

THE INFLUENCE OF WESTERN LIBERAL IDEAS
ON GANDHI'S PHILOSOPHY+

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1. HETERODOX INFLUENCES FROM RADICAL WESTERN CRITICISM

The seemingly conventional title of this essay is not as commonplace or plain in its scope as it might appear at first sight. There are a number of much noted Western literary influences on Gandhi which readily occur to mind; and, as if to authenticate their impact, Gandhi himself put them in the list of "Authorities" attached to his programmatic pamphlet "Hind Swaraj"¹. Tolstoy figures prominently in it², together with Thoreau, Mazzini, Ruskin and some of their contemporaries who are by now all but forgotten³. But, how much of genuine liberal thought can be found in these writings? Should we count John Ruskin as a liberal - with his paternalistic and elitist ideals, his invectives against democracy and modern conceptions of liberty, his defense of slavery?⁴ Mazzini, radical democrat and nationalist, is represented in Gandhi's selection by his booklet on the "Duties of Man", devoted largely to polemics against the liberal ideology of "rights" (including "human rights")⁵; what Gandhi specially adopts from this source is the maxim "that all our right can but be the fruit of a duty performed"⁶ - a phrase to become a standard formula in Gandhi's utterances on human rights⁷, but hardly an unequivocally liberal thought. As for Tolstoy, there are some liberal elements in his teachings, like his trust in the power of public opinion which is shared by Gandhi⁸. However, Tolstoy's radical criticism of State, Church and Society goes far beyond the ambit of political liberalism as generally understood. Typically the word "liberal" is used by him in a critical, even disparaging sense connoting half-heartedness⁹. And how "Western" really is Tolstoy? In being a European as against an Indian Asian, or: in being a cosmopolitan rather than a parochial slavophile, he may pass for a "Westerner" of some kind. Yet his life-long profound involvement

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with oriental thinking strikes a different note, and we may not even be in a position to trace all relevant influences stemming from that side, particularly with regard to his younger days¹⁰. The theme of his "Letter to a Hindoo" (listed in "Hind Swaraj") is the necessity for India to repudiate its subjection to Western civilization. In fact, the common denominator in the somewhat motley crowd of Gandhi's "Authorities" is the criticism of Western civilization, and with it lies criticism of many things dear to the liberal's heart, such as emphasis on the rights of the individual, economic and cultural expansion and diversification, rule of law as legality, separation of religion and politics.

If not much support can be derived, then, from these conspicuous literary filiations, it will nevertheless be argued here that in Gandhi's philosophy the formative impact of genuine occidental liberalism is clearly present. In order to trace it, however, we will have to search in a different, perhaps biographically deeper layer of Gandhi's thinking, on the level of basic conceptual framework rather than of consciously advertised programme like bread labour, sarvodaya, or even non-violence. This further search for influences, paradoxically, will bring us closer to a perception of Gandhi's originality. For in taking note of different levels, of a veritable polyphony of influences, we are led to realise the complexity of the phenomenon of "influence" itself. In particular, we should be warned against the everpresent temptation of reducing the measure of individuality by classifying it according to derivation. Tracing influences should not mean listing a man like Gandhi as just a sample of a supposedly known species, to store him away, e.g., as a "Victorian eccentric"¹¹, as a "mere" Tolstoyan or, for that matter, into a different direction as a "Hindu revivalist". Pre-occupation with the pedigree regularly carries with it the danger of stopping short off the essential last step: which is to recognize, after the derivation, the presence of a new individuality, the inevitable change of configuration, the novelty of a creative response.

... the focus on the particular aspect of Gandhi's philosophy discussed. It is perhaps not out of place to underline the thematic limitation. There is no intention even impliedly to assess the relative weight of Western influences as against the Indian heritage in Gandhi's thinking. I have attempted to deal with a fragment of this latter aspect elsewhere, in an article on "Gandhi's Egalitarianism and the Indian Tradition" published in: Sontheimer, G.-D. and Aithal, Parameswara K. (eds.), *Indology and Law. Studies in Honour of Professor J. Duncan M. Derrett*, Wiesbaden 1982, pp. 359 ff. I owe special thanks to Professor K.K. Aziz for going through the manuscript with exceptional care and making many valuable suggestions as to its form and contents.

2. INFLUENCE OR METAMORPHOSIS? THE INSTANCE OF TOLSTOY

In the case of Gandhi there is special provocation to such reflections. To illustrate this with a theme central to his philosophy and politics: the overt influence of Tolstoy on his belief in non-violence has been decisive, and this has been unequivocally confirmed by Gandhi more than once¹². But it has regularly been overlooked that from the very beginning Gandhi transformed Tolstoy's ideas in the context of his own situation which was one of acute political conflict. What in Tolstoy's sermons is an individual, self-abnegating resolve to abstain from doing harm, a refusal to co-operate in the organized violence of the state, an attitude of negation and withdrawal, is moulded by Gandhi into a method of political action, and a weapon in the strategy of social conflict. Tolstoy's precepts could be interpreted, as they were by Max Weber, as the very antithesis of political action¹³; but for Gandhi the same precepts become a source of inspiration precisely for a kind of political action which he likes to call a "struggle" and to compare with a military contest¹⁴. Tolstoy reserves the terms "struggle" or "fight" for man's destiny to wrestle with nature for his subsistence¹⁵; for him, non-violence rules out any struggle with his fellow-beings. The contrast comes out very well in the fact that one of Tolstoy's principal themes, viz. refusal to do military service, does not figure prominently if at all, in Gandhi's propaganda¹⁶. On the contrary, Gandhi went as far as to conduct a recruiting campaign on behalf of the British Indian army during the first world war, i.e. long after his discovery of non-violent action. It has a deep significance also that Tolstoy died the death of an individual renouncer, by illness on his flight from home, whereas Gandhi was killed through a political murder amidst unremitting activity in a crisis of national politics.

