

SHAMANISM, WELLBEING AND THE LAW:  
A LAWYER'S CONTEMPLATION ON AN  
ANCIENT TECHNOLOGY OF  
CONSCIOUSNESS FOR THE WELLBEING OF  
BOTH THE INDIVIDUAL AND WIDER  
EARTH COMMUNITY

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...Aboriginal medicine-men, so far from being rogues, charlatans or ignoramuses, are men of *high* degree; that is, men who have taken a degree in the secret life beyond that taken by most adult males – a step which implies discipline, mental training, courage and perseverance...they are men of respected, and often of outstanding, personality...they are of immense social significance, the psychological health of the group largely depending on faith in their powers... the various psychic powers attributed to them must not be too readily dismissed as mere primitive magic and 'make believe', for many of them have specialised in the working of the human mind, and the influence of mind on body and mind on mind...<sup>2</sup>

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<sup>2</sup> Elkin, A.P (1945) *Aboriginal Men of High Degree*, Australasian Publishing Co, 87-89.

**Abstract:**

Shamanism is an ancient and embodied technology of consciousness that offers deep insight into both human nature and our place as members of the Earth community. The essence of shamanism is the use of non-ordinary states of consciousness (NOS) to connect with nature in order to learn how to remedy dis-ease and bring about wellbeing. The central argument presented in this paper is that the integration of the perceptually based, non-dual animist ontology of shamanism ought to be applied in the everyday world via a system of species-specific legal protections situated within the paradigm of Earth jurisprudence. In advancing this argument, a case is made that shamanism is directed toward the wellbeing of both individuals and the broader Earth community, which can be supported and enhanced via normative legal standards.

Advances in neurophysiological research by scholars such as Winkelman (2013), have bolstered the epistemic status of experiences in shamanic NOS. Furthermore, coherence between shamanism and the ontologies of Bohmian quantum mechanics, along with various other technologies of consciousness, warrant considering how we can incorporate non-dual ontology into our social, economic, cultural and legal systems. It is asserted that the system of species-specific legal protections posited is one avenue to affect such reform and will assist in remedying some dire ecological problems directly attributable to human action.

**Introduction**

Traditionally shamans were the medicine men and women of their village, tribe or group. They were charged with maintaining the health and wellbeing of their communities. This duty was discharged at both individual and collective levels. One central aspect of this was to ensure balance between the collective and nature. The term 'shamanism' refers to a specific Earth-centred spiritual modality which encompasses a variety of practices and disciplines directed toward inducing altered states of consciousness that significantly promote the wellbeing, health and happiness of the shaman and all those under their care.

Modern research has cast new light onto this old and most widespread technology of consciousness. In doing so, the epistemic

status of the perceptions experienced whilst in an altered state of consciousness induced through shamanic discipline has been recast. The experiences and perceptions have been shown to engage ancient parts of human brain specifically designed to mediate our relationship with our environment. Such discoveries raise profound questions about the epistemic status of mystical experiences in general. One such question is what epistemic weight can be given to internal mystical experiences when formulating normative social, cultural, economic and legal standards, at a time in which normative human society places an emphasis on logical positivism and empiricism? Whilst this is itself a complex question, and, like many of the issues raised in the following discussion, is worthy of deeper consideration, this paper covers a wide terrain and paints a landscape with a broad brush rather than provide definitive answers. The following paper draws on rich areas of scholarly inquiry and personal contemplation to consider the ways in which shamanism promotes wellbeing, health and happiness.

Dr John Travis (2014) is one the founding fathers of the contemporary wellness movement and has profoundly shaped the way people think and talk about wellness. He succinctly encapsulated the thrust of the modern wellbeing movement when he stated:

After decades of thinking about wellness, I would summarise my work in six words: “the currency of wellbeing is connection”.

Reflecting this sentiment, the engagement with wellbeing in this paper is to consider one way in which shamanism can assist the resolution of immanent and grave problems facing humanity in relation to ‘connection’. Shamanism adopts the view that Nature is Herself sacred, which is implicitly embedded in the work of Bright (2009) when she observed that the shamanic view of health is being in connection with the sacred. To wit, some of the biggest challenges currently facing the survival of human beings can be attributed to being out of connection with nature and are related to manmade climate change, which is itself based upon a human-centric view of the world. The United Nations (2005) asserted that this challenge extends beyond *homo sapiens* and affects an estimated 50,000-55,000 species that human activity renders extinct every year. Thus at a fundamental level, the wellbeing of humanity and all those otherwise doomed species, is contingent on our ability to resolve the urgent problems emerging from a lack of connection with our environment.

Shamanism is an ancient path that offers deep insight into both human nature and our place as a member of the Earth community. Whilst the statistic given above makes it clear that former affects the latter, the essence of the contemplation engendered in the following discussion is the ways that the latter affect the former. It will be shown that the integration of shamanic insights into our social, cultural, economic and legal institutions is epistemologically permissible and furthermore, enhances the wellbeing of both humans and the wider Earth community. This is achieved by resolving the disjunct between human society and environment that exists, amidst other areas, in entrenched normative assumptions and practices embedded into our legal system. Such resolution is possible only because of the robust research into the epistemology of shamanic experiences and the ontological coherence between the insights gained from both shamanic practice and modern quantum mechanics creating a sound platform from which to engage in such work. Whilst such insights could also be applied to many consciousness practices and wisdom traditions, shamanism is the focus of this paper. In a similar vein this paper is not a full investigation of the legal, cultural, social implications of shamanic insights, rather it will identify and sketch out a shamanic ontology that supports a system of species-specific legal protections. Such a system is coherent with the established legal paradigm of Earth jurisprudence. Cullinan (2011, p. 110) posited that Earth jurisprudence reflects the human community's understanding of how to regulate itself as part of the Earth community.

