

CHAPTER - II

GANDHI'S THEORY OF STATE

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Gandhi's notion of state forms an integral part of his political and social philosophy. It stands apart from the prevailing notions of state, especially, that of modern Western political philosophy. But nonetheless some conceptualisations of some of the Western political philosophers come near to Gandhi's approach to the state. Most often his philosophy of state is compared with that of Rousseau.<sup>1</sup> Comparison obviously involves similarities as well as dissimilarities. In spite of the similarities with Rousseau's system, there remains an outstanding originality that adds to the peculiarity of Gandhi. The result is the emergence of "Gandhi's own theory of State". Along with the then existing surroundings and situations, the cultural background and philosophy of life of Gandhi have contributed to the formulation of his ideas about the state.

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1. Iyer Raghavan, 'The Moral and Political Thought of Mahatma Gandhi', Oxford University Press, 1973.

### Metaphysical Foundations

Gandhi's theory of state could be delineated and comprehended only after grasping its metaphysical foundations. We shall analyse the four general premises which underlie his theory of state.

#### I) Politics and Religion

Generally politics is defined as a struggle for power but Gandhi's definition of politics is different. In his framework of thought and action we find ethics, religion, politics, morality etc., interwoven into one indivisible whole. Politics divorced from religion is a taboo for Gandhi.<sup>2</sup> All human activities and actions should be tested in the "light of ethical principles".<sup>3</sup> Then arises the question : what are these ethical principles by which a political action of a man should be evaluated?

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2. C.W, Vol.10, p.248.

3. Ibid.

Gandhi's politics can be summed up in the twin words, 'non-violent non-co-operation'.<sup>4</sup> Gandhi plunged into politics in search of 'Truth', which was an ethical principle for him. Further non-violence is the only device for the attainment of Truth. Truth is an end concept and non-violence a means concept. But this does not mean that Gandhi separated ends and means. On the contrary, he took pains to emphasise their inseparability. Based on these two ethical principles Gandhi elucidated and finally applied the satyagraha strategy and technique in the political field.

Politics and religion, in Gandhi's frame, are so interrelated that Gandhi even conceived of religious life in terms of politics. It became difficult for him to lead a religious life without entering into politics.<sup>5</sup> By religious life he meant a 'life of service' which is the duty of man.<sup>6</sup> Therefore his politics is not and cannot be separated from

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4. C.W, Vol.23, p.196.

5. YI, 19-6-1924.

6. The Bombay Chronicle, 30-8-1924.

religion but it should remain 'subservient' to religion.<sup>7</sup> 'Humanitarian service'<sup>8</sup> is the motive for political activities. Politics meant for him "any activity for the welfare of the people."<sup>9</sup> In other words, the ethical principle of service, which should guide all human activities, whether political or otherwise, presupposes the existence of the universal principle of 'LOVE'. This is because service arises out of love.

Thus, fundamentally, politics is not related to the external activities of man. For Gandhi external growth is subservient to internal growth. He wrote : "My politics concern themselves with internal growth but being of a universal nature they reach upon the external in the most effective manner."

This is not only how Gandhi theorised about politics but his actions represented this theorising in its concrete form. For example, his weapon of

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7. Ibid.

8. Ibid.

9. N, 21-6-1925.

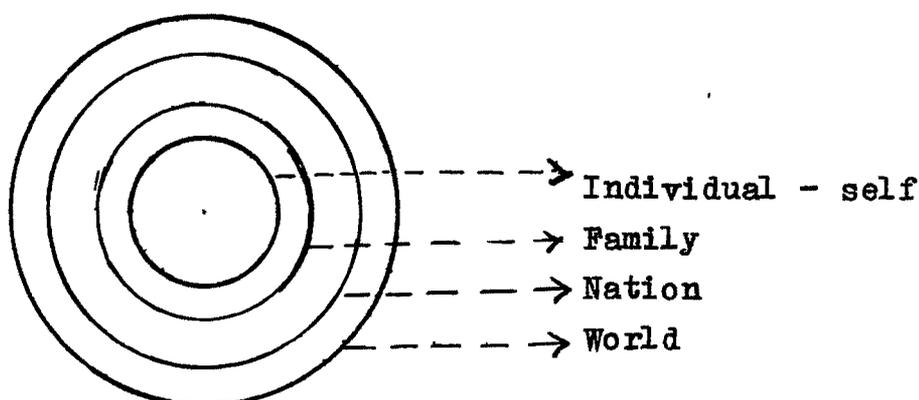
non-violent non-co-operation has the dual aim of purification of self and of the surroundings. So Gandhi's aim was purification of politics or spiritualising of politics. This intention and motive of Gandhi had a significant impact upon his theory of state.

## II) Notion of Dharma

Gandhi's religious premise is related to his concept of dharma, that is, the law of life, that should direct all human activities. 'Dharma' literally means obligation or duty. The notion of dharma in the Indian tradition is related to what one 'ought to do' and also 'ought not to do'. For Gandhi, dharma is not an absolute thing i.e., an unchanging concept but, on the contrary, it is a relative concept that is changeable in accordance with situations. The unchanging nature of dharma is denied from the perspective of the foundations on which it rests, and that foundation, for Gandhi, is

Truth and non-violence i.e., God.<sup>10</sup> The Dharma of each person is to be decided by himself alone.<sup>11</sup> Gandhi writes "Ultimately, everyone should be his own judge as to what his dharma is".<sup>12</sup> Further "what appears to oneself is one's dharma".<sup>13</sup>

Gandhi speaks of the dharma of a man towards himself, his own family, nation and the world.<sup>14</sup> His holistic approach to life had its impact also on his concept of oneness of the world. These four dharmas ought not to be divided into 'water-tight compartments.'<sup>15</sup> On the contrary each should supplement the other. In case of a conflict between them, the smaller should be sacrificed for the sake of the larger. The following diagram shows Gandhi's conception of the scale of



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10. N, 12-9-1926.
  11. C.W, Vol.59, p.200.
  12. Letter to Ramdas, 19-10-1934.
  13. C.W, Vol.57, p.397.
  14. C.W, Vol.50, p.370.
  15. Ibid.

sacrifice, each ring indicating a particular interest level - from the smallest to the largest.

The individual-self should be sacrificed for the sake of the family, the family for nation, the nation for the world. His humanitarian concept of oneness of the world is the source from which the individual's dharma at any given juncture emanates<sup>a</sup>.

### III) Notion of Anarchy \*16

Theoretically anarchy may be conceptualised in three different senses.

- i) Conventionally anarchy has meant merely the absence of state.
- ii) Anarchy may mean the absence of both the state and society.
- iii) Anarchy may also mean the absence of state, society but with self-rule.

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\*16 In a recent work in political philosophy entitled "Anarchy, State and Utopia" by Robert Nozick, Basic Books, New York, 1974, anarchy seems to be defined as identical with the concept of minimal state. See also George Woodcock, "Anarchism", Pelican Books, 1962. Woodcock identifies three core features in anarchism : (1) Faith in the essential decency of man, (2) desire for individual freedom, and (3) intolerance of dominance.

Gandhi seems to have had all the three versions of anarchy in his mind. The first version of statelessness assumed importance for him due to the force of historical circumstances. The British imperial rule exemplified the principle of force in a concrete form, and Gandhi opposed it on moral grounds. He called it as "bad rule."<sup>17</sup> He preferred no rule to bad rule. The state as an external, superficial creature, was rejected by Gandhi. In its place he preferred human action to be controlled and directed by the customs, traditions and regulations of a society along with individual self-rule. Even if the state existed it should be under the control of society. For Gandhi this was the process of moving towards a stateless society.