The new elements which Gandhi introduced and by which he effected a fundamental change in Tolstoy's message, may be briefly noted:

- first, a shift of emphasis towards active social confrontation in presenting a "truth" for acceptance,
- secondly, the forum of public debate and an audience for symbolic action,
- thirdly, the concept of political as distinguished from individual action, i.e. action where the individual stands for something or somebody more than himself, acting as a representative of community concerns.

Pausing to reflect on the ensemble of these additional characteristics: of politics in a setting of public discussion on truth or justice issues, we find ourselves within a typical and traditional liberal context.

Superficial equation of Gandhi with Tolstoy, and failure to recognize the distinctive political element in Gandhi's application of non-violence, have at least once in history led to momentous and tragic consequences. In recently published documents on the famous Amritsar massacre of 13 April 1919 it has come to light that British officials responsible for the repressive strategy adopted in

the Punjab were moved by the apprehension that a revolutionary movement of the Russian type was threatening India. The emergence of Gandhi in this context was seen as the "Tolstoy phase" signalling an impending Bolshevik revolution. The first destabilizing manifestations of such a Tolstoyan movement had therefore "firmly" to be put down in order to forestall the coming of an Indian Lenin. The following occurs in the evidence of Sir Michael O'Dwyer, the Governor of the Punjab, given before the official Enquiry Committee (Hunter Committee):¹⁷

"If I may say so, Mr. Gandhi's doctrine, to my mind, is almost exactly on a parallel with Tolstoy's doctrine. Tolstoy's doctrine led in the long run to Bolshevism, and Mr. Gandhi's doctrine, if taken up in the same way will lead to the same results as in Russia. Tolstoy's doctrine was making headway when I was in Russia and I discussed it with many Russian intelligentsia (sic) who were rushing at it at the time as a means to curb the powers of the aristocracy. I said to them: you do not know what forces you are unchaining. Tolstoy's doctrine ended in the intelligentsia disappearing and the masses remaining masters of the situation. If Gandhi's doctrine is taken on here, the intelligentsia will disappear and government will disappear with it."

The mistake was to take Gandhi for the precursor of a revolutionary to come, and to aim one's measures, consequently, at the dreaded future Lenin while in reality one was already in the presence of an "Indian Lenin" - a true revolutionary with his own methods of fighting. Against this adversary the brutality of the measures adopted was miscalculated. In the result, if it is permissible to say so, it played into Gandhi's hands.

3. THE SIGNIFICANCE OF LIBERAL AMBIANCE AND PRESUPPOSITIONS

What may be seen from all this is the complex and unpredictable way in which influences work. It appears that the admixture of typical liberal ideas helped to transform the religious message of Tolstoy into a potentially explosive principle of social confrontation. Evidently, it would be a hopeless attempt to pinpoint these liberal conceptions to particular reading experiences like Gandhi's encounter with Tolstoy's writings in Pretoria 1893-94, or the revelation of Ruskin's "Unto This Last" on a train journey to Durban in 1904. They rather belong to the background structure of Gandhi's social environment, the historical world which he came to know through his very existence as a citizen of the British Empire. These key notions would have to be imbibed by him almost as a matter of course - almost, because their natural presence notwithstanding their distinctness as part of occidental culture must still have been felt by the son of a different tradition, and their formative power must have

been experienced consciously. Therefore, if we have to look in that direction we must not rest content with indicating objective conditions as circumstantial evidence, but must try to identify his conscious selections or rejections, the adoption of certain ideas rather than others, and their transformation into the grammar of his mind.

We have started from instances of rejection, and from the corresponding impulses from the West: following the Western literature of cultural criticism, Gandhi's manifesto of rejection has been formulated in "Hind Swaraj". It should be noted, however, that this Western criticism though partly directed against Western liberal tenets, is itself a product of this very liberal tradition. It presupposes and makes use of an arena of free discussion, relatively untrammelled by dogmatic prejudice, of a public interest in such discussion for the sake of finding and testing an inter-subjective truth, and ready to some extent to tolerate deviant, eccentric opinions. It is a significant illustration of these conditions and would not have escaped Gandhi's attention that the philosophical writings of Tolstoy could not at that time be published in Russia itself. The English edition of "The Kingdom of God" (London 1893) in fact preceded the first Russian edition brought out not in Russia but in Berlin in 1894. The aggressive tone of "Hind Swaraj" itself bears testimony to this fresh climate (and legal possibility¹⁸) of free debate.

In terms of his life, education and profession Gandhi enjoyed the freedom, as a citizen of the British Empire, to travel to London, to complete his legal studies there, and to set up legal practice in Bombay as well as in South Africa on the basis of these studies. The value of this right of free movement was made explicit by its infringements: from the side of Hindu tradition in Gandhi's excommunication by his caste for the sin of incurring ritual pollution by undertaking a sea voyage; on the Imperial theatre in the shape of legal restrictions on Indian immigration imposed by the South African colonies: restrictions which were the object of a great part of Gandhi's political struggle in South Africa. The spiritual result of this wide ranging life style is a sort of mental extra-territoriality: the opportunity and a particular attitude of viewing both Indian and European culture from without, of taking no traditional value for granted without subjecting it to comparative reasoning. "Hind Swaraj" characteristically was written on a sea passage between England and South Africa.