At this juncture it is salient to state that the following two positions are adopted in this paper: the first position is that coherence as a form of epistemic justification is preferred over the use of foundational claims. This is because there is no single foundational thought; the mind-based representation of the world is better described as a network of thought-forms woven together to produce a picture of the world. Phenomenologically speaking it is more accurate to assert that human consciousness is a state of being, perpetually suspended in infinite presence. For this reason, ontology and epistemology are foundational and thus give rise to two questions – ‘*what* are we?’ and ‘*how* do we know what we are?’ As *homo sapiens* are a reason-able species, a synthetic tertiary question emerges: ‘how will we move with the answer to the first two questions?’ This paper engages with these three questions; answers to the first two questions are formulated

through the prism of shamanism and the third utilises the paradigm of Earth jurisprudence by identifying a coherent shamanic ontology. The second position taken is that epistemological internalism and externalism are two sides of the one coin. Some consideration is given to the implications of this position in the context of evaluating shamanic experience at the appropriate point.

Thus, by utilising coherence as a form of epistemic justification this paper suggests that adopting a viewpoint that recognises the coherence between the neurobiology, cosmology and phenomenology of shamanic experience and the ontology underpinning Bohmian quantum mechanics increases the likelihood of truth content of both. However, limited attention is given to quantum mechanics as it is not the focus of this paper, although it is important to raise this cohering discipline, as it is useful to identify the path for future investigation. The recognition of coherence between these two disciplines is based on the recognition of the validity of inquiry underpinning both Bohmian quantum mechanics and shamanic experience. The justification for this position is itself based on mind-body research and cutting-edge neuro-scientific research into shamanism and the teleological observation that the dominant paradigms of logical positivism and empiricism have largely severed our connection to nature and in so doing undermine the basic premise of wellbeing: namely that the currency of wellbeing is connection.

Thomas Kuhn (1976) in *The Structure of Scientific Revolutions* observed that once puzzles are irreconcilable within any given paradigm, a new paradigm needs to be formulated; one that can solve the irreconcilable puzzles within the old. In the present time, the disenchantment of human cultural, social, legal and economic systems is having significant impacts on every species on Earth: the UN estimates given above equate to as many as 148 species becoming extinct *every day*. The impetus for revisiting the embedded ideologies underpinning our disenchantment thus warrants urgency. Among many other arguments, paradigms, wisdom tradition and imperatives, both shamanism and quantum mechanics are at the forefront of this movement.

### **Shamanism and Earth-Centred Spiritual Practice**

‘Shamanism’ is a term that covers an extraordinarily large number of practices that fall under the umbrella of ‘Earth-Centred Spiritual

Practice'. Eliade (1964, p.xxv) noted that shamanism is '....at once mysticism, magic and "religion" in the broadest sense of the world'. Anthropologists such as Michael Harner brought shamanism to the attention of Western world in the 1980s with his seminal work, *The Way of the Shaman*. Since this time shamanic practice has experienced resurgence, perhaps in response to the ecological pressures facing humanity and the disenchantment of the modern human being. Harner (1990, xi) observed that the return is so subtle that many people remain unaware that there is such a thing as shamanism, let alone are conscious of its return.

Harner (1990, p. xi) observed that archaeological and ethnological research indicates that shamanic methods are at least 20,000-30,000-years old. The perennial dimensions of shamanism are evident as there are numerous similarities in both the ontology and loci of commitment amongst geographically dislocated indigenous groups separated by vast time scales (from a human perspective): from the jungles of South America to the steppes of Siberia and even the deserts of Australia. Winkleman (2013, p. 77-99) identified a biological basis to the perennial nature of core shamanism in the stimulation of ancient brain structures and linkages across the evolutionary strata of the brain that function in theta state. Further, he argued that this aspect of our psyche is accessed through ritual activity, such as the technologies of consciousness used in shamanic practice. Positing a biological and evolutionary basis to shamanic practice, Krippner (2000, p. 97) posited that the cortical evolution in our brains is best described when increased neural plasticity allows environmental factors to shape the human brain's structure and functions. Such a position is aligned with Travis' (2015) emphasis on connection. Shamanism is one technology of consciousness that heightens connection by optimising the integration of humans into their environment. This optimisation occurs at both individual and collective levels. At the individual level the optimisation is both enfolded into the phenomenology of shamanic experience and is integrated into the shamanic path in order to cultivate one of the central elements in the shaman's toolkit – their *axis mundi*. In terms of the collective level, I assert that optimisation is reflected through coherence with and adoption of Earth jurisprudence, which is itself an evolution of Natural law that sits well with the animist cosmos of shamanism. Let us recall the neuro-physiological position that shamanism serves the evolutionary purpose of creating a plasticity

of behaviour optimised for the specific environment. This position – which clearly manifests in strong connectivity between humans and the broader Earth community – can be supplemented with the notion that the currency of wellbeing is connection. This helps us to arrive at the potent conclusion that the effect of shamanic techniques is hardwired into the human brain to produce wellbeing.