Gandhi further developed another notion of anarchy which he called 'purest anarchy', as an ideal to be kept in mind, though never attained fully. In such a state of affairs neither the state nor society operates as a regulator of human actions. There will

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17. YI, 4-5-1921.

be values like truth and non-violence to guide human action and relations. This is because these values have been internalized by individuals, who, therefore, exercise self-rule. Thus the purest anarchy becomes an ideal form. It can be attained only to the extent non-violence can be attained.<sup>18</sup>

He calls it "enlightened anarchy"<sup>19</sup> Gandhi also knew the limitations and imperfections of man in conceiving as well as practising the principle of non-violence. Therefore, another notion of anarchy as a democracy based on non-violence creeps into Gandhi's action-frame.

Gandhi also adds a somewhat weak, fourth notion of anarchy, wherein neither state, nor society nor self-rule exist. He called it "anarchy of the mob" which was an evil that he rejected totally.<sup>20</sup>

All these notions of anarchy which Gandhi developed, form part of the premises of Gandhi's theory of state.

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18. H, 21-7-1940.

19. This notion of Gandhi is dealt with in detail in the concluding section of this chapter.

20. This notion is like Hobbes' State of Nature.

#### IV) Man and His Surroundings

Self-rule which is the manifestation of non-violence is related to man as well as to the environment in which he lives.

Man is inherently good but the institutions make him bad. Institutions refer to all that is external to man. They also include the state. Gandhi accepts the influence of surroundings on the individual. A general remark of Gandhi on the nature of the British people, clarifies this point.<sup>21</sup> Gandhi argued that the British were not inherently cruel but it was the force of the surroundings that moulded their actions. It was an indication of their incapacity to overcome completely the strength of the circumstances. This was usually what happens to a man. Gandhi believed in the innate goodness of man and he held that if bad institutions existed, a man should not accept them. Only a weakling easily succumbed to the impact of external circumstances.<sup>22</sup> The votary of truth,

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21. N, 23-3-1930.

22. C.W, Vol.50, p.52.

which was what a man should be fought against these external things and thus manifested his internal faculty of goodness, that was related to Truth. Gandhi adopted this yard-stick even in analysing his own actions. A basically peace-loving man had to lead a life of struggle, against the force of external circumstances. A truthful man strove after what he held to be true. Ultimately, the external element should not direct individual action but the internal being should be the guide. This was what ought to happen. Though Gandhi recognised the force of circumstances over the individual being, he concluded that the internal strength of man was superior to that force. And it was this soul-force that enabled man to change what existed into what should exist. The transformation of the "is" into the "ought" could take place only if the individual wielded soul-force that derived from commitment to Truth. X

At the outset when we analyse Gandhi's writings we come across some seeming contradictions, but they are not to be interpreted as real contradictions. If they are taken to be real, it would lead to X

mis-interpretation of Gandhi. Two statements of Gandhi may be cited to clarify this matter.

- i) "Man does not have the strength to fight circumstances; the latter moulds his actions."<sup>23</sup>
- ii) "The votary of truth should not be affected by the force of external circumstances."<sup>24</sup>

Statements (i) and (ii) seem to contradict each other. But in reality that would be a wrong interpretation because the first quotation is a general statement while the second statement refers to man, not in general but a particular type of man -- a votary of truth. Therefore, Gandhi's thought requires a careful analysis of the context.

It is this pattern of relation of man to external things that formed a premise of the Gandhian notion of 'political obligation' -- a central concept in political theory.

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23. N, 23-3-1930.

24. Letter to Premabehn, 17-6-1932.

THE STATE

Gandhi's state is a derivative concept. His conception of state arose out of his effort to transform an existing society into a society that ought to exist. Therefore Gandhi's notion of state needs to be analysed not in isolation but as a part of his integral philosophy of theory and action. In this process of transformation Gandhi was faced with two situations -- one that existed and the other that should have existed. But the question of "Is" was involved in the question of "ought". Gandhi's notion of state is a curious combination of two opposite approaches. On the one hand, Gandhi rejected the state, and on the other, he accepted it, leading to a simultaneous emphasis on the negative and positive aspects of the state respectively. To understand the transformation of state in Gandhi's thought structure, we need a careful analysis of his definition of the state. Such an analysis can be best done in terms of the notions of Force, Power and Authority.\*25

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\*25 For these three notions I am greatly indebted to Alexander Passerin D'Entreves, "The Notion of State", Oxford University Press, 1967. See Introduction to this thesis. X

THE NOTION OF 'MIGHT' OR 'FORCE'

Gandhi rejected the notion of might or force as a basis of state. Force or might failed not only to legitimise the state but also it failed to justify the state. For Gandhi, force was not a moral concept. His evaluation of any institution or association or the actions of those institutions rested on certain moral criteria. The state based on an immoral principle was rejected by Gandhi on moral grounds.

For Gandhi, a state that rested on military violence was a 'bad state'.<sup>26</sup> Thus he disapproved of the principle of force or violence as a basis of the state. It seems unlikely that a person who is opposed to violence even in his personal life would accept it in public life. Particularly this is true of Gandhi for whom there should not be any difference between one's personal life and public life. The two types of actions of man that sprang from his relations with himself and his relations with other should not be in conflict. A healthy harmony between the two was, for Gandhi, an ideal of life.

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26. C.W., Vol.48, p.403.

Gandhi not only rejected force as a theoretical basis for the state and as a justification for the actions of the state, but he also discarded it as an operational technique. The use of force was rejected even when the aim was justified in itself. He never believed in violence as a means even for the attainment of a moral end.

'Peace and Order', as Gandhi conceived them, were essential for the moral as well as material development of man. But such a security and peace should not be gained at the cost of honest living. This was Gandhi's main contention.<sup>27</sup> The price paid for such a convenience should be proportionate. Exploitation is too high a price for orderly government.<sup>28</sup> That is why he opposed British rule which was backed by the sanction of a 'bayonet' - an immoral nurturing agent. No doubt security from within and without was a necessity that was fulfilled by the British rule. But Gandhi rejected it on the ground that the means used

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27. YI, 10-4-1930.

28. Ibid.

to provide security were beyond justification. So even though the end was commendable, the unjust means adopted for its achievement prompted Gandhi to reject the whole system without any reservation.

Secondly, personal liberty was an essential condition for the development of man. In a state, an individual enjoyed liberty only so long as he acted in conformity with the state laws. The force that enforced these laws provided also the sanction for the actions of the state. Such a sanction was devoid of moral basis which was necessary to any institution, if it was to be justified. Otherwise, individual liberty would become an 'immoral barter'. Gandhi stated, "...submission to state law wholly or partly unjust is an immoral barter for liberty..."<sup>29</sup> The use of force on the part of the state thus acted as a ground for the rejection of the state itself.

Thirdly, Gandhi's state would be a democratic state where equality could be enjoyed. Gandhi rejected any model of "democracy" which depended upon

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29. YI, 10-11-1921.

the 'army', because this was nothing but violence in a concrete form.<sup>30</sup> The use of military force came in the way of free human growth. He maintained, ... "It will be a poor democracy that depends for its existence on military assistance. Military force interferes with the free growth of mind..."<sup>31</sup> The argument of Gandhi was that institutions should aim at the moral and material development of man but the use of force by the state negated this process. A state which became a mechanism for oppression and suppression of the people was a hurdle in the way of human development. Political obligation in such a state would be sanctioned by the use of force only, and the motive-force for loyalty and obedience would be nothing but 'fear'. Such a structure was a negation of the Gandhian principle of individual development. Freedom of choice, so essential for the development of man through the process of erring and self-correcting, was denied to the people in a state which depended for its survival exclusively or mostly on its physical strength over the people. Of course,

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30. H, 9-6-1946.

31. Ibid.

for Gandhi, an ideal non-violent man was above such oppression and his efforts could even transform such a system. But this was not true of general human situation. Though all men were involved in a process of development, they were not always ideal men. Therefore Gandhi rejected force as a basis of state.

