the idea was known as the 'Impartial Spectator'.² However, for the matter of the paper, we shall concentrate on Kant's idea of free will alone. Kant' writes that apart from instinct and emotions namely fear, love, hatred, envy and others, the human being is also endowed with a free will, which helps an individual in controlling his instinct and emotions. And writes that

¹ Sir Isaac Newton came up the theorem in his book *The Principia* in 1687, wherein he deduced the relation between mass of the body and gravity of the Earth

² Adam Smith, *Theory of Moral Sentiments*, 1759

it is not that an emotion is good or bad but it is rather the 'will' which guides an emotion for doing anything good or bad, therefore, there is no bad anger or good anger all that matters is whether 'will' is good or not. Kant succinctly says:

"Understanding, wit, the power of judgment and like talents of the mind, is without doubt in some respects good and to be wished for; but they can also become extremely evil and harmful, if the 'Will' that is to make use of these gifts of nature is not good"³

- **FREE WILL, LIBERTY AND THE GRAVITATION PULL OF LAW**

As Kant put forward it is the 'Will' which guides the human emotions, however, it is of utmost necessity to be able to make an unbiased use of the 'Will' that we are able to come over the passions of nature, which we normally style as instinct as most often that which controls us is the instinct but it is only through the ability to overcome and use 'Will' uninfluenced by instinct that we are able to have a 'Free Will' and with free will we are able to govern our emotions and desires to a full pinnacle. Kant and his fellow German philosophers call it a state of full liberty, where the 'will' is uninfluenced by carnal passions and is able to govern faculties to its summit.

However, although the will of the individual is absolute in the state of nature; where there is no recognized authority to bar his limbs or thoughts, the same does not stand in a civilized world, where there are social constructions, the most powerful of which is 'Law'. So just like the gravity of apple from Newton's story gets dwarfed by the gravity of earth, due to its sheer mass; similarly, the will of an individual is dwarfed by the will of the law; provided the law which dwarfs the will of the individual has enough mass to command sufficient respect of the individual.

- **GRAVITY OF WILL vs. MASS OF THE LAW**

The analogy comes down to the gravity of will which is like gravity of the apple which had to fall down on the earth as the gravity of the earth due to its sheer mass was much larger, similarly, the individual would have to follow the law, due to the sheer mass of the law, the gravity of the law is far superior to that of the gravity of an individual will. But the final phase of analogy comes down to as to what constitutes the mass of the law. The answer lies in the realm of legal positivism and historical analysis, namely: the social recognition,

³ Immanuel Kant, *Groundwork of Metaphysics of Moral*, Yale University Press, New Haven and London, 2002, p 4

sanctions behind the law, the customary practice, habit of obedience, moral duty, the divine scriptures and the fear of the Leviathan.⁴

REFERENCES

- Sir Isaac Newton's "Philosophiae Naturalis Principia Mathematica"
- Immanuel Kant's "Groundwork of Metaphysics of Morals"
- Adam Smith's "The Theory of Moral Sentiments"
- Thomas Hobbes' "Leviathan"

⁴ Thomas Hobbes, *Leviathan*, 1651