Along the road to modernity shamanic practitioners were subject to grave persecution in ages past as colonisation, missionaries, commercial interests and governments all overwhelmed tribal peoples and ancient cultures, as Jilek (2005, p. 8-15) stated:

Before the Age of Enlightenment, the shaman was condemned as daemonic [sic] charlatan. From the 19<sup>th</sup> until the mid-20<sup>th</sup> century, the shaman was generally considered as afflicted with a psychiatric or epileptic condition, a notion based on the misinterpretation of altered states of consciousness in shamanic ritual as psychopathological. [This pathologisation]...of shamanic healers and their rituals constitutes a Eurocentric and positivistic fallacy... until the late 19<sup>th</sup>-century, this often also meant persecution by government authorities who were using the church to facilitate colonisation, subordination and acculturation of aboriginal peoples who recognised in shamanism an important factor for the survival of indigenous cultures.

Given the observation that the miscognition of shamanism persists in modern times, the question then becomes how best to explore notions of shamanism. Eliade (1964, p. xx) made the point that whilst historical understanding of sacred experiences is important, such understanding does not wholly explicate them. The limited domain of validity for historical analysis in the context of understanding shamanism is that many newer practices simply modified those that were pre-existing. That is to say that many contemporary religious observances have resulted from the modification of prior shamanic and pagan practices. There are many reasons for this, which include colonisation and acculturation (mentioned previously) in which the conquering group simply erected a new temple or place of worship upon the grounds of the previous sacred site. Similarly, subsuming auspicious dates of pre-existing festivals into newer belief systems has also been common practice. For these reasons one's comprehension of shamanism depends wildly on context i.e. whether one is a historian, philosopher, phenomenologist, psychologist, ethnologist or shamanic

practitioner. Given the diversity of ancient traditions covered by the term 'shamanism', the diligent inquirer should remain cognisant of this throughout the following paper.

Laufer (1917, p. 361-371) observed that the etymological roots of the term 'shaman' is usually attributed to the *Tungus* people of Siberia who used the term *saman*, however the widespread practice of shamanism features in many other cultures. For example, the Chinese have the term *sa-men*, in Persian *shemen*, in Pali *samana* and the corresponding term in Sanskrit is *cramana*. This is salient to note as it draws attention to the breadth of the field and one particular challenge this presents. The challenge is to create a definition of 'shamanism' that covers this diverse field. To wit, Walsh (2009, p. 15-16) articulated a useful definition when he posited:

Shamanism can be defined as a family of traditions whose practitioners focus on voluntarily entering altered states of consciousness in which they experience themselves or their spirit(s) interacting with other entities, often by travelling to other realms, in order to serve their community.

This definition identifies several key loci of commitment within the paradigm of shamanism. The notion of a 'family of traditions' respects the diverse temporal and cultural contexts in which shamanic practice has been (and remains) a living practice. This paper looks only at some of the key elements that have manifested in a similar form across many different cultures and time periods. This is referred to as 'core' shamanism.

Another locus of commitment is the use of 'altered states of consciousness'. This refers to the role of trance and non-ordinary states of consciousness (NOS) in shamanic practice. These NOS are entered through; *inter alia*, the traditional shamanic practices of drumming, fasting, sweat lodges, vision quests, ritual, dance, and in some strands, the sacramental use of entheogens. Harner (1990, p. xiv) emphasised the perennial nature of shamanic practice when he observed that the use of the aforementioned practices renders shamanic NOS available to both modern-day Western seekers and medicine men and women in tribal societies alike:

Using the core or fundamental methods of shamanism...these new practitioners are not "playing Indian", but going to the same revelatory spiritual sources that tribal shamans have travelled to

since time immemorial... Their experiences are genuine and, when described, are essentially interchangeable with the accounts of shamans from non-literate tribal cultures. The shamanic work is the same, the human mind, heart and body are the same; only the cultures are different.

The upshot of this is that shamanism is an embodied practice in which NOS are readily accessible to anyone prepared to use the ancient techniques mentioned above. Such a view is supported by research into the neural correlates of shamanic experience. Such research has led to the development of the field of 'neurognosticism'. Laughlin (1996) noted that neurognosticism deals with the perennial, and posited that *all* neural networks (and correlated *qualia*) related to the individual's cognised universe have their development in the neurognostic structures of the brain. Laughlin (1996, p. 363-380) asserts that this is because the cognitive process related to finding our place within the environment (ontogenesis) is a fundamental aspect of life that begins at an early stage of development. Both Laughlin (1996) and Dhall (2015) observed that this primitive realism is embedded into the traditional cosmologies of many different wisdom traditions and is coherent with the structure of the quantum universe.

In the event a person has a profound experience whilst in a shamanic NOS, then that mystical experience provokes that person to consider how best to integrate it. Gellman (2014) posited that one question that presses those that have such experiences is whether his or her experiences possess veridical or evidentiary value. On this point, Itta (2015) teased out one particularly relevant epistemological question raised by profound mystical experiences which can assist the resolution of the aforementioned conundrum in the current context: is there a contemporary attitude that one can bring to shamanic experience in NOS that is compatible with the philosophical and scientific perspectives of critical thinking and intellectual honesty? To answer this question in the affirmative is to provide a roadmap toward the integration of shamanic experience in a manner that is suitable for assimilation by society at large. This is because an affirmative answer recognises the epistemic merit of cultivated internal states, challenges the assumptions embedded in the pre-eminence of logical positivism and empiricism and most importantly, creates a pathway to challenge normative and damaging standards that result from the deification of empiricism in the modern world.