Hence, it appears odd prima facie that force became a feature of Gandhi's frame of non-violent state. He never eliminated this notion altogether from his theory. Mere force, for Gandhi, failed to justify the actions of the state. It had no place in the operational mechanism of the state. But its application was justified only when associated with certain other motivations relating to structures other than the state. Gandhi visualised certain situations where the application of force by the state was legitimate. Acceptance of force as a modus operandi of the state arose out of the necessity of force in certain circumstances. This does not mean that force can be equated with state or force can be the only basis of state. Gandhi accepted pragmatically force as a part of his predominantly non-violent state.

Gandhi explained this position as follows, "I admit the inconsistency. If I said that army was essential for state, it would be said to be inconsistent. Whilst I call, invite all states to do without police or army, I have not yet been able to bring myself to believe that you can preserve a society without police... You can thus say that my toleration of police is a limitation of non-violence. Army is opposed to non-violence. In one case it is my want of courage, in the other it is my inability to conceive my people to do without army... it is not necessary to have an army state. I do not regard it Utopian to think of a State without an army, but it requires a higher degree of courage and purity."<sup>32</sup>

This passage suggests the reasons why he accepted force as one of the factors of state. Thus Gandhi's state was predominantly non-violent with a marginal concession to violence. Gandhi's practical idealism was responsible for the place he gave to violence in a non-violent set-up. Violence, in certain circumstances

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32. The Bombay Chronicle, 17-10-1931.

was accepted, not as a legitimising and justifying factor, but as one capable of preserving a society of imperfect beings. Thus the state became a means concept.

Further Gandhi accepted the use of force in some situations. For instance, it was a right of the government to put down violence. Gandhi said that he "could conceive even the existence of justifiable martial law, when it is introduced to protect people and has the endorsement of public opinion..."<sup>33</sup> The use of force on the part of the state was justified when it had the support of the people, as it was then used to protect the people. Gandhi's intention here becomes clear i.e., he wished to establish a government based on popular will even if it made use of force. The use of force in such a state would be confined to "the persons who seek to thwart the public will by force."<sup>34</sup> Violent elements in such a state would be controlled by non-violent elements.<sup>35</sup>

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33. The Bombay Chronicle, 18-1-1922.

34. *YI*, 16-2-1922.

35. Ibid.

'Reform' was another field where Gandhi accepted the use of force in a limited quantity. The implementation of the idea of trusteeship could involve some-times force. Gandhi accepted the 'Minimum use of violence',<sup>36</sup> against those persons who refused to be trustees. He aimed at the 'extension of the sense of trusteeship'. Gandhi never meant that the minimum use of force would result in a concentration of economic power in the hands of the state. But rather X he supported 'the minimum state-ownership',<sup>37</sup> An excess use of force would result in the destruction of individuality. But a limited use of state force was tolerated by Gandhi for the purpose of reforming the people. But compulsion should not be the major means of reform because its success might lead to certain other evils and it would be a seeming success, not real success.<sup>38</sup> Contradicting himself, Gandhi justified compulsion on two grounds - where there was honesty and where there was a clearly expressed public opinion in support of it. These two factors

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36. Hindustan Times, 17-10-1935.

37. Ibid.

38. C.W, Vol.35, p.322-23.

were present in the case of prohibition. Therefore the enforcement of prohibition was not regarded by Gandhi as a compulsory measure. The use of force was justified not only because it served the public and but also because the people were mobilized towards the attainment of that end. The reformer accepted the state whenever he could do his work without loss of 'self-respect'.<sup>39</sup> Gandhi here draws a line of demarcation between a reformer and a policeman. The reformer brings reform by laying down his life while the latter imposes reform through force.

The police force that Gandhi visualised and accepted was a police of different type from the existing one. The police force was allowed even in the non-violent state, only because of imperfection of non-violence, not because of the virtue and merit of violence. Gandhi says "the pity is that no one trusts me with the reins of government! Otherwise I would show how to govern non-violently. If I maintain a police force, it will be a body of reformers."<sup>41</sup>

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39. CW, Vol.61, p.75.

40. H, 1-9-1940.

41. H, 25-8-1940.

His conception of police force shows that it is not based on the principle of might or force.<sup>42</sup> Gandhi's police force would believe in non-violence and regard itself as a servant of the people. These qualities were sufficient to gain instinctive support from the people. Mutual co-operation would be the outcome of such a process, and this lessened the burden of the police. Gandhi accepted the possession of arms by the people on the condition that "they will be rarely used."<sup>43</sup>

In a nutshell, this was how Gandhi permitted a marginal role for force in his theory of state. But Gandhi rejected violence and force as a principle that could legitimise and justify the state. As far as possible, he tried to eliminate the notion of force from his theory of state.

While complete exclusion of violence was his ideal, Gandhi saw the difficulties in attaining absolute non-violence in a violent atmosphere. This

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42. H, 1-9-1940.

43. Ibid.

realization forced Gandhi to grant a place to violence as a means concept in his theory of state. But here again it was not an absolute but a conditional and limited force that Gandhi accepted. Despite these complications, Gandhi's theory of state transcended the notion of force.

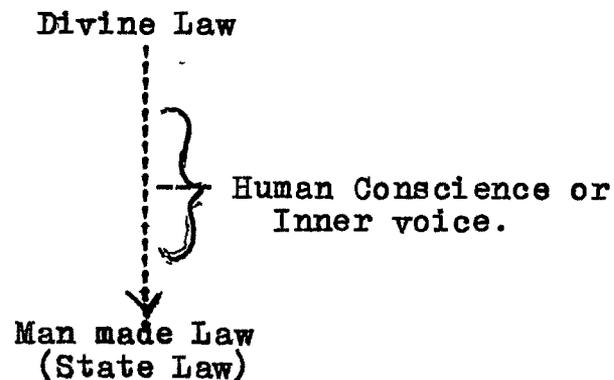
#### THE NOTION OF POWER

Power is a legal concept. When conceptualised in terms of power, state becomes a legal institution. Its power is legitimised and actions justified on the basis of law. Gandhi's notion of law should be analysed first before considering the state as a legal institution.

#### Notion of Law

Logically, therefore, we now proceed to examine Gandhi's notion of law. His notion of law is peculiar

in the sense that he spoke often, not about the state - made law, which he called, 'Man-made-law',<sup>44</sup> but about the divine 'immutable law' which controlled the fruits of human action. The link between the two can be established with the help of Gandhi's concept of the inner voice or conscience. This was not an inherent right but a right to be won by practising the principles of Truth and Non-violence mainly, but other principles as well like non-possession, purity and poverty.<sup>45</sup>



Man is incapable of knowing the divine law that works in the life of man and the universe. Whether he knows it or not the law ultimately prevails.

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44. N, 1-6-1924.

45. YI, 31-12-1931.

His inner voice provides him with a means for understanding the working of the divine law and the principles involved in it. It is by this inner voice that man-made laws are judged individually either as just or unjust. The limited understanding of man provides him with an imperfect vision of the just and the unjust, but his actions remain just so long as he follows the path of non-violence. Human action, even though imperfect, would not make others suffer when the path of non-violence is followed. But the sufferer is the individual who acts.

The state laws are interpreted with the help of human conscience - a moral capacity of man. Human conscience is the ultimate interpreter of state law. Divine natural law, in Gandhi's thought, is equated with the supreme power or God.<sup>46</sup>

Coercion as an Inadequate Sanction  
for State

Gandhi recognises an 'immutable law'<sup>47</sup> which

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46. N, 6-10-1929.

47. N, 5-3-1922.

excludes the notion of coercion altogether in the sphere of obedience. "No one can command obedience of another against his wishes."<sup>48</sup> The existence of this unchangeable, universal law is incompatible with force or coercion as a sanction behind a state law. A state law, to be just, should have a moral, not coercive sanction. To coerce a person and make him obey was against Gandhi's concept of law. Coercion implied weakness, rather a double weakness.

(I) It implied a weakness in the law-giver.