This attitude merges with the general liberal approach of independent reasoning. Gandhi later freely owned that from the West he learned, among other things like 'punctuality, reticence, public hygiene' the virtues of "independent thinking and exercise of judgment."¹⁹ One of the first things he applied it to was religion. It is instructive to contrast his own account of childhood experiences of diversity of religion with his later determined comparative studies which began in London and continued in South Africa²⁰. There is a difference between his early, "typically Indian", more or less passive toleration of varying religious manifestations and the later active effort to arrive at a sort of inter-culturally valid truth tested by its own persuasive power. Here

the measure stick is reason's and the position often re-iterated later is an arch-liberal one: "I exercise my judgment about every scripture, including the Gita. I cannot let a scriptural text supersede my reason."²¹

The first test of reason and truth is public discussion. Under the political conditions prevailing in the British Empire it was possible for Gandhi to freely participate in public discussion wherever he lived. He did this throughout his life as a journalist by founding, editing and writing for a number of weeklies. Journalism was perhaps his most persistent occupation, and this practical aspect of his life in a way transcends the standard question whether he was a saint or a politician. The liberties of peaceful public assembly, of free association and of free press publication he once termed as the breath, the food and the drink of public life²². The categorical assertion of these classic liberal rights is, obviously, related to their proximity to the testing of truth.

Gandhi's original contribution, however, is his emphasis on the testing of moral or social truth by "experiment", i.e. by action. The underlying notions that truth is always problematical, that it comes to us only "as truth so-called"²³, that it is always dependent on inter-subjective verification, liable to disproof and confession of error, have decisive implications for his political techniques (about this in some more detail later). One has only to add that this basically is the classic liberal attitude, albeit extended in a particularly radical way. If "Experiments with Truth" is the title he gives to his life effort, political as well as religious and personal, what is unfamiliar is the extension in the concept of truth. The experimental attitude and "fallibilism" is good liberal tradition. The idea that society should give free scope to "experiments in living", is in terms expressed in John Stuart Mill's essay "On Liberty"²⁹.

4. THE REALIZATION OF NORMATIVE DUALISM

Implied in this experimental approach to social truth, however, is a normative structure which is as fundamental to the liberal Western culture as it is often overlooked. With Gandhi, we encounter its explicit dawning at an unexpected place. In his account of the development of his religious convictions under the influence of the Bhagavadgita he tells us about his problems with the ideal of non-possession (*aparigraha*), the renunciation of all worldly goods. This is during his stay in Johannesburg in 1903, three years before his taking a definite vow of *aparigraha* and the discovery of *satyagraha*. Apparently he has difficulties in including spiritual possessions like books or his family attachment, or even his own body, in the notion of "possessions" to be given up; apparently he feels logically driven to include all these, and apparently he is not really satisfied by the classical solution of mere inner detachment.

He does not spell this out, but presumably a mere mental state of equability without tangible, practical consequences does not convince him as a satisfactory answer to his query.

"My study of English law came to my help. Snell's discussion of the maxims of equity came to my memory. I understood more clearly in the light of the Gita teaching the implication of the word 'trustee' My regard for jurisprudence increased, I discovered in it religion. I understood the Gita teaching of non-possession to mean that those who desired salvation should act like the trustee who, though having control over great possessions, regards not one iota of them as his own. It became clear to me as day-light that non-possession and equability presupposed a change of heart, a change of attitude." ²⁵

This is the genesis of Gandhi's famous, and often unjustly maligned, trusteeship doctrine of property. It ought to be noted right away that its original object is not (as has been the standard reproach levelled against it) to provide a mental cover-up for leaving property relations as they are, for doing nothing. On the contrary the intention is to transform the classical religious precept of mental detachment into action resulting in some verifiable social change. Characteristically, he goes on to report two follow-up actions: he cancels an insurance policy he had taken for the family, and he gives notice to his brother (who is in charge of the extended family property) that henceforth he will not any longer send his savings home but will utilize everything "for the benefit of the community." The common rationale seems to be that he wants to be free to use everything in his legal possession for public service, but according to individual judgment rather than to customary social attachment. The first effect of this "change of attitude" is a complete and bitter break with his brother. About the reactions of his closer family, his wife, we learn, as usual, nothing.

What is his religious discovery in jurisprudence, and what is the role of Equity? Snell's "Principles of Equity" which he refers to, is still a standard text book today. If we consult its second chapter entitled "Maxims of Equity" it is an easy guess that Gandhi is alluding to the second maxim: "Equity follows the Law". This is explained as follows:

"Equity does not interfere with a man's legal rights unless it would be unconscientious on his part to take advantage of them. Equity acts on the conscience."