To answer the aforementioned, Itta (2015) firstly posited that meditation (which he defined as a 'special case spiritual practice' and is itself an altered state of consciousness), and scientific practice are both different forms of deconstruction. Secondly, he argued that both mediation and scientific practice adopt a stance of intellectual honesty and truthfulness in their pursuit of understanding the world. For this reason he saw special case spiritual practices and scientific practice as two sides of the same epistemic coin. Embracing coherence Itta (2015) noted that the quantum universe coheres with non-dual states of consciousness. This perspective can be broadened to include shamanic NOS, if one accepts shamanic practice is a special case spiritual practice, analogous to meditation. To wit, Itta (2015, p. 159) went on to define a special case spiritual practice on the basis that '...a continual systematic practice is fundamental to the transformation of consciousness – to create the capacity of a totally new quality of experience and knowledge...it is all about practice and not that much about theory...more than that it is a vital performance of an immediate experience'. Such a description fits shamanic practice very well; the cultivation and practices required in order to successfully navigate NOS for greatest effect are essential and as such, shamanism is as much a path as it is a destination. For this reason shamanism ought, *prima facie*, to be considered a 'special case spiritual practice'. This point will be explicated in the discussion of need for a shamanic practitioner to cultivate their *axis mundi*, which is undertaken a little later.

One possible concern related to the epistemic standing of shamanism worthy of contemplation is the notion that the phenomenology of NOS is in some way irreconcilable with ordinary human perception of the world as it is, and consequently that the value of shamanic NOS is very limited. This is a moot concern as the ontology espoused by the most precise science, quantum mechanics, is similarly irreconcilable with ordinary and unassisted human perception. Itta (2015, p. 156) noted coherence between the perceptions experienced whilst subject to NOS and the ontology of quantum mechanics when he stated:

...special cases of spiritual practice deconstruct the common sense concept of a substantial, isolated and self-existing self; and the scientific approach [that] deconstructs the assumption of pre-existing and objective world...Quantum physicists state that an

appropriate understanding of nature is not possible by dualistic operations, because the world is not completely understandable by empirical methods and logical thinking. Instead of that nature baffles the scientific thinking with strange contradictions. The “world” appears as dynamic and indivisible wholeness that embraces its subjective observer.

The reference to the currently accepted non-local nature of the quantum mechanical ontology is important as it raises an emerging and important development in the evolution of the human understanding of our place in the cosmos; namely the ontological coherence between the cosmologies of various wisdom traditions (including shamanism) and many interpretations of quantum mechanics. These two types of understanding ought to be considered complimentary and mutually affirming. Indeed the epistemological perspective of coherence would have the potential truth content of the non-dual ontology bolstered by the fact shamanic experience, meditative states and scientific practice all indicate a similar structure of reality. This they do while remaining separate forms of deconstruction as proposed by Itta. Whilst fascinating, this specific subject matter falls outside the scope of this article and is only mentioned in passing because the broader project to resolve the many problems facing humanity will necessarily draw from the best available information. It is salient to note that the philosophy of Earth jurisprudence is built upon a holistic ontology itself coherent across, among others, the three technologies of consciousness just mentioned.

A final observation that is worthy of note is the importance of validating that internal experience via coherence is particularly important when evaluating the epistemic value of shamanism as much of the deeper traditional wisdom is transmitted as a living oral tradition and is not recorded.

### **The *Axis Mundi* and *Anima Mundi***

Eliade (2004, p. 259-288) distilled some perennial aspects of core shamanism that explicate its cosmology. It is his contention that we live in a universe consisting of three levels; the sky, Earth and underworld all connected by a central axis (*axis mundi*) and further that the shaman is able to move between the worlds by utilising NOS. Eliade (2004, p. 264) went on to note that the *Axis mundi* is a perennial notion and can be correlated with, *inter alia*, the notion of the ‘sky

door' in Islamic design and also with the World Pillar which was largely ubiquitous in the art and cosmology of ancient societies around the world and also featured in several more developed cultures including the Egyptian, Indian, Greek and Mesopotamian.

Given that the shaman moves between worlds with his or her consciousness the conduit between worlds, the *axis mundi* is an internal state: a strongly centred and grounded place in which the shaman simply watches his or her own thoughts, desires, impulses and reactions and allows them all to pass without attachment, in a manner akin to the way water passes through a hollow bone. It is from this space of internal quietude and observation that the shaman is able to enter into a shamanic NOS in order to move through and interact with the spirit realm to greatest effect. As Harner (1990, p. xiv) stated:

Pursuing...shamanic practices, [shamanic practitioners] have come to realise that what most people describe as "reality" only barely touches the grandeur, power and mystery of the universe... They are not lonely, even if alone, for they have come to understand that we are never truly isolated. Like Siberian shamans, they realise, "Everything that is, is alive"!... They have returned to the eternal community of the shaman, unlimited by the boundaries of space and time.

Echoing this sentiment, Bright (2009) observed that in shamanism:

The concept of the sacred is inexorably tied to an animistic belief system: the impression that the world and everything in it is imbued with life, intelligence and spirit.

