

# Why Criminal Law is Unnecessary

By  
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## Abstract

This article demonstrates that workplace bullying can be a very serious criminal evidence, but despite this, evidence is given as to why criminal law is unnecessary based on the law of karma. Further, an economic model is devised based on a revised unemployment system on how to prevent workplace bullying.

## 1. Introduction

If someone is bullied to the state that they are suicidal then this is very serious. The victim should be compensated about 10 million dollars and the injurer should be jailed for about 40 years. Essentially workplace bullying could be considered equivalent to murder. The author has experienced psychosis, panic attacks, generalized anxiety disorder, depression as well as being suicidal in the years 2010-2019 as a result of workplace bullying. Details of this incident are outlined in 'The Book of Tristan'.

The author threatened legal action against the offenders but they refused to pay an out-of-court settlement. The author then went through NSW Community Justice Centre to mediate and obtain an out-of-court settlement, but this process requires the other parties to comply to mediation. The other parties refused to mediate. The author then contacted Law Institute Victoria and was issued with a Letter of Referral. This consisted of the following referrals; Gordon Legal, Goodman Group Lawyers and Stal Employment Lawyers. The author firstly contacted Goodman Group Lawyers but they were unable to help with the legal dispute. The author next contacted Gordon Legal and they researched this enquiry and recognized that workplace bullying is criminal activity but were unable to assist in legal representation in court. However, they did suggest notifying Victims of Crime Assistance Tribunal and the Victoria Police. The author did not pursue either of these options. Stal Employment Lawyers were happy to schedule an interview but the author decided not to pursue this option.

This article will outline how justice can be achieved without pursuing legal action and a model is obtained that can be integrated within economics to prevent workplace bullying.

## 2. Bhagavad Gita

The Bhagavad Gita is a conversation between Arjuna, a supernaturally gifted warrior about to go into battle, and Krishna – the Supreme Personality of Godhead, his charioteer. In the course of giving Arjuna all manner of spiritual and material advice, Krishna explains karma,

the self, the Supreme Self, the purpose of yoga, the difference between our self and our material body, how our environment affects our consciousness, and how to attain the perfection of life. The Gita appears as a central chapter in the Mahabharata, the history of greater India. It is the essence of Vedic knowledge and one of the most important books of Vedic literature. Lord Krishna spoke the Bhagavad Gita to Arjuna about 5000 years ago and through disciplic succession the Bhagavad Gita As It Is gives commentary on the verses by Lord Krishna by His Divine Grace A.C. Bhaktivedanta Swami Pradhupada. Essentially the Bhagavad Gita As It Is is the highest authoritative text to explain the universe and the commentary is “almost” 100% accurate.

### **3. What defines a human**

From the Bhagavad Gita As It Is our bodies are composed of both material and spiritual. The material body contains the gross body (earth, water, fire, air and space) and the subtle body (mind, intelligence and false ego). But above all these elements there is the spiritual soul. There's no life in the material elements, life is the spiritual soul which is eternal, full of knowledge and bliss. The soul contains two parts the individual soul and the Supersoul (a plenary expansion of God). The soul is one ten thousandth the size of the tip of a hair and is located in the heart, and cannot be measured under laboratory conditions. The material body is currently dead. The only thing keeping it alive is the soul or consciousness (energy emitted by the soul). At the end of this life we reincarnate into another body depending on our karma. Ideally you want to achieve a spiritual body and escape the re-birth and death process and hence travel the entire universe with Krishna in total bliss – that is our purpose in life. Three quarters of the universe is spiritual. There are 8.4 million species of life including 400,000 species of humans (based on our level of consciousness). Every form of life contains an individual soul and a Supersoul.

### **4. Karma**

According to Vedic literature, karma is the law of cause and effect. For every action there is a cause as well as a reaction. Karma is produced by performing fruitive activities for bodily or mental development. One may perform pious activities that will produce good reactions or good karma for future enjoyment. Or one may perform selfish or what some call sinful activities that produce bad karma and future suffering. This follows a person wherever he or she goes in this life or future lives. Such karma, as well as the type of consciousness a person develops, establishes reactions that one must experience. So, when the living beings take birth again, they get a certain kind of body that is most suitable for the type of consciousness they have developed. There are 8.4 million species of life, each offering a particular class of body for whatever kind of desires and consciousness the living being may have in this world. In this way, the living entity is the son of his past and the father of his future. Thus, he is presently affected by his previous life's activities and creates his future existence by the actions he performs in this life. A person will reincarnate into various forms of bodies that are most suitable for the living entity's consciousness, desires, and for what he deserves. So, the

living being inevitably continues in this cycle of birth and death and the consequences for his various good or bad activities as long as he is materially motivated.

## **5. Reincarnation**

Committing murder is the most serious criminal offence. In many countries the death penalty is imposed. Given that life is eternal and we reincarnate into another body depending on our karma, justifies the death penalty; since the murderer will suffer in the afterlife by being reincarnated into say an insect for potentially millions of years. The victim will obtain a higher species of life, most likely a spiritual body. Therefore, is it not necessary to have a criminal justice system, since justice will always be obtained by the law of karma. Further, there is always the risk of sentencing someone to murder when in fact they are actually innocent. From the author's experience of being suicidal from workplace bullying, demonstrates that workplace bullying could be considered equivalent to murder and those that engaged in this criminal activity will suffer severely in the afterlife and the author will obtain justice. Therefore, it was not necessary to continue legal proceedings with the Victims of Crime Assistance Tribunal and the Victoria Police as suggested by Gordon Legal. Also, it could be rather difficult to actually prove in court that someone has been bullied in the workplace.