Further:

"When it would have been unconscionable for the legal owner of property to keep the property for himself, the Court of Chancery acted on his conscience and compelled him to hold the property for the benefit of another person." ²⁶

The point of interest for us here is the bifurcation of the normative universe. To be sure British Equity had by Gandhi's time long since developed into a

veritable body of law itself with its own legal technicality, and was destined one day to merge into the general corpus of law²⁷. But the reference to conscience with its religious connotation points to its historical origin in a heterogeneous, and transcendental normative order: Christian conscience as opposed to the secular and rigid Common Law as practised in the Royal Court. It is the original transcendental connotation and its potential for generalized application which must have flashed on Gandhi's mind. One ought not to assume that he was naively unaware of the historical development which had rigidified Equity into a body of legal rules²⁸. He is not interested in that aspect but in the persistent potential of a composite structure. The role of the textbook passage evidently is that of a mere catalyst. Acquaintance with the historical morphology of English law, and its remnants as a technical division into Common Law and Equity, serves to open his eyes to the possibility of a simultaneousness of different but complementary normative orders. This leads the way to understand the complexity of modern normative culture. Such complexity, to be sure, is not an exclusive modern phenomenon. It is, on the contrary, bound to appear wherever specific legal rules are differentiated from a background of custom and morals, and where some sort of interplay between different normative spheres takes place accordingly²⁹. In the modern occident, however, the specialization of law as legality and its abstraction from the general normative background has been carried to extreme lengths so as to almost obscure their necessary correlation. At the same time, the differentiation has been conceptualized as a constituent element in liberal social philosophy. The general, and most commonly accepted, formula is Kant's distinction between legality and morality. In abstracto this dichotomy has by now almost become a commonplace. But one is surprised to see it again and again being lost sight of in the heat of polemical argument against the "egoistic individualism" of the modern West. Prominent examples are furnished by Marx' attacks on the doctrine of human rights³⁰ and, in a similar vein, by Mazzini's rhetorics on the preponderance of Duty over Rights³¹. These attacks must fail, because Law, and Rights, are only a partial expression of the normative whole. There is a second normative order, morality, which is more fundamental and encompassing because it is rooted in conscience. The composite normative system cannot adequately be understood by reference only to Law, but only by a full perception of the distinctiveness as well as the interrelation of Law and the moral order. Insofar as law itself gives recognition to this relation Gandhi is able to "discover in it religion".³²

Perhaps the salient point in Gandhi's reminiscence of the "Maxims of Equity" is the recognition that the conscientious order does not destroy or supersede the legal one, but presupposes and supplements it. "Equity follows the Law." This indicates a necessary coexistence of the two systems - necessary also in the interests of conscience: for conscience cannot operate on its own unless it is legally left free to operate. The abstract legal right - abstract in the sense that its exercise does not have to be justified on legal grounds - may therefore be recognized even from the moral point of view. It is to be understood

not as an enthronement of egoism but as allocation of moral responsibility.

It is this old liberal structure of thought which is absorbed by Gandhi and put to very effective use in his own context. Many of his seeming inconsistencies can be explained thereby. See, for instance, his campaign against the British Arms Act, on the ground that it deprived Indians of the right to bear arms: "Among the many misdeeds of the British rule in India history will look upon the Act depriving a whole nation of arms as the blackest."³³ If the apostle of non-violence speaks thus, and if he later includes "licensing of fire-arms for self-defence" into his Eleven Points expressing in 1930 the "substance" of his demand for Indian independence³⁴, he is not being cynical or hypocritical. Non-violence is a deliberate moral act of renunciation, and the right to have must be claimed in order to exercise the right to renounce. "He alone can practice ahimsa (non-violence), who knows how to kill, i. e. knows what himsa is." ³⁵

This is but an extreme example for a structure of reasoning noticeable throughout. Another apparently ironic case is the celebrated salt satyagraha launched to vindicate the natural human right to untaxed salt as part of the "necessaries of life" - a movement led by a man who had been himself experimenting with saltless diet since 1913³⁶. The vital distinction between a voluntary restraint, a self-recognized duty, and deprivation from outside (including deprivation by operation of law) is always maintained. Thus inspite of his emphatic pleadings for cow protection as a religious duty he disapproves of state laws prohibiting cow slaughter³⁷. This is noteworthy because such laws have so often been demanded in Gandhi's name after his death. His critical attitude towards possession, likewise, is always to be understood as moral advice to voluntary acts of renunciation, "a willing surrender".³⁸ The question of legal interference from the community does not arise except insofar as equitable distribution is involved. If we find Gandhi saying "...I must not possess anything on this earth as my property, not even this body, because this body also is a possession"³⁹, we should also note his criticism of Marxist socialism: "Under the other (scil. : other than Gandhi's own) Socialism, there is no individual freedom. You own nothing, not even your own body"⁴⁰, and his outburst against Tagore's perorations on India's mission to the world: "At the present moment India has nothing to share with the world save her degradation, pauperism and plagues... Before, therefore, I can think of sharing with the world, I must possess..."⁴¹

Schematically put: legal right establishes man's independence and solitary stance; morality connects him with society. If Gandhi at times expresses the moral complement of abstract right in the traditional Hindu language of renunciation, it has at the same time been his personal effort and achievement to transform the ideal of renunciation from a mere withdrawal into selfless application to service of the community⁴² i. e. the public. The orientation towards public responsibility adds the somewhat strange note to his renunciation of personal possessions in disregard, as we saw, of family claims. But to inculcate the idea of public morality was a necessity strongly felt by him in the interest

of Indian social reform. Like the whole sphere of public affairs the ideal of "public spirit" appeared to him to be of Western inspiration⁴³. The case for liberty as a legal right is then condensed thus:

"Individual freedom alone can make a man voluntarily surrender himself completely to the service of society. If it is wrested from him, he becomes an automaton and society is ruined. No society can possibly be built on a denial of individual freedom. It is contrary to the very nature of man."⁴⁴

The necessary legal concomitant is the "precious ... freedom to err"⁴⁵. The legal right to freedom is justified as securing the individual's possibility of authentic moral choice.