This cosmology emerged from holistic and non-dual experiences whilst in a shamanic NOS as it usual for the shaman to commune with the spirits of any aspect of nature, from individual animals, to a droplet of water or the spiritual essence of the entire world, the *anima mundi*. Vaughan-Lee (2005, p. 3-4) observed that at its essence connection with the *anima mundi* is to dwell in the '...sacred essence in the fabric of creation.' Vaughan-Lee (2005, p. 4) went on to note open to the experience the *anima mundi* is to open oneself to, as the Conibo tribe of the Amazon say, 'learning from trees', this is because whilst in a shamanic NOS shamans commune with nature in order to learn how to remedy dis-ease and bring about balance for every member of the Earth community. This is the essence of shamanism. Jung (1964, p.91) agreed with this notion as he lamented:

There are no longer any gods whom we can invoke to help us. The great religions of the world suffer from increasing anaemia, because the helpful numina have fled from the woods, rivers, and mountains, and from animals, and the god-men [shamans] have disappeared underground into the unconscious. There we fool ourselves that they lead an ignominious existence among the relics of our past. Our present lives are dominated by the goddess Reason, who is our greatest and most tragic illusion. By the aid of reason, we assure ourselves, we have conquered nature.

Vaughan-Lee (2005) neatly summarised Jung's categorisation of the relationship between animist shamanic knowledge and more traditional forms of gnosis from which many religions draw when he stated:

In the last century Carl Jung...differentiated between two forms of spiritual light: *lumen dei*, the light proceeding from the spiritual realm...and *lumen naturae*, the light hidden in matter and the forces of nature.

Against the backdrop of deeper monism, this distinction is somewhat of a false dichotomy, however it is useful to make a contextual point. *Lumen dei* correlates with divinity when framed in terms of a transcended God, whilst the *lumen naturae* coheres with both the notion of the animism that resides at the heart of shamanism and the ontology of Bohm's quantum holism. *Lumen dei* and *lumen naturae* are complementary pathways that neatly encapsulate the ways in which the shamanic ontology relates to other non-animist technologies of consciousness.

As noted previously, traditional pathways to shamanic NOS are drumming, sweat lodges, fasting, vision quests, ritual, dance, and the sacramental use of entheogens, however the present age is a particularly rich time in which to explore technologies of consciousness. This is because information is easily accessible and many people are highly mobile, which in turn allows access to many consciousness practices and pathways to self-cultivation. Thus, in developing proficiency and awareness of their *axis mundi* whilst in shamanic NOS, many shamanic practitioners go beyond core shamanic practice and integrate Eastern and Western consciousness practices such as meditation, contemplation, yoga and psychotherapy to prepare themselves to more successfully navigate NOS. Such a position allows the coherent web of supporting experiences to expand, thereby increasing the epistemic stability of the entire web for the practitioner.

In addition to the traditional shamanic tools, one pathway toward communion with the *anima mundi* via the *axis mundi* has been the path of 'inner work', which is the path working on the unconscious. Such work adopts very much a Jungian psychoanalytic approach. This sort of 'shadow work' is also at the heart of alchemy. Vaughan-Lee (2005) went on to observe:

The tradition of alchemy reinterpreted into a language of inner transformation is a key to help us liberate our natural light and to transform the world. The alchemical light hidden in darkness [unconsciousness] is our own light, which is also the divine spark within matter. Our natural light is part of the light of the World Soul. The alchemical unlocking of matter can be associated with feeling, or awakening, the world soul, the *anima mundi*...With the *lumen naturae* we can once again learn how to unlock the secrets of nature, so that we no longer have to attack the natural world in order to survive.

At this juncture it is worth revisiting Travis' (2014) assertion that the currency of wellbeing is connection. It is logical to understand the notion of connection as having inner and outer dimensions. That is to say, wellbeing is both internal and external state. The process of engaging with the *lumen naturae* can very much enhance the wellbeing of the individual shaman through his or her own shadow work in order to cultivate their own *axis mundi*. Such work is itself a pathway to wellbeing within the shaman. This sits along with, and is necessary for the traditional shamanic engagement with the *anima mundi*. Travis (2014) affirmed the aforementioned perspective as it is congruent with his assertion 'personal wellbeing is interdependent with the wellbeing of the planet...we live in an interdependent and interconnected world'. The animist ontology espoused by shamanic practice is implicitly consonant with recognition of the interdependence of life (connection) as the shamanic path takes its form whilst engaged in interaction with the *anima mundi*. To nurture this potential theatre of encounter necessitates connection with self via the shaman cultivating their *axis mundi*.

As with many belief systems, there is also a collective dimension to shamanic practice. Stutley (2003) picks up the centrality of connection to community when she observed the social role played by shamans, namely that they are healers, mediators and that their primary role '...is...to maintain and restore balance in their

communities', similarly it may be recalled that Vaughan-Lee pointed out in the passage above that '...our natural light is part of the light of the world' and Travis (2014) posited, "...personal wellbeing is interdependent with the wellbeing of the planet'. Thus, one modern application of shamanism is to materialise shamanic experiences in the realm of ordinary experience as a path to wellbeing. Such manifestation can take many forms, ranging from the provision of healing services, to simply living in a manner consonant with the loci of commitment of the animist shamanic ontology, or even to embrace a paradigm of law that embeds a pathway to fixing those aspects of our society that have allowed the current crises of environment to develop.