Coercion was applied when the law-giver was morally weak and his law lacked moral sanction. Automatic, spontaneous obedience to a law testified to the moral nature and content of law. Law with a moral sanction needed no further justification for claiming obedience. Before even the claim was made, it was obeyed.

(II) It also implied weakness on the part of those who were coerced. A law which was obeyed solely

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48. Ibid.

because it was sanctioned by force implied that the subjects in such a case were cowards. 'Cowardice' was a manifestation of moral weakness. Gandhi was always opposed to moral cowardice. In fact, he tried to train people in such a way that they ultimately over-came this weakness. To an ideal man, who was not selfish and who cared little about his body when the higher question of soul was involved, the term, fear, never applied. Gandhi writes : "... if I have no fear of death, who can force me to do anything?"<sup>49</sup> The love of body or attachment to the body was a source of weakness, moral weakness. This weakness was overcome and freedom attained when one subjected oneself to the dictates of one's soul.

Thus coercion ceased to be a sanction for state law. The place of coercion was taken by love which, in the sphere of law, took the form of the common good, social well-being and the progress of society. The content of law was interpreted either as good or bad in terms of its intentions and effects. The grounds on which law stood justified were thus moral

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49. Ibid.

principles. Enforcement became transformed into a voluntary acceptance on the part of subjects as it was in accordance with the principles of Truth and Non-violence. Gandhi defended 'selected laws consistent with the principles of non-violence and truth'.<sup>50</sup>

#### Immorality and Illegality

Immorality and illegality were different concepts in Gandhi's views. Gandhi accepted the views of Dan Griffiths<sup>51</sup> which ran "state law is not necessarily moral. Crime is not necessarily immoral. There is a world of difference between illegality and immorality. Not all illegalities are immoral and not all immoralities are illegal." That was why a crime in the eyes of 'an unjust state became a duty - a moral obligation for a good man. Legality was concerned with legal procedure and morality with the spirit of law. This point was explicitly explained by Gandhi in his comment

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50. Bombay Chronicle, 20-4-1930.

51. YI, 22-10-1925.

on a trial in which he was the accused. He pointed out the contradiction between the thoughts and actions of a judge - as an ordinary man and as a judge. Justice Wessels who was opposed to a law personally had to give judgement according to the letter of the law. Gandhi said that it showed - "...the degrading position of courts. They may dispense injustice instead of justice. It is considered justice on the part of the courts if its judgement follows the letter of law, when this is in conflict with the spirit of justice. In other words, the action which Justice Wessels, the man, pronounces unjust is upheld by him as just in his capacity as a judge."<sup>52</sup> Gandhi was not ready to submit to such justice or injustice. After this statement was made he declared the supremacy of moral sanctions over legal sanctions. Gandhi declared, "Moral sanctions are in the end more potent than legal sanctions."<sup>53</sup>

A law that ought to be obeyed should conform to the following principles :

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52. IO, 24-9-1910.

53. H, 14-10-1933.

- I) The purpose behind law should be "progress of society."<sup>54</sup> The constitution was sacred so long as it helped the people to progress.<sup>55</sup>
- II) Laws should be consistent with the principles of Truth and Non-violence.<sup>56</sup>
- III) Laws should uphold dharma.<sup>57</sup> Gandhi was for the abolition of those laws that "destroy dharma". Actively one should resist such laws non-violently.
- IV) Laws should reflect moral principles and values.
- V) "Rules can be framed only when certain ideals come to be generally accepted. No rules can be laid down so long as they remain unusual."<sup>58</sup> This criterion meant that, for a successful law, public opinion should be favourable. It became ineffective before a strong, adverse public opinion whatever the force of sanction behind it.

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54. N, 1-6-1924.

55. CW, Vol.24, p.307.

56. Bombay Chronicle, 20-4-1930.

57. CW, Vol.32, p.497.

58. N, 14-6-1925.

These were the positive conditions that needed to be fulfilled if a law was to be voluntarily obeyed. For Gandhi, involuntary obedience is no obedience. Negatively the absence of the afore-mentioned criteria made a law immoral and unjust, and resistance of such a law was a duty of the subjects.

Gandhi's concept of law forms the justification and foundation of civil disobedience :

I) The state law ought to be subjected to the divine natural law. The law of God was superior to the state-made law.

II) Individual conscience was the final interpreter while judging the legitimacy of state-law.

III) Affection for the laws could not be cultivated through the means of law. In other words, it means that coercion was inadequate and, further, that it was an unjustifiable sanction for the state law.

IV) The criteria of social and individual progress, the principles of Truth and Non-violence, public ideals and values, and, finally, manliness were to be considered while making a law. If any of these criteria was absent then a law should be resisted, violated and disobeyed.

Thus mere law failed to legitimise the state power and justify state actions. Certain additional conditions were required to legitimise state power along with legality. These certain additional conditions were morality, principles of truth and non-violence, consent, liberty and democracy. Thus mere power, a legal notion, became transformed into something higher and nobler than that, that is, the notion of 'AUTHORITY'. State, when viewed in terms of authority, presented a different picture.

THE NOTION OF AUTHORITY

Consent\*<sup>59</sup>

The state involves two basic entities - rulers and the ruled. So long as the people consider themselves the subjects, the government can enforce its laws upon the people. Gandhi expressed this relationship thus : "You are our sovereign, our Government, only so long as we consider ourselves your subjects..."<sup>60</sup>

Gandhi's notion of legitimacy of the state includes, besides consent, two other principles, 'Justice' and 'Love'. People remained subjects so long as the Government operated on the lines of justice and love. Moreover Gandhi assigned a prime place for the voice of the people in the formulation of the laws. Thus laws to be obeyed, needed not only legal sanctions but also moral sanctions in the form of the consent of the people. Obedience to

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\* 59. The notion of "Consent" may imply (1) Consent of the totality, (2) Consent of the majority, and (3) Consent of the qualified minority. For a discussion of this problem, see our subsequent discussion of Gandhi's position on majority rule.

60. Speech in South Africa, 27-7-1916.

the laws could be claimed by the state only if the Government respected the 'opinion' of the people and took them "into confidence".<sup>61</sup> These ideas of Gandhi restrict the law-making authority of the state. Secondly they provide a legitimate ground for the rejection of obedience to the state-made laws that failed to fulfill the above-mentioned conditions. Such laws, Gandhi said, "adorn the statute books, we will never obey them..."<sup>62</sup>

The first positive condition for political obligation was that the laws should take into consideration the opinion of the people.<sup>63</sup> The principle of consent not only justified the state laws but it also provided a legitimate ground for the state to claim obedience from the citizens. The principle of consent further provided a moral sanction for the laws of the state. Legality was not enough to provide legitimacy to the state. The ultimate authority was God.<sup>64</sup> Mere

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61. Ibid.

62. Ibid.

63. Speech in South Africa, 27-7-1916.

64. CW, Vol.19, p.125.

state lacked in moral sanction. Affection to such a state, for Gandhi, was "disaffection to God",<sup>65</sup> To be legitimate, the state should be subjected to God through the principles of Truth and non-violence.

The 'consent' of, and 'co-operation' from, the ruled, legitimised and justified the state respectively. The quantum of authority exercised by the ruler would be in proportion to the co-operation that he could get from the ruled.<sup>66</sup> Co-operation or non-co-operation depended on state action. In fact, the disapproval of the state action by the subjects would be nothing but the non-co-operation from the subjects.

Authority, to qualify as authority, should be used after consulting the persons over whom it was used. Otherwise for Gandhi it would be an 'autocracy'.<sup>67</sup> Consultation was nothing but taking into consideration the views of the ruled. Without the consent of the intelligent majority of the subjects no important

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65. Ibid.

66. N, 4-7-1920.

67. CW, Vol.50, p.169.

policy could be adopted by the state.<sup>68</sup> This view of Gandhi made him limit the power even of the Hindu state in prohibiting cow-slaughter. Thus consent acted as a limit to the authority of the state, because it alone could legitimise and justify state action.