5. THE RADICAL LIBERALISM OF SATYAGRAHA

The ground-plan of liberalism in all this is clearly marked, if perhaps liberalism of the older puritanical or enlightenment type rather than the economic liberalism of the 19th century. What falls to be considered now, however, is the radicalization which is Gandhi's original contribution. The distinction between legality and morality does not necessarily carry with it a parallelism or happy complementarity between the two, but implies a possible conflict, a setting up the imperative of one normative order against the other. By fate and the intrinsic logic of historical circumstances situations of normative conflict became the central theme of Gandhi's activity.

The possibility of such conflicts had not been unknown to traditional liberalism. In a way liberalism itself may be described as an attempt to reduce the clashes to a marginal role by the double device of limiting the range of Law (legality) to its strictly necessary functions, and by providing for a long term method of resolving the remaining conflicts. The classical solution then had been that in case of an inescapable conflict between law and moral claims it was law that would prevail in the short run, leaving open, however, the prospect for moral argument by public discussion to convince a majority that the law must be changed. But what was to happen, if either the processes of persuasion through public discussion were blocked or if the conflict, rather than marginal, was of such a substantial and pressing nature that conscience could not be told to wait? Again, there had already been examples of an escape "solution" which could be accommodated within the liberal framework at least as a marginal phenomenon, because it allowed for the conflict to remain open short of violence and civil war. The customary designations were passive resistance or civil disobedience, the most notable case being conscientious objection to military service. The name of Henry Thoreau in Gandhi's list of "Authorities" stands for a veritable tradition in the West. And the fact that Gandhi started by using the terms passive resistance and civil disobedience before introducing his own Indian

term satyagraha⁴⁶ would tend to show that he acted under the influence of this Western tradition⁴⁷.

Satyagraha, nevertheless, is a novel discovery, as Gandhi rightly claims, and transcends the older patterns. At least it marks a new stage in the evolution of non-violent conflict strategy. First of all, it is no longer perceived of as a fringe phenomenon, a counsel of despair, or a mere stubborn confession of unwillingness to yield. For Gandhi, it is an everpresent, almost regular alternative to customary political methods, a "sanction" behind mere inconclusive talk. "Behind everything I wrote there was potential Satyagraha, and the Government knew as much"⁴⁸. It is considered a central, and in an anthropological sense fundamental mode of social action⁴⁹, even if in the nature of last resort like every sanction. At the same time it is more closely integrated with liberal democratic theory by two characteristics:

- (a) The already mentioned element of a truth or justice proposition presented for acceptance by the opponent. This is expressed in "satya": the appeal to the common obligation towards truth which transcends motivations of self-interest and thus introduces the political dimension. Here lies a main distinction from mere individual refusal to co-operate as well as from the prevalent forms of strike (including hunger strike) in one's own interest.
- (b) the modernist, sceptical attitude that "truth" is never certain⁵¹, never dogmatically fixed, and that the satyagrahi does not seek to impose it, but to expose himself as well as the opponent to a test of their respective convictions, to an "experiment with truth". The appeal is not to conventional morality but to individual reasoning. In particular, Gandhi does not, in the name of morality, advance native tradition as such against foreign colonial legality. It is important to bear in mind in this context that he subjects his own religious tradition, Hindu dharma, to individual judgment - a faculty the use of which he owns to have learned in the West. Consequently he completely individualizes the traditional notion of svadharma: "Do what your conscience tells you and your strength permits you to do. What others may advise is not one's dharma. Dharma is what a man himself believes to be such."⁵²

Both qualifications taken together amount to an attempt to fuse the elements of direct action and of public discussion. The element of discussion and appeal to public opinion relates to political liberalism. But the element of compulsion clearly is also present in the potential of provocative, and illegal, action. Gandhi's life effort in working out the modalities of satyagraha centered round the endeavour to restrict the compulsive element to the function of compelling the opponent to respond. The aim is to re-open channels of consequential public discourse where they have been clogged, to restore the ideal flexibility of liberal conditions.

But the earnestness of direct action is indisputably there, and it is emphasized by the appeal to individual conscience. If the dictates of morality are perceived

as public duty ordained not only by individual reasoning but by the religious urgency of conscience, the explosive potential is evident. The investiture of moral reason with the transcendental dignity of conscience gives an incommensurate claim to individual morality which may threaten and even destroy the other part of the normative order: common, secular law. It is clear that the essentially conservative emphasis on duties in Mazzini's formula (quoted in the beginning) is turned upside down with this changed understanding of "duty": duty now is the individual duty ordained by conscientious judgment; and practised non-violently, *intra legem*, *extra legem*, *contra legem*, it will generate corresponding rights. "This duty has the force of prerogative."⁵³ The advocates of "fundamental duties" as a balance to fundamental rights in constitutional documents have no claim to draw on Gandhi's authority. He is not balancing rights by state imposed duties - like the Chapter on Fundamental Duties inserted into the Indian Constitution by the 42nd Amendment⁵⁴ - he is authorizing conscientious usurpation and potential revolution.