### **A Shamanic Justification for Law and Earth Jurisprudence**

At the level of self/other, the law, in one way or another, mediates the legally enforceable human relationship to the 'other'. The law relating to property defines the scope of what people and companies can lawfully do to objects using rights that we have attached to that 'property'. This is a vast legal space, but for ease of discussion, this field will be narrowed to a constellation of examples: every nation-state has laws relating to the consumption of natural resources through human activities like mining, farming, developing new cities and expanding the old. There are laws regulating the disposal of industrial waste and there are laws that deal with animal welfare and animal testing, and laws circumscribing what home owners can do to their 'property'. When considering the ecological crisis facing humanity, Dhall (2015) identified the need to reflect up on the cultural impact of the status quo given laws influence society just as they reflect that same society.

Dhall (2015) observed that the social role played by shamans, namely that they are healers, mediators and that their primary role '...is...to maintain and restore balance in their communities', to provide a foundation for arguing for a system of law that addresses the ideologies that have allowed the current ecological problems mentioned earlier is entirely consistent with the practice of shamanism.

Current legal standards around the world have allowed the current ecological crises to develop: 50,000 – 55,000 species becoming extinct annually and tons of toxins being released into the environment

annually. There is no finer way to tease out the asymmetrical value placed on non-human life than to consider the lack of normative action around the problems identified previously. One ought to contemplate the amount of action that would follow if 55,000 human beings were to perishing a first-world country and contrast this with the attention and quantum of effort put in to address 55,000 *species* being rendered extinct annually. To put this thought experiment into perspective, one ought to reflect on the changes that have rippled throughout the world post the 9/11 attacks in the USA in which approximately 3,000 people were killed.

There are many isolable reasons for this, one of which is that nation-states that have imported UK-based common law systems (e.g. US, UK, Canada, Australia, India and New Zealand) have an embedded colonial relationship to property of despotic dominion. One aspect of this colonial mindset and attendant attitude of toward land and property is the aggressive use of natural resources for monetary gain with little regard for environmental cost. One need only observe the level of biodiversity in colonial countries or visit a current frontier city, such as Iquitos in Peru, to witness this aspect of human nature first hand. This is fundamentally different to the shamanic animist mindset. This mainstream position is entailed in the sentiment: 'the land I own' which can be contrasted with a paradigm of law aligned with the shamanic mindset. Such a paradigm frames the relationship to land and property in terms of 'the land to which I belong'. This change in mindset can be described as a transition into a mode of being that frames the use and consumption of nature and natural resources in terms of the world as an interconnected whole accessible through the use of shamanic NOS. This interconnected whole is vibrantly alive and is one with which shamans commune in order to learn how to remedy dis-ease and bring about balance for every member of the Earth community.

One such paradigm of law is posited in the notion of species-specific protections in the paradigm of Earth jurisprudence. At the heart of the paradigm of Earth jurisprudence lies a sentiment articulated by Cashford (2011, p.9):

In an interdependent world, where every mode of being depends on every other mode of being, then every mode of being has rights derived from the universe which brought them into being

and made them who they are. In this sense, every mode of being is equal: "The well-being of each member of the Earth community is dependent on the well-being of the Earth itself".

This sentiment is congruent with shamanic experience. In order to consider what scope of rights are held by various species, Berry (2006, p. 149-150) articulated '10-Principles of Jurisprudence'. Point six in this list is relevant to the current discussion:

6. All rights are role specific or species specific, and limited. Rivers have river rights. Birds have bird rights. Insects have insect rights. Humans have human rights. The difference is qualitative, not quantitative. The rights of an insect would be of no value to a tree or a fish.

This point has the effect of recognising that species specific protection do not equate to a rigid equality of treatment across all species, as this would ignore the perceptions that ordinary states of consciousness often produce, specifically that human beings hold such power that we can decimate biodiversity or nurture it. In our recent past we have performed the former and done so with impunity. This raises a pragmatic and unavoidable issue; resources will always be finite and there will always be members of the Earth community that will be consumed, or at the very least, feel the impact of human activity. Equality of protection will not be possible because this would involve the collapse of human society. However, this must be balanced with the notion that excessive consumption of resources has an adverse effect on other species' rights and human wellbeing generally. Thus the issue becomes one of calculus – when should one right or claim outweigh or otherwise intrude upon another? What exactly would a system of law consonant with shamanism work towards in a practical sense? It is at this point that one can look to Berry's (2006) point nine:

9. ...No living being nourishes itself. Each component of the Earth community is immediately dependent on every other member of the community for the nourishment and assistance it needs for its own survival. This mutual nourishment, which includes the predator-prey relationship, is integral with the role that each component of the Earth has with the comprehensive community of existence.

This applies to both intraspecies and interspecies competition; just as there is an interspecies predator-prey relationship so also not

every inhabitant of a particular component of the Earth's web of life (or 'legal category' when framed in the paradigm in Earth jurisprudence) has identical capability. Taken yet further, Forster (1992) noted that there are cannibalistic practices in some species, for example the Australian Redback spider which highlight the complexity and subtlety of understanding the relationships that exist in the natural world. With an understanding of the preceding points, it is clear that a measure of inequality is a necessary characteristic of a naturally functioning universe. However, each inhabitant of any given category has equivalent legal value, thus the scope of the protection offered by any legal right to a particular individual will vary, as long as it is in keeping with the intent of the specific right in question. As such, the reference in Berry's point nine to 'mutual nourishment' is an apt phrase to describe a position of orientation. Human law cannot nor should not place other species in the same position as a human being. Rather, when evaluating the scope of a particular protection, a calculus will have to be made, one that balances finite resources and human needs and wants; the right of every member of the Earth community to exist; the *anima mundi* and human relationship to it and the intent of the right whilst seeking to ensure as much nourishment as possible for every being. This calculus will be determined by the norms and resources held within the society in question.