#### Political Obligation

The individual's relationship to the state has been generally conceptualized in political theory in the notion of political obligation. In fact, political obligation implies the obligation of the citizen towards the state and vice versa. Theoretically, there exist three approaches to political obligation.

- (i) Absolute
- (ii) Relative
- (iii) Habitual

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68. CW, Vol.32, p.546.

The absolute approach refers to political obligation as an obligation of a citizen towards the state which cannot be disobeyed under any circumstance. Such disobedience is regarded not only as illegal but also as immoral. The citizen has no choice in relation to the obligation to obey the state.

The relative approach implies the existence of other higher obligations for the fulfilment of which political obligation may be transgressed. In the case of the habitual approach political obligation becomes a matter, not of choice, but habit.

Gandhi's notion of political obligation fits in with the category of relative political obligation where political obligation is 'one of the' obligations, not 'the' obligation. To Gandhi there were certain obligations for a man which needed to be fulfilled even at the cost of political obligation. Conflicting situations arose over obligations only when the state was imperfect. But in his "Ramarajya" (the ideal state) all the obligations of a man

operated in such a way that they supplemented, and did not contradict, each other. This is because his ideal state was a moral state and his ideal man was a moral man. Naturally in such a state there never occurs any conflict between different obligations. Political obligation, for Gandhi, was thus evaluated and tested on the basis of moral obligation. His concepts of swadharma, inner voice, truth and non-violence relate to this moral obligation. What was originally a relative obligation attained the character of an absolute obligation in his ideal state. According to one commentator, "political obligation was for him an inseparable part of moral obligation."<sup>69</sup>

Political obligation, as any obligation, presupposes the existence of two parties - the obliger and the obligee. The obliger performs the obligatory functions and the obligee is one to whom the obliger is obligated. In the case of political obligation, as defined, elaborated and accepted by

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69. Ram Rattan, "Gandhi's Concept of Political Obligation", ? , p.4.

Gandhi we find the existence of a 'mutual obligation'. His notion of political obligation is a 'mutual concept' which includes the state as an obligee as well as an obliger. It is important to note that the moral obligation of the individual as well as the state define and determine the content and substance of political obligation.

It is the predominance of moral over political obligation that is responsible for the limited sphere for political obligation. A citizen, for Gandhi, should be more than a loyal citizen and subject. He should be a moral man. The notion of man signified that man was better than brute creation i.e., he was always engaged in the process of development - becoming more and more manly. And political obligation should be limited by this process. If it came in the way of a citizen's personal moral development it could be transgressed. Personal development was not a development of an isolated being. Rather it was intimately connected with the development of all.

Gandhi accepted Thoreau's position that individual conscience was the final judge of deciding the extent of one's obligation to the state.<sup>70</sup> Thoreau wrote "We should be men before we are subjects, and that there is no obligation imposed upon us by our conscience to give blind submission to any law, no matter what force or majority backs it." Gandhi reflected this notion in his concept of individual conscience or the inner voice.

Gandhi was always against blind loyalty, which meant passive submission. That is why he often expressed the view that "I would say that we are men first and subjects afterwards. It is not necessary to cultivate a respect for the law so much as for the right."<sup>71</sup> 'Wood' and 'Stones' were the terms which Gandhi used to describe a law-abiding citizen who obeyed the laws at the cost of the voice of his conscience. They lacked the essential factor of human life i.e., the spirit. For Gandhi, therefore, the State law had a secondary role when compared with the moral law of right and just.

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70. Tendulker, Vol.II, p.211.

71. IO, 7-9-1907.

Obligation, whatever be its form, was primarily a notion that involved the capacity of the obliger to show his obligation in action. Such a capacity, according to Gandhi, was not a manifestation of physical strength of a man but of his soul-force which was moral in nature. The attainment of such a moral force could be realised only through following the right path. The use of soul-force was the central criterion by which an obligation was judged, evaluated and finally accepted. The acceptance of political obligation, in Gandhi's theory, presupposed a morally legitimate state.

Gandhi's notion of loyalty and disloyalty towards the state relates to the obligation of the citizen to the state. This question is tied up with his conception of a good man, a good citizen, a good subject and, finally, a good and a bad state.

The implications of Gandhi's conceptualization of political obligation would be : (I) Only a good man can be a good citizen in any state. (II) But

a good man may be mistaken for a bad citizen by a bad state. But he never ceases to be a good man. Gandhi described this situation as one of the predominance of manliness over an external institution i.e., the state.

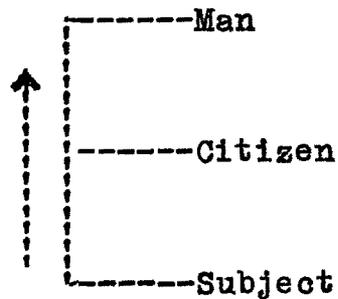
The preliminary qualification for a good citizen was a perfect obedience to the state laws, irrespective of their moral legitimacy and justification. Dumb, passive obedience became an essential quality of a good citizen. But, for Gandhi, such obedience was no obedience. Obedience expressed out of fear of force was no obedience. In other words, force failed to provide legitimacy and justification for state action. Hence, only an obedience that was the outcome of voluntary action was true obedience.<sup>72</sup>

An explanation of this voluntary action involves a prior analysis of Gandhi's concept of man, subject and citizen. Gandhi clearly differentiated between these three roles. But the three were also related

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72. Tendulkar, Vol.6, p.269.

in an ascending order. The citizen was superior to the subject and finally man was superior to the citizen.



A subject was one who submitted to the state law always. The motive for obedience for a subject was simply the sanction of the state. For a subject, the sanction behind the state did not<sup>need</sup> to be a moral sanction, which Gandhi attributed to his ideal state. The possession of physical strength or might created fear in the minds of the subjects, and it guaranteed the loyalty of the subjects. Neither rationality nor morality entered the picture when a subject showed his loyalty to the state.

This was not the case with a citizen. Gandhi understood a citizen's loyalty in these terms : "A citizen obeys laws voluntarily and never under compulsion or for fear of the punishment prescribed for their breach. He breaks them when he considers it necessary and welcomes the punishment."<sup>73</sup> For Gandhi, the citizen was a good man who never tolerated unjust or immoral acts of the state. And even after dis-obeying he accepted the state but through his acceptance of its punishment. That was because evil was resisted, never the evil-doer. Gandhi wrote that when he became a satyagrahi he "ceased to be a subject but never ceased to be a citizen."<sup>74</sup> Becoming a satyagrahi was nothing but climbing up the ladder of progress through self-purification. However, its side-effect would be the purification of the state to which a satyagrahi belonged.

The individual gave support to a state with his loyalty.<sup>75</sup> A state administration that deserved the

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73. Tendulkar, Vol.6, p.269.

74. Ibid.

75. YI, 27-3-1930.

loyalty of its citizens attained greater strength through such allegiance. But immoral, unjust, unrighteous and inhuman institutions never deserved such an allegiance. If allegiance was shown to such institutions, this only strengthened evil. Therefore Gandhi's conclusion was : "Allegiance to such a system means partaking of evil."<sup>76</sup> Loyalty to such a system would be 'a sin, and disloyalty a virtue'. This involved the duty of a good man. A good man would never submit to such an evil state but rather he would resist it with his 'soul-force'. The motive for such a resistance was not utilitarian i.e., it was not for the sake of power or self-interest.<sup>77</sup> But it was regarded as a duty which was essentially a moral notion. However, such a resistance should not be a thoughtless resistance. But Gandhi viewed such an action as a well thought out and deliberate action.<sup>78</sup> Gandhi therefore could recommend two alternative courses of action :

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76. YI, 27-3-1930.

77. H, 31-5-1942.

78. H, 12-4-1942.

I) To dissuade the system that was on the verge of taking an immoral step, from taking it, even at the cost of one's own life.