The emphasis on individual conscience may also be traced to Western tradition and language, particularly the traditions of radical protestantism. There is some doubt whether the phenomenon of conscience in this role is known to Hindu tradition. Gandhi quotes Tilak with the observation that Indian languages had no word for it⁵⁵. He himself tries to restrict it to the person who has severely trained himself to eliminate the ego and listen to the "inner voice." "We do not believe that every one has a conscience; in the West they do."⁵⁶ This influx of the "Eastern" mind, as it were, imparts a certain ambivalence to the original liberal meaning of *satyagraha* - it may thus, a *negativo*, serve to illuminate its liberal Western ingredients. Tying the authentic voice of conscience to the discipline of religious asceticism may serve as a wholesome warning against reckless use of religious pretensions. But it may also introduce a questionable elitist claim, particularly in the context of mass *satyagraha*. There is a clear tension to the exigencies of communicable truth involved. Full exposure to the dictates of truth in conscience may then tend to be left, or reserved, to the great soul (Mahatma). For the rest, or "followers", a status of lesser conscientious conviction is considered sufficient. To some extent the individual judgment of conscience may then be replaced by confidence in the intuition of the great religious and political leader - to the detriment of rational account and intersubjective verification. The presence of this dangerous tendency in Gandhi's mass campaigns was from the very beginning noted by critical observers, foreigners as well as Indians⁵⁷. It was accentuated by the way he sometimes sprang surprise decisions on his followers. It is a dangerous tendency also because it obscures the function of *satyagraha* not only to serve the enlightened minority, but to help articulate the conscientious convictions of a majority suppressed or outmanoeuvred. Realization of such shortcomings may have been at the root of Gandhi's later disillusionment with mass *satyagraha*, and thus in a way bear testimony to his original liberal instincts.

We shall stop here. The implications and intricacies of satyagraha have often been discussed, and the purpose of this sketch is not to fully enter upon the subject. Whether the liberal parentage of satyagraha allows it to be accommodated within a framework of constitutional democracy, whether legal constitutionalism in its turn proves capable of an adequate response, is a question which has assumed dimensions of burning actuality today. It may well become a crucial "experiment with truth" for constitutional democratic legitimacy.

Notes:

- 1) Hind Swaraj or Indian Home Rule, first published in Gujarati and Gandhi's own English translation in 1910, now in: Collected Works of Mahatma Gandhi, vol. X, pp. 6 ff. (henceforth cited as: CW, volume in Roman, page in Arabic numerals).
- 2) Among the 20 titles of the list Tolstoy has no less than six, int. al.: "The Kingdom of God is Within You"; "The Slavery of Our Times"; "Letter to a Hindoo".
- 3) Critics of industrial civilization and reformers like Edward Carpenter or Max Nordau; for Carpenter and his pamphlet "Civilization, Its Cause and Cure" see Pyarelal, Mahatma Gandhi. The Early Phase. Ahmedabad 1965, p. 243-4; for some of the other works listed cf. Rothermund, I., The Philosophy of Restraint, Bombay 1963, p. 13.
- 4) "Unto This Last", § 54; "Munera Pulveris", §§ 109 and 130, in: The Works of John Ruskin, ed. E. P. Cook and A. Wedderburn, Vol. 17, London 1905. Cf. generally: Jaudel, Ph., La pensée sociale de John Ruskin, Lille 1972; for Ruskin's polemics against current notions of "liberty" in general and against J. St. Mill in particular *ibid.* p. 168 ff.
- 5) Giuseppe Mazzini, Doveri dell'Uomo, Napoli 1860.
- 6) *ibid.* p. VIII (emph. in the original, my translation); a similar phrase p. 12.
- 7) Hind Swaraj (*supra* n. 1), ch. 16: "But real rights are a result of performance of duty". As late as 1946, in Gandhi's letter to UNESCO Secretary-General A. Huxley on the principles for a Universal Declaration of Rights: "... all rights to be deserved and preserved (come) from duty well done", in: Human Rights. Comments and Interpretations. A Symposium edited by UNESCO, New York 1949, p. 18.
- 8) Cf.: "The Kingdom of God Is Within You", ch. X (English edition in: The World's Classics, University Press, Oxford 1936, repr. 1974, p. 281 ff.). For Gandhi's reference to Tolstoy in this context see his prayer address 10 June 1947 in: "Harijan" 22 June 1947, p. 203.

- 9) See, e.g., his diary entry 22 January 1904: "... In particular, one must not do what the Liberals are now doing: recognize the Government as necessary and fight it with its own weapons. This is childish ..." (I translate from a German select edition by Dieckmann, E., Leo N. Tolstoi, Tagebücher 1847-1910, München 1979, p. 667.
- 10) See generally Birukoff, D., Tolstoi und der Orient, Zürich und Leipzig 1925, especially Tolstoy's recollection of an incident from his Kasan student days, concerning a Buryat lama's attitude of non-resistance against a robber's attack (ibid. p. 10).
- 11) Reported reaction from London to the "Gandhi" movie in: Frankfurter Allgemeine Zeitung, 7 May 1983.
- 12) See, for instance, his speech on Tolstoy's birthday centenary 10 September 1928 (CW XXXVII, 260 ff.), where he remembers that reading Tolstoy's "The Kingdom of God" in 1983 changed him from initial inclinations towards violence into a believer in non-violence.
- 13) "Zwischen zwei Gesetzen" (1916), in: Politische Schriften, München, 1920, p. 60; "Politik als Beruf" (1919), ibid. p. 396.
- 14) For example, Golden Number of "Indian Opinion", 1914 (CW XII, 508 ff.) concerning the situation before the re-opening of satyagraha: "The people, having tasted once the joy of struggle, will fight now with even greater zeal".
- 15) "What to Do", read by Gandhi in 1894, §§ 38, 39; quoted here from the German edition by Löwenfeld, R., L. Tolstoi, Sämtliche Werke, I. Serie, Sozial-ethische Schriften, Leipzig 1901 ff., Bd. 4, p. 215.
- 16) The one major campaign which could be seen in this context, namely "individual civil disobedience" against India's participation in World War II from 1940 onwards, was carefully styled as satyagraha for the freedom of speech to carry on anti-war propaganda (mixing the issues of non-violence in general and of India's role in this paritucular war).
- 17) V.N. Datta (ed.), New Light on the Punjab Disturbances in 1919. Volumes VI and VII of Disorders Inquiry Committee Evidence, Simla 1975, Vol. I, p. 129. O'Dwyer's statement was made in camera (on 15 January 1920), and the whole volume was kept secret until after India's independence. See also: Mitrokhin, L.V./Raikov, A.V., New Revelations about the Amritsar Massacre, Soviet Review (New Delhi), 11 (1974), 44.
- 18) Consider under aspects of "crimen laesae maiestatis" for example the reference to the British Parliament as "a prostitute because it is under the control of ministers who change from time to time", in "Hind Swaraj" (loc. cit. n. 1) ch. 5; cf. §§ 90 a, 90 b of the present German Penal Code.
- 19) "Young India", 6 March 1930, CW XLIII, 15.
- 20) "An Autobiography or the Story of my Experiments with Truth" (henceforth: Autobiography), Part I, ch. 20; II, 15 and II, 22.