In terms of a system of law that reflects the shamanic world view, what Berry's imperative suggests is this: in fulfilling the ontological commitment to value each member of the universal community equally, we must strive to fulfil such equal rights context-specifically. That is, the rights of sharks include the right to eat prey necessary for their survival, and the rights of sharks' prey to live do not usurp the shark's right to eat them. However, this line of argument does not mean that in the context of human rights, political 'sharks' (to continue the metaphor) have the right to exterminate all prey capriciously – that is, Hitler was not granted the right to eugenically exterminate all handicapped persons simply because he was at the top of the political food chain, so to speak. Context-specific application of such principles does not mean arbitrary or capricious application. We could employ, for example, Singer's (1972, p. 229 -243) notion of 'marginal utility' to demonstrate where our natural obligations lie. This idea suggests that we ought to provide practical expression to the rights of all until the

point of 'marginal utility' is reached. This is the point at which by doing more, as much suffering would be caused to other members of the community as would be relieved by the actions. In nature, a shark will not eat beyond its fill that is necessary for survival. So, by way of a practical human rights example, the right to education for a physically handicapped person in Australia might mandate that the government provide handicap-friendly ramps at public libraries to promote educational access, because the cost of doing this is not so onerous as to cause an economic inability to feed the general population, for instance. Similarly in an underdeveloped and very poor third-world country hit with an environmental calamity resulting the destruction of many homes, then perhaps some trees may need to be felled in order to construct dwellings. The question will be one of calculus – how many trees can we justifiably fell given the tree's right to exist? Resolving problems such as this should (and does) draw assistance from the wider human community, relieving some of the pressure on the local population. But the point remains: in what circumstances can humanity deprive other members of the Earth community of their life? This is the essence of the deeper issues engendered in the current climate of ecological crisis. Returning to the example of the hypothetical calamity, once the crisis is averted in the third-world country in question, then provisions raising the scope of protection for all species should also emerge.

In the same vein but a distinct point, Douzinas notes the similar tension or paradox observed by both Hohfeld (1919) and Dworkin (1977), namely that all rights are internally fissured. In the current context: they are used for the exercise of power by an individual with far reaching property rights (if one considers the current status quo). However, there cannot be any absolute rights if those rights must be balanced with the rights of other species. Similarly all rights must be subjugated to allow an institution to govern. This is an area that warrants further consideration.

From the discussion above an even more relevant question emerges: What, if any, impact on legal decision-making does a shamanic foundation for law exert? Since shamanic NOS points to a vibrant and interconnected animist universe and ordinary unaided human perception points to a Cartesian ontology, a bridge needs to be built between these two extremes of perception. It is at this point

that ontological coherence between shamanism and the Bohmian interpretation of quantum mechanics is again relevant, as ordinary human perception is itself multi-layered: from a base level of the holistic quantum potential and then, as quantum potential begins to decrease, on to the level of atoms and molecules; molecules interacting with each other to create cells at the cellular level, organs and a mind boggling range of chemicals, then through bio-chemical and bio-electrical processes and their correlative feelings, thoughts, behaviour and ultimately the perception of a single human person divided from the rest of the physical reality. Along this (admittedly massively simplified) path, an epiphenomenon called a 'human being' emerges.<sup>3</sup> Where on this path this occurs is not immediately clear, however there is a point at which a discernible 'human' appears. This notion of something legally defined as a 'human being' becoming recognised at a particular point in the levels of process that occurs between quantum singularity and the classical level of physical reality and explained by a gradual decrease in quantum potential, is an ontology coherent with the shamanic world view and is also consistent with the formation of legal categories espoused in Berry's (2006, p. 149-150) *Principles of Earth jurisprudence*.

There is clearly much work needed to complete a theory of law that draws from the various coherent ontologies and embraces the current status quo, but there is a pathway that exists for future consideration of this area. Whatever the case, it is clear that the dominant paradigm of law has not been able to avoid the grim ecological realities discussed at the outset of this paper. Paradigmatic reform is urgently required to arrest this state of affairs. The paradigm of Earth jurisprudence is one such paradigmatic approach that is supported by the coherence with shamanic experience and quantum mechanics, as identified in Dhall (2015). These coherent pathways to understanding our world add a robust ontological and epistemological

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<sup>3</sup> It is worth noting that in this simplified list human consciousness is conspicuous in its absence, as is the so-called 'hard problem' of consciousness. This is an important area of human endeavour that has a great deal to tell us about who and what it is to be 'human'. See: Chalmers, D. (2003) 'Consciousness and its Place in Nature' eds: Stich, S.P. and Warfield, T.A. *Philosophy of Mind*, Blackwells, Oxford, 102-142; Tuszynski, J. (ed) (2006) *The Emerging Physics of Consciousness*, Springer, Heidelberg.

substratum to the discourse, thereby enhancing the epistemic status of the argument in favour of the type of reform posited in this paper.