II) When one failed in the first course of action, resistance could be the only alternative left. Here again Gandhi thought out as well as practised a systematic and well-planned action of resistance, either individual or collective.<sup>79</sup>

The obligation of the state to its citizen in Gandhi's frame-work rested also on a basic premise of self-help. The state, in this frame-work, had a duty to protect its citizens, no doubt, but, "no state can protect those who will not share with it the duty of protecting themselves."<sup>80</sup> Self-protection was thus a duty of a citizen. Gandhi regarded it as one of the responsibilities of citizenship.<sup>81</sup> The help of the state rendered through the courts would be merely a "supplementary protection."<sup>82</sup> Therefore what was needed was a

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79. This idea is dealt in detail in the Chapter on Gandhi's Theory of Revolution.

80. H, 10-2-1940.

81. YI, 12-3-1935.

82. YI, 22-10-1925.

capacity for self-protection on the part of the citizen. In other words, Gandhi's primary emphasis was on individual self-help rather than on the help of the state.

#### Minimum Dependence on Government

A minimum dependence on Government, for Gandhi, characterised the right relationship that should exist between the individual and the state. Gandhi was not for too much dependence of the people on the Government. Rather his ultimate ideal was a stateless society.\*83 But as the ideal was difficult to attain he accepted a state that was predominantly non-violent, a concrete state with as little of violence as possible.

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This stateless society is not like that of Marx. There is a basic difference. Gandhi tried to have a stateless society but he did tolerate a society where the state was subjected to society. Thus his state is an unusual state, a state subordinate to society. Unlike Marx, Gandhi did not identify the state with physical force in an unconditional sense.

A first step towards Swaraj (a non-violent state) would be the increase in the capacity of men. It was a process involving increase in self-dependence and decrease in state-dependence. Gandhi tried to minimise the quantum of dependence upon the government, whether foreign or Indian. In general the dependence of man on the state should be minimum. This particular position of Gandhi was a logical consequence of his general theory of life. He believed that even God would help only those who helped themselves. Gandhi described the state as a 'perishable institution.'<sup>84</sup> So Gandhi sharply upheld the principle of self-help. He argued that a ruler, even if he so wished, could not help people who failed to help themselves.<sup>85</sup> Therefore, Gandhi's primary emphasis lay on building up and strengthening the capacity of the people. The process of acquiring such a strength could be through "the mental, emotional, social and political education of the people."<sup>86</sup> When people

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84. H, 8-6-1940.

85. N, 1-3-1925.

86. N, 30-10-1921.

acquired strength, a government weakened proportionately. Gandhi tried to establish a Swaraj or Ramraj, in which the people, in the day-to-day life, depended upon themselves, not on the government. Enlightened and self-reliant people could persuade the government to serve their needs. If the state failed to serve their purpose, they should try to destroy it and create in its place what suited them better. But both destruction and re-construction must be done with minimum violence.

How does Gandhi conceptualize the government? His concept of a government implies the following propositions :

- (I) A Government is essentially an instrument.
- (II) It is an instrument for the wellbeing of the people.
- (III) A Government is a creation of the people, and hence if they wish, they can destroy their own creation. This means Gandhi Rejected the notion that "Government is something beyond and apart from people."<sup>87</sup>

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87. CW, Vol.23, p.277.

In the Gandhian perspective, no institution could survive merely on the basis of its capacity and strength. The main justifying factor would have to be the functions that it performed, the service that it rendered to the people. Thus a state should become a functional and purposeful institution, for Gandhi. Ultimately, the service that it rendered to the people alone was its justification. For Gandhi, this was a general rule for judging all institutions and the state was no exception. He believed in the principle of the ruler's loyalty towards the ruled. A real ruler was one who imposed limitations on his own authority. The two primary functions of the ruler should be : (1) to protect the "Welfare, freedom and virtue" of the subjects, and (2) to "put to good use the revenue collected from them."<sup>88</sup> The first function was a positive action of the ruler and the second function necessarily restricted the authority of the ruler by providing the guideline that the national revenue should be used for the good of the society, not for personal good. Gandhi regarded such a restriction as "entirely

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88. N, 8-3-1925.

essential" in this "age of public awakening."<sup>89</sup>

For Gandhi, the duty of the government was to see that the basic needs of the people were fulfilled. Clothing and shelter should be provided for the people. If this function was not performed or ill-performed, then that government was no government, and Gandhi calls it "anarchy... such a state should be resisted."<sup>90</sup>

Besides these primary functions, the state should perform certain additional functions. Whenever the people were ready, the government was 'morally bound' to help the reformers.<sup>91</sup> Gandhi, in a letter<sup>92</sup> held that a religiously neutral government should not use its laws against religious reform by the people concerned themselves. The issue in this case was temple-entry by the Harijans. He said it was the duty of the government to "free the reformers from the shackles, not of religious

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89. Ibid.

90. H, 17-2-1946.

91. The Hindu, 17-2-1933.

92. A letter to the Home Secretary, Government of India, dated 19-2-1933.

custom, but of the law..."<sup>93</sup> The state thus had the negative function of withdrawing itself from the path of the reformers if its laws became obstacles to reform.

Gandhi's notion of chaos, misrule and true rule also defines<sup>9</sup> the place of the state in his ideal society. Gandhi preferred chaos to misrule. This was because a true order, which was his ideal, could come out of chaos sometimes but never out of misrule. He rejected misrule by saying that "I hold misrule to be worse than no rule."<sup>94</sup> His aim was elimination of misrule through the method of non-violent resistance and establishment of true order without creating a condition of chaos. X

It was his belief that no government could help in the resolution of private, internal conflicts.<sup>95</sup> Gandhi developed this notion while analysing communal conflicts, especially the Hindu-Muslim conflicts. When the communities conflicted no

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93. CW, Vol.53, p.350.

94. YI, 1-3-1928.

95. CW, Vol.25, p.478.

government, even a Swaraj government, could succeed in protecting the people. "Governments can deal with abnormal situations. When quarrels become a normal thing of life, it is called civil war and parties must fight it out themselves."<sup>96</sup> In other words, when the quarrels became normal things, they could not be resolved by the government. The parties in the conflict should solve it themselves. It was this assumption, together with the notion of self-help and self-realization, that restricted the sphere of state action.

The issues of robbery and theft, untouchability, communal unity, and the problematic relationship between the landlord and the labour - all these issues, for Gandhi, could be solved, not through state intervention, but through the use of the moral strength of the involved sufferers. Let us analyse briefly one or two issues to show how Gandhi assigned a minimum role to the state in regard to such issues.

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96. Ibid.

It was a common belief that preventing robbery was a function of the state as it was a law and order question. But Gandhi totally rejected this position.<sup>97</sup> This rejection was made on two grounds. The first was that Gandhi viewed the problem of robbery not as a simple law and order question but as an essentially moral question. And therefore the state was incompetent to deal with it as it was a moral problem, falling outside its scope. Gandhi recognised three possible ways of solving this problem.

I) Dependence upon the Government : This presupposed the superiority of the violence of the state over the violence of the robbers and it involved the idea of punishment.

II) Voluntary Village Organization : The second method was voluntary organisation of the brave men of the villages to take the responsibility for the protection of the village. This also involved the element of violence.

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97. N, 23-1-1921.

III) Moral Transformation : The best way would be to transform the robbers into honest men, through love and non-violence. Gandhi totally rejected the first method and accepted the third as the ideal method. As the ideal was always difficult, if not impossible, Gandhi accepted the second method as a via media between the wrong method and the ideal method. The first method turned the people into cowards, who had no internal as well as physical strength. As is obvious, Gandhi never approved of a coward. The second method, though it involved an element of violence, was superior to cowardice. Gandhi would approve most the method of the bravest man, who by following the principles of non-violence and love and through self-suffering, appealed to the goodness in the robber, and thus changed his heart. Thus the problem was solved in a non-violent way. In discussing this problem, Gandhi was worried, not about the weakness of the government in protecting the people but about the incapacity and weakness of the robbed. Reliance upon oneself was the best training for Swaraj. Gandhi, on the one hand, kept the government out of

the picture, when the people were ready to defend themselves. But contradicting himself, he also assigned to the state the function of training the people in the art of self-defence.<sup>98</sup>

Lastly in solving the problem of untouchability, Gandhi admitted the need for some state action.