- 21) "Harijan", 5 December 1936, p.345.
- 22) "Young India", 9 February 1922, CW XXII, 368.
- 23) "Truth comes to us not as truth but only as truth so-called", Speech in Madras, 16 February 1916, CW XIII, 236.
- 24) Chapter III, at the beginning.
- 25) Autobiography, Part.IV, ch.5 (emph.add.).
- 26) 24th ed.London 1954, pp.19 and 22.
- 27) This development had taken place quite early. For Thomas Hobbes to say in 1651 that "the Law is the Publique Conscience" ("Leviathan", Part II, ch.20, here quoted from Every Man's Library edition, London 1914, p.172) in all probability still had a paradoxical ring. But in 1676 already we have the judicial dictum by the Lord Chancellor Nottingham: "With such a conscience as is only naturalis et interna, this court has nothing to do; the conscience by which I am to proceed is merely civilis et political . . ." (Cook v.Fountain, 1676, 3 Swans.585, at 600). In 1878, a decade before Gandhi's first arrival in London, another great Equity judge had stated: "This Court is not, as I have often said, a Court of Conscience, but a Court of Law (Jessel, M.R. in: Re National Funds Assurance Co., 1878, 10 Ch.D.118, at 128).
- 28) The judicial quotations in the preceding note are taken from the first chapter of Snell's textbook and must have been read by Gandhi as a student.
- 29) Cf. Bohannan, P., The Differing Realms of Law, in: Bohannan, P.(ed.), Law and Warfare, 1967, pp.43 ff., at 49.
- 30) Marx, K., Zur Judenfrage, in: Marx-Engels-Werke, Berlin 1956 ff., Vol.1, pp.347 ff.
- 31) Doveri dell'Uomo, loc.cit. supra n.5, passim.
- 32) By implication Gandhi's text draws attention to the fact that there is an altogether comparable complexity in the traditional Hindu order. The position of dharma, or the precepts of righteousness, vis-a-vis practical enforced law to some extent is analogous to the occidental opposition of morality (including natural or ideal law) to positive law. For a long time this relation has been obscured by the tendency of modern observers to put dharma on a par with occidental conceptions of "law". Cf. generally Lingat, R., The Classical Law of India, transl. from the French with additions by J.Duncan M.Derrett, Berkeley 1973, pp.3 ff., 135 ff.; Derrett, J., Duncan M., History of Indian Law (Dharmaśāstra) in: Spuler, B.(ed.), Handbuch der Orientalistik, 2.Abteilung, 3.Bd.: Geschichte; Leiden-Köln, 1973, pp.22 ff.
Keeping in mind that the original language of Gandhi's Autobiography is Gujarati, and that in Gujarati as in other modern Indian languages the word

- "religion" is rendered as "dharma", we may perhaps also read his text as meaning that he discovered in law "dharma" (in every sense of the word). This would tend to show that the ground for his discovery had been well prepared in Hindu tradition, and would possibly take us to still deeper layers of his mental make-up. But a further exploration of this side really is beyond the scope of the present inquiry; for a general discussion of similar pre-dispositions the reader may be referred to Basham, A.L., *Traditional Influences on the Thought of Mahatma Gandhi*, in: Kumar, R. (ed.), *Essays on Gandhian Politics*. The Rowlatt Satyagraha of 1919, Oxford 1971, pp. 17 ff.
- 33) *Autobiography Part V*, ch. 27, from a leaflet issued during Gandhi's recruiting campaign in 1918.
- 34) *Ibid.* Part IV, ch. 29.
- 35) Speech in the course of his recruiting campaign 1918, CW XIV, 454.
- 36) *Autobiography Part IV*, ch. 29 (CW XXXIX p. 261); see also his letter to Kulkarni 24 January 1918 (CW XIV, 170) and his article "Salt and Cancer", "Young India" 27 February 1930 (CW XLII, 498).
- 37) Letter to Cow Protection Committee, Mysore, 11 January 1927, CW XXXII, 545.
- 38) On "Voluntary Poverty", London 23 September 1931, CW XLVIII, 53-4.
- 39) *ibid.*
- 40) Interview with Louis Fischer, "Harijan" 4 August 1946, p. 245.
- 41) "The Great Sentinel", *Young India* 13 October 1921, CW XXI, 290.
- 42) "Whoever lives in the world and lives in it only for serving it is a sannyasi." (*History of the Satyagraha Ashram*, CW L, 188 ff.).
The re-orientation of renunciation from mere detachment in action (as originally enjoined by the *Bhagavadgita*) towards altruistic service had, in fact, been begun by earlier Hindu reformers like Vivekananda and Tilak. Gandhi's role, as everywhere, was to fully develop these intellectual thrusts into a consistent social practice.
- 43) "Indian Opinion", 1 June 1907, CW VII, 6.
- 44) "Harijan", 1 February 1942, p. 27.
- 45) CW XXXI, 506.
- 46) "Satyagraha" (a composition of "satya" - truth, and "agraha" - firmly holding on to), in Gandhi's English rendering "holding on to truth" is a word of art coined by Gandhi himself; see his account in "Satyagraha in South Africa" ch. 12 (CW XXIX, 92 ff.) and the contemporaneous report in "Indian Opinion" 11 January 1908 (CW VIII, 22).