### Summary and Conclusion

It was noted in this paper that along the road to modernity shamanic practitioners were subject to pathologisation, grave persecution and oppression in ages past. This treatment can be attributed to colonisation, missionaries, commercial interests and governments all overwhelming tribal peoples and ancient cultures. At this juncture it is salient to recall the problem identified at the start of this paper, namely that the United Nations 2005 Millennium Report highlighted the calamitous effect of human activity on the biosphere. Coupled to this, human behaviour has caused many other forms catastrophic damage to the Earth community with whom we live. The embedded paradigms that allowed this damage to occur remain dominant, and the move toward change is slow. In point of fact, the infliction of damage to the environment is both grave and continuing.

As noted throughout this paper, shamanism is an ancient and perennial spiritual practice. The cosmology, practice and phenomenology of shamanism displays remarkable consistency across human cultures over tens of thousands of years. This consistency has been explained in neuro-scientific terms through research that has identified ancient brain structures that are hyper-connected and operate in a theta-state when the shaman engages in shamanic practice. Whilst in these shamanic NOS the correlated *qualia* of these brain states is that the shaman communes with an animist and deeply interconnected universe in order to learn how to remedy dis-ease and bring about balance for every member of the Earth community. This purpose aligns with the observation that the currency of wellness is connection.

Whilst shamanic NOS experience is often non-dual, the point remains that humans default to a Cartesian perception of self/other. The manifestation of a shamanic lifestyle in this dualist mode of perception is to cultivate wellbeing through nurturing connection both within and without. In shamanic practice, the cultivation of the *axis mundi* is the internal conduit through which the shaman communes with the *anima mundi*. The process of cultivating the *axis mundi* is an active one; one in which the contemporary shamanic practitioner has

many technologies of consciousness at his or her disposal. These technologies all bring about wellbeing at the individual level. Communion with the *anima mundi* assists humanity to find its natural place within the interconnected web of life. The insights derived in this place serve the wider Earth community and thereby the individual.

Against this backdrop, one paradigmatic approach to consider is a system of law that reflects, *inter alia*, a shamanic ontology. Such a system of law respects the equivalent value of each member of the Earth community, whilst also embracing the exigencies of life. A suitable system is the notion of species-specific protections posited within the paradigm of Earth jurisprudence. At the level of legal methodology, such a paradigm challenges the human-centric view of law by calling on judges, legislators and the wider community to consider the inherent value of all life, not just human, in a manner that far exceeds the status quo. Whilst there is movement in this direction, for example in August 2015 Australia passed laws framing animals as sentient, the rate of progress is too slow given the scale of the ecological crisis. For this reason a paradigmatic approach is worthy of consideration.

One of the biggest hurdles to overcome when evaluating the pragmatic value of the paradigmatic approach to reform posited in this paper is the encultured norm that empiricism is epistemologically superior to internal forms of knowledge. Modern research techniques, such as FMRI have changed the face of research, as has the movement to explore the mind-body problem by mapping the neural correlates of conscious experience. This data is showing that NOS are not be pathologised or dismissed, rather they produce valid and valuable perceptually-based forms of knowledge by utilising parts of our brain that have steered our species for millennia toward a healthy relationship with both ourselves and the environment at large. For this reason, throughout this paper reference has been made to shamanism (and other consciousness practices) as a 'technology'. This is because the methods, theories and practices of these disciplines are highly structured and have been refined over the ages. The imperative the human community faces is to recognise the many forms of valid knowledge and contemplate how that knowledge may be used to the benefit of human civilisation and the world at large. In any event, the problems facing humanity and the Earth community at large are grave

and the need for reform is urgent. This paper has engaged in one such contemplation in respect of shamanism as a pathway to wellbeing framed through the prism of law. There are other disciplines that lend epistemic merit to the ontological *substratum* of the paradigm posited, such as Bohmian quantum mechanics, however consideration of this wider coherence is a much bigger project and beyond the scope of this paper other than to note that wider coherence exists.

In any event, shamanism is an embodied ancient wisdom tradition for healing self and other through producing valuable insights and valid knowledge. This has been exemplified in the notion of positing a shamanic foundation to law that could do just that: provide a pathway to stop and eventually heal the trauma inflicted on the Earth community thereby enhancing connection and wellbeing. The insights achieved through the shamanic practices and the cultivation of *axis mundi* to commune with the *axis anima* challenge the current state of affairs. Given the gravity of the problem identified in this paper, this is a timely occurrence. As a function of the significant power resting in human hands, the question remains of how we wield that power over our shared planet: despotic dominion or stewardship?

Adopting a shamanistic worldview opens human beings to interact with the vibrant and interconnected web of life from which we can never truly separate ourselves. Such experiences show us that the Cartesian notion of the individual is at best an abstraction. The corollary question facing humanity is how we can evolve our social, cultural, economic and legal institutions to reflect the increasing weight of evidence that we are members of the Earth community in a unique position of power. The paradigm of Earth jurisprudence is one avenue to manifest in ordinary reality our connection to non-dual realms in which we can live our connection to the *anima mundi* in an embodied way. Such experiences are available to anyone prepared to engage in shamanic practice. Modern shamanic practitioners are rediscovering ancient wisdom that has been known for ages: the currency of wellbeing is connection to self and also with the environment. As Einstein (2000, p. 316) noted:

A human being is part of the whole called by us “the universe”, a part limited in time and space. We experience ourselves, our thoughts and feelings, as something separate from the rest – a kind of optical illusion of our consciousness. This delusion is a kind of

prison for us, restricting us to our personal desires and affection for a few persons nearest to us. Our task is to free ourselves from this prison by widening our circle of understanding and compassion to embrace all living creatures and whole of Nature in its beauty.

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