(1) The state should make the practice of untouchability illegal.<sup>99</sup>

(2) State action, in the form of declarations, policies and administrative process, should discountenance it very often.<sup>100</sup>

(3) In weaning the Harijans from carrion-eating, the state had a positive function. All the dead cattle should be declared as state property.<sup>101</sup> And the proceeds of such an action should be used for the upliftment of the Harijans.

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98. N, 23-1-1921.

99. CW, Vol.66, p.231.

100. Ibid.

101. H, 25-3-1933.

(4) In the reconstruction of Harijans, "tremendous responsibility" rested upon the shoulders of the state and social reformers.<sup>102</sup> Both should work in co-operation. There were certain possible steps to be taken by the state to eradicate the problem of untouchability. These steps did not touch the interior of the evil but involved certain peripheral help. The solution of this problem, Gandhi emphasised, was the band of social-workers, who were to educate the persons and sections involved. They could bring about the necessary changes in the awareness of the people and groups concerned.

In the case of communal and caste problems too, Gandhi emphasised the need to improve men through increasing their capacity to change themselves as well as others, who were the source of their problems. He was against giving a role to the state, which meant the use of violence in the form of punishment for the wrong-doer. Thus his

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102. H, 2-2-1934.

conception of the problem, its causes and the solution differed significantly from the popular and general understanding.

The Relation Between the Government  
and People

The relationship that should exist between the state and the people should be of the same nature as that between a father and son, not one between master and a slave.<sup>103</sup> Thus the principle of dominance as a connecting link between the ruler and subjects was discarded by Gandhi.

The 'honourable common ground' between the people and the state could exist only through the principle of love and non-violence.<sup>104</sup> The existence of love between the two resulted in harmonious living and a predominantly non-violent society, which was the ideal form of society for Gandhi.

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103. N, 20-10-1921.

104. The Statesman, 2-11-1937.

Gandhi was fully aware of the fact that a government could not be made completely non-violent. The reason for this was that the government represented all the people. He writes "I do not to-day conceive of such a golden age. But I too believe in the possibility of a predominantly non-violent society. And I am working for it."<sup>105</sup>

The search for such a society was his next problem. Gandhi was of the view that the practice of non-violence among the people could effectively change the nature of government. What such non-violence could achieve was eloquently conceptualized by Gandhi "...non-violence can do more; it can effectively control and guide power without capturing the machinery of the government. This is the beauty."<sup>106</sup> In other words, the ideal state should be subject to the law of love i.e., non-violence.

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105. R.K. Prabhu & U.R. Rao, p.131.

106. Ibid.

Voluntary acceptance on the part of the people alone was the source of authority for the people. Thus 'authority',<sup>\*107</sup> which legitimised and justified the state, could arise only out of the acceptance of the people. A government ceased to exist when the people voluntarily accepted another authority.<sup>108</sup> The life of the state and its survival thus depended greatly on the acceptance by the people of its authority. The government possessed authority only so long as it could claim successfully the acceptance of the people. This notion of acceptance and consent was at the root of the right to resist the state power. Gandhi also recognised the impact of public opinion on the government.

#### Public Opinion and the State

Gandhi was convinced that a reform in the

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\*107 Authority is superior to power and force as an organising principle of the state, justifying and legitimising it. Refer to Passerin D'Entreve, S X  
Op.cit.

108. N, 20-3-1921.

government could be brought about by a vigorous expression of public opinion.<sup>109</sup> But he was also clear about the course that the state chose when an open rebellion against the state was declared. It was natural for the government to oppress and threaten the people when its very existence was in jeopardy. It tried to silence the protest.<sup>110</sup> But ultimately, Gandhi believed, the government had to yield to public opinion.<sup>111</sup> It was his 'chief mission of life' to prove the principle that, "Government ought to yield to the people. No king can remain in power if he sets himself against the people."<sup>112</sup>

#### Corrupt Government and People

A corrupt government or sinful government, for Gandhi, was the result of corrupt and sinful people. Therefore he accepted the statement "the people deserve the government that they have."<sup>113</sup> The

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109. N, 22-1-1922.

110. Ibid.

111. CW, Vol.14, p.328-29.

112. Ibid.

113. YI, 23-3-1922.

transformation of such an impure state into a pure one depended largely upon the people. The people provided the environment that made the emergence of a given type of rulers possible. If one wanted to modify, change or transform the government people were to be changed first. "The government are we - the people who make the rulers what they are..."<sup>114</sup> Therefore the purification of the corrupt state required an extensive purification process. The individual as well as the mass method of purification in the form of satyagraha was postulated by Gandhi as a means of changing the government. Gandhi asserted that, "without self-purification, we shall never secure purification of government."<sup>115</sup> If public is purified "if we desist from our sins, the government will drop off like dead leaves or will repent and be purified."<sup>116</sup> This was what his non-co-operation movement meant.\*<sup>117</sup>

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114. H, 21-9-1934.

115. CW, Vol.40, p.19.

116. CW, Vol.19, p.284.

\*117. For a discussion of this point, see the subsequent chapter on Gandhi's Theory of Revolution, especially the section on Non-co-operation Technique.

The quality and the moral strength of the people greatly affected the quality and the strength of the government. If we wanted a good government, then naturally it presupposed good men and good citizen. X Therefore, there was no conflict between the roles of the individual as man and citizen. If there was a bad government and good people, then the transformation of a bad into a good government could take place or the government faces a natural death. If the people followed truth and non-violence, then there were only three possibilities - (I) the government had to change its policies in accordance with public interest. This means that the government was involved in a process of self-transformation. (II) it might try to suppress the people to the best of its capacity. However, the people could fight back that suppression, and, (III) if the people fought, the government had to vanish or face a natural death.<sup>118</sup>

When the people were stronger than the sinful state, the state had either to transform itself or

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118. N, 27-3-1921.

exhaust its capacity, eventually to vanish. This was Gandhi's position in the course of his struggle against the British government.<sup>119</sup> Gandhi referred to the success of the Bardoli satyagraha, as a success of the people over the government.

Gandhi's overall conclusion was : "Goodness can transform a bad system into a good one - like the wise housewife who transforms dust into gains. I am therefore on the look out for good men in India and employing devices to sort out such men."<sup>120</sup>

Liberty - As a Limit on the  
Sphere of State

In the Gandhian frame-work, the concept of liberty was interwoven with his social and political philosophy. It was not an absolute term defined or analysed in isolation. It was always related

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119. N, 19-8-1928.

120. N, 24-8-1924.

by Gandhi to a specific life-context, as a condition for the progress of the individual along with that of his neighbours. Freedom, essentially an abstract notion, was sought to be understood in its concrete aspects. As in the case of other notions, here, too, Gandhi's life, public as well as private, need analysis before grasping Gandhi's own notion of liberty. Liberty was an integral part of Gandhi's view of life. The state was related to it in its peripheral aspects, because the core of liberty remained untouched by this external institution.

Gandhi's views on external and internal liberty form the substance of his notion of liberty.

Freedom, for Gandhi was a state of mind <sup>to</sup> be attained only through the means of non-violence and truth.<sup>121</sup> X

The way to national freedom too, Gandhi suggested, lay through 'sweetness, persuasion and humility'.<sup>122</sup>

These three paths that Gandhi indicated were nothing

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121. CW, Vol.38, p.346.