- 47) It is no contradiction to this impact that Gandhi invented his own word already at an early stage of his movement, partly because "it appeared shameful to permit this great struggle to be known only by an English name", partly because it would meet with more response from the Indian community (*ibid.*); he also takes care to explain that the old terms did not adequately express the new principle and that a new term was needed to avoid confusion (ch. 13 *ibid.*, CW XXIX, 93 ff.). This again, if read in the sense "influence" has been discussed here would not rule out the initial impress of Western patterns. If Indian influence indisputably also plays its part (on this point see Basham, *loc.cit.* n.32), in assessing its influence no less attention should be paid to the changes in context and meaning. This analysis, again, is outside the purview of the present enquiry. Gandhi in his own account names but two Western examples, the Non-conformists' passive resistance against the Education Act, and the suffragette movement; in his article from London, "Deeds Better than Words", *Indian Opinion* 24 November 1906 (CW VI, 29 f.), he sees the suffragette movement as a parallel to Indian resistance in the Transvaal and - already at that juncture - to future Indian resistance against colonial rule.
- 48) *Autobiography* Part.V, ch. 34.
- 49) Cf. the praise of "soul-force", Gandhi's early synonym for passive resistance, in ch.VII (still inscribed "Passive Resistance") of "Hind Swaraj".
- 50) Though the subject here is not "Indian Influence on Western Liberal Philosophy" it may be noted in passing that this very distinction has been introduced into the modern US-American discussion on civil disobedience; see Rawls, J., *A Theory of Justice*, Oxford-London-New York 1972, ch.VI §§ 55 ff., here quoted from paperback edition 1973, pp.363 ff., canvassing the difference between civil disobedience as a political act and conscientious refusal. Rawls seems to be unaware of the origin of this distinction.
- 51) It may be mentioned here that there is, in Indian traditions, an equivalent to this attitude in the Jain doctrines of *syadvada* and *anekantavada* (relativity and plurality of truth); cf. Pyarelal, *op.cit.* n.3, pp.276 ff. Gandhi himself refers to *anekantavada* more than once, e.g. "Young India" 21 January 1926, CW XXIX, 411.
- 52) Letter to Bhujangilal Chhaya, 10 August 1935, CW LXI, 324.
- 53) Bondurant, Joan, *Conquest of Violence*, rev.ed., Berkeley 1971, p.171.
- 54) Part IV A, Art.51 A, inserted by the Constitution (Forty-second Amendment) Act, 1976, s.11.
- 55) *loc.cit.supra* n.12, CW XXXVII, 267.
- 56) *Ibid.*

- 57) It is clearly recognized, but rated as positive achievement, in Pyarelal's explanation of Gandhi's recasting Tolstoy's doctrine into an "effective instrument of mass action" (op.cit. n.3, p.707): "The core of ... Gandhiji's discovery, which made possible the application of Tolstoyan principles of non-resistance on a mass scale, was that he did not need for a non-violent mass struggle believers in the theory of non-violence, full or imperfect. It was enough if the people carried out the rules of non-violent action. Conviction would come through experience under the guidance of the general who would necessarily have to be an adept in Satyagraha". - One might well recognize the relative truth in this assessment, and still feel uneasy with the ominous potential of such adaptations.

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UMWELTPOLITIK IN CHINA
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Seit Ende der 50er Jahre lassen sich in der Volksrepublik China Ansätze einer aktiven Umweltpolitik nachweisen. Das traditionelle chinesische Naturverständnis, welches stärker auf Einbettung in die Natur als auf Konflikt mit der Natur angelegt war, wurde damit politisch aktiviert. Nach der Kulturrevolution und der Zerschlagung der "Vierbande" Ende der 70er Jahre beherrscht das Schlagwort der "Vier Modernisierungen" die chinesische Politik, die Wirtschafts- und Technologiepolitik ebenso wie die Innen- und Außenhandelspolitik.

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Bernhard Glaeser (Hrsg.):
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Acht deutsche Experten verschiedener Disziplinen besuchten 1981 neben Beijing die Industriezentren Shanghai und Shenyang (Provinz Liaoning) sowie zwei mittelgroße Städte, Wuxi (Provinz Jiangsu) und Hefei (Provinz Anhui). Das Ziel dieser Reise war, die Umweltprobleme und deren Bewältigung in einem Entwicklungsland unter sozialistischem Vorzeichen zu betrachten und zu analysieren sowie Gebiete möglicher Zusammenarbeit zwischen der Bundesrepublik Deutschland und der Volksrepublik China aufzuzeigen. Die Delegation war während ihrer zweiwöchigen Rundreise Gast des Umweltbüros im Staatsrat.

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