## **6. Economic model**

The economic model is based on resolving class conflict in the workplace as this represents the most important conflict based on our everyday lives; and would therefore reflect on the economy as a whole including welfare. This also reflects on Marxist theory on class conflict in the workplace which has been a major factor in the formulation of left/right political ideologies. From yogic philosophy there are three of modes of material nature that we are all subject to causing miseries in this material world. From lowest to highest these modes are ignorance, passion and goodness. The majority of society is currently in the mode of passion by always looking at ways to increase one's wealth and is characterized by the attraction between man and woman. In order to obtain a transcendental state of consciousness and be free of miseries that exist within this material world, one must firstly transcend to the mode of goodness; where in this mode the accumulation of wealth is not the main priority but rather sharing the accumulation of wealth towards helping others. However, one's happiness in the mode of goodness may not necessarily be greater than one's happiness in the mode of passion. For example, in a working environment, employers are generally in the mode of passion (at least within Australian business) as their level of happiness tends to be greater in this mode regardless of the mode of nature that is present from the employees. This is reflected by the Australian unemployment system since under the current unemployment system there are many restrictions for obtaining unemployment benefits (testing of assets for example) and the unemployment benefits being significantly less (about 40%) of the minimum wage. Therefore, there is no threat to the employer to cooperate since it is highly unlikely that the employee will leave the job and the level of happiness for the employer is higher by not cooperating (and in a more serious case workplace bullying). The modes of passion and goodness could be equated to uncooperative and cooperative strategies

respectively as given in Game 1. From this game, the employer will always choose the uncooperative strategies by being in the mode of passion and receive a positive level of happiness. And consequently, the employee will receive a negative level of happiness. In order for both the employer and employee to cooperative (and be in the mode of goodness) and receive a positive level of happiness requires changing the unemployment system to force cooperation.

		Employer	
		Cooperative	Uncooperative
Employee	Cooperative	(1,1)	(-2,2)
	Uncooperative	(2,-2)	(-2,1)

### Game 1: Levels of happiness under the Australian unemployment system

The economic model involves introducing an unemployment system such that an allowance for unemployment is provided regardless of financial status and the allowance is comparable to the minimum wage. The unemployment system could be funded by an increase in the progressive taxation system and it is necessary for unemployment benefits to be paid back through taxation when work is established in the future. By introducing this employment system both the employer and employee obtain a negative level of happiness by not cooperating (mode of passion). If the employee does not cooperative, then the employer will always end up with a negative payout regardless of the strategy the employer adopts. If the employer does not cooperative, then the employee will always end up with a negative payout regardless of the strategy the employee adopts. Therefore, cooperation is forced for both parties to obtain a positive level of happiness and be in the mode of goodness. This is represented in Game 2.

		Employer	
		Cooperative	Uncooperative
Employee	Cooperative	(1,1)	(-2,2)
	Uncooperative	(2,-2)	(-1,-1)

### Game 2: Levels of happiness under the revised unemployment system

This revised unemployment system would improve working conditions, 'fairer' pay for workers, increase cooperative ownership of productive property and consequently assist trade unions in these negotiation processes. Increasing cooperative ownership in particular has the effect of weakening private to common productive property which is in agreement with Marx's theory of resolving class conflict through common ownership. Work in general should be positive and a great lifestyle, and arguably the employee's level of happiness is greater when working with both parties cooperating, rather than receiving unemployment benefits. However, when workers become alienated through class conflict (employer not cooperating and in a more serious case workplace bullying) then this positive lifestyle can have various health related effects. This revised unemployment system is likely to improve

the welfare of the population through financial security, since if the employer is not cooperating then the employee can leave the job and be guaranteed a reason income. Under the current unemployment system, the employee would be very reluctant to leave the job (even with workplace bullying) since unemployment benefits are difficult to obtain and pay only about 40% of the minimum wage.

## **7. Conclusions**

This article has demonstrated how justice can be achieved without pursuing legal action based on the law of karma, where the injurer will suffer in the afterlife by being reincarnated into a lower species of life, and the victim (at least in the case of something as serious as being murdered) will in the afterlife obtain a higher species of life (most likely a spiritual body). It can therefore be argued that criminal law is unnecessary. The article also provided an economic model based on a revised unemployment system on how to prevent workplace bullying (which could be considered equivalent to murder based on the author's experiences).

## **References**

The Book of Tristan

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Law Institute Victoria

<https://www.liv.asn.au/>

Gordon Legal

<https://gordonlegal.com.au/>

Goodman Group Lawyers

<https://goodmangroup.com.au/>

Stal Employment Lawyers

<https://www.stal-legal.com.au/>

Victims of Crime Assistance Tribunal

<https://www.vocat.vic.gov.au/>

Victoria Police

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