122. The Hindu, 6-4-1921.

but a concrete expression of the abstract principle of non-violence. Gandhi dealt with abstract issues like freedom in a life-context. Therefore, he considered fearlessness and sacrifice as virtues to be cultivated in order to win and enjoy freedom. Fearlessness meant the capacity not to be afraid of "rustication, poverty and even death."<sup>123</sup> Physical and intellectual strength were of no value.. What was required was moral courage that sprang from one's faith in one's cause.<sup>124</sup> The path of freedom was illuminated by the torch of Truth and Non-violence.

Gandhi recognised theoretically two kinds of freedom,<sup>125</sup> which were themselves intrinsically related. They were :

- (I) External or outward freedom.
- (II) Internal or inward freedom.

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123. YI, 12-7-1928.

124. N, 19-8-1928.

125. YI, 1-11-1928.

The outward freedom existed in proportion to the inward freedom, for the individual in the case of personal liberty and for a people in the case of national liberty. In fact, for Gandhi, 'external freedom' was a yardstick with the help of which one could measure the "freedom of self within."<sup>126</sup> What Gandhi implied was that since inward freedom determined external freedom, the latter was an index to the former. This "freedom of self within" was not an inherent right that a man enjoyed or could claim, but, it had to be won through the moral development of the individual person, which Gandhi called 'inner reform'.<sup>127</sup> Once the process of inner reform was under way, nobody could hinder its onward march towards freedom, whether it be the individual freedom or freedom of a collectivity or even of a nation.

Gandhi's emphasis on inward freedom was a part of his general theory of revolution or reform. Freedom provided a condition for the growth of man.

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126. N, 4-11-1928.

127. YI, 1-11-1928.

Therefore, he asserted, "I want the freedom to make mistakes, and freedom to unmake them, and freedom to grow to my full height and freedom to stumble also. I do not want crutches."<sup>128</sup> This was his reply to the question 'what do you mean by freedom?'. These words show that Gandhi rejected the right of a state to impose constraints and checks on the individual even to bring him back on the right track.

Gandhi analysed liberty both in its 'positive' and 'negative' aspects. In its positive sense it meant freedom to do certain things and, in its negative sense, absence of restrictions. 'Freedom to err and even sin' was a precious right that God had given to man and so Gandhi wondered how a man could be deprived of it by others.<sup>129</sup>

More specifically, Gandhi upheld the freedom of expression. His ground was that "everyone cannot be of the same mind and none is perfect."<sup>130</sup> This

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128. CW, Vol.36, p.127.

129. YI, 12-3-1931.

130. N, 12-4-1925.

single sentence of Gandhi may be analysed into two ideas. The first is that differences existed and no uniformity could be had in this world. Secondly, no person was perfect and so he was not justified in forcing others to accept his view-point. Each could be right in his own way. This position ties in with the fundamental premise in Gandhi's theory that the use of force to subjugate others is always and at all times unjustified. Therefore the freedom of opinion was worth maintaining.<sup>131</sup> 'Ordered life' was an outcome of the freedom to express one's opinion without interference from others holding contrary views.<sup>132</sup> If the different views were given the freedom to compete among themselves through the employment/<sup>of</sup>force, no ordered life was possible. Freedom of speech and writing were regarded by Gandhi as the foundation of the Swaraj, which was nothing but an extension of freedom.<sup>133</sup>

Freedom was not value-free. In itself it was a value. For Gandhi freedom was 'dharma'.<sup>134</sup> Dharma

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131. N, 2-8-1925.

132. YI, 13-8-1931.

133. H, 29-9-1940.

134. CW, Vol.19, p.36.

was the higher moral law of life and, therefore, for its protection, Gandhi was ready to sacrifice his life. The British rulers denied India "freedom - intellectual, spiritual and economic". This denial was a basic justification for the rejection of a particular state - the British rule. The denial of freedom on the part of the state mechanism would de-legitimise the state, but it would justify and legitimise the protest against such a state. Protest was a consequence of the denial of freedom in the political sphere. In the social sphere too such a denial was opposed by Gandhi. The denial of natural liberty to the untouchables in India was regarded by Gandhi as 'starvation of the soul'.<sup>135</sup> Thus the denial of basic freedom could be a sufficient cause for political as well as social revolution.

Gandhi further referred to three essential freedoms of public life.<sup>136</sup>

- (I) Freedom of Association
  - (II) Freedom of Expression
  - (III) Freedom of Organisation
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135. H, 26-10-1934.

136. YI, 9- 2-1922.

These three were regarded by Gandhi as the breath, food and drink of public life. He fought for regaining the three freedoms from the British on the national plane. The state could not restrict these freedoms. Thus the sphere of these freedoms was beyond the purview of the state, and hence they were seen as restricting the state's functioning. Any restrictions on these liberties were considered by Gandhi as "unpardonable"<sup>137</sup> acts of the state.

Thus the freedoms restricted the sphere of the state and provided an unencroachable field of operation for the individuals. This analysis does not mean that Gandhi wished to have merely freedom from restraints on the individual. He had also his own conception of the restrictions on the freedom of the individual. Gandhi accepted only those restrictions that derived from the source of freedom i.e., non-violence. Gandhi said : "Compulsion as violence and freedom as non-violence... We all claim to be lovers of freedom. But we are indifferent to non-violence or love which is the source of freedom."<sup>138</sup>

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137. YI, 9-3-1921.

138. N, 21-9-1924.

Gandhi's basic contention was that "freedom both individual and religious has always and will always have many limits..."<sup>139</sup> Religion was never for freedom in the sense of licence or right but rather it included restrictions in the form of self-restraint and self-discipline.

Gandhi noticed three possible kinds of restraints on individual freedom.

- (I) Social restrictions that sprang from the social life of man.
- (II) Self-restriction, which was the outcome of self-restraint.
- (III) Political restraints imposed by the state on freedom.

Gandhi accepted the first two restraints on freedom, which came from 'society or community' and 'individual self' respectively. But he was opposed to the third kind of restraint. He wrote : "Any man who subordinates his will to that of the state surrenders his liberty and thus becomes a slave."<sup>140</sup>

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139. N, 31-5-1931.

140. IO, 8-1-1910.

Liberty became a virtue not when it was compelled upon us but when it sprang from a genuine freedom of choice. Therefore he was consistent in his view that a right action at the cost of the individual conscience was never justified.

Self-restraint forms part of Gandhi's notion of satyagraha, instrument through which a revolution was brought about. Self-restraint was one of the pre-conditions for waging a war to win freedom.<sup>141</sup> A man who selected the path of restraint-free life became, in Gandhi's eyes, a "bond slave of passions". But, on the contrary, he who accepted restraints and rules 'releases himself'.<sup>142</sup> Self-restraint, though it limited the frontier of liberty, it also enlarged the scope of liberty within a confined sphere. This conclusion may seem contradictory when taken out of context.

Gandhi accepted a social restraint where the motive was the good of the society as a whole, not of any section. In the application of this restraint

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141. CW, Vol.26, p.45.

142. YI, 23-1-1930.

society was benefitted and the individual lost. But here the loss was compensated by the benefits that an individual got out of his social life. "Any one who lives in a country should submit to its restrictions. This is what an institution means. Anything different from this means rule of one person."<sup>143</sup> This does not mean that Gandhi wanted excessive dependence on institutions. It only means that all community life required such mutual arrangements.

Individualism in Gandhi was thus not an absolute concept but a restricted one. Man was a social animal. And so Gandhi granted liberty to a man 'only to a certain extent', and it 'has to be curtailed at every step.'<sup>144</sup> The suffering of an individual for the sake of his society was approved by Gandhi but not its converse.<sup>145</sup> Gandhi argued,

"If they have the will and the power, freedom is a fruit of suffering, licence is born of violence. What we are all pinning for is freedom that imposes restraints upon itself for the sake of society. Licence imposes suffering upon society so that it may enjoy exclusive privileges. This is a government of unbridled licence because it is a government whose chief, if not sole, aim is to exploit Indian society."

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143. CW, Vol.38, p.86.

144. H, 10-6-1939.

145. YI, 1-5-1930.

Gandhi elevated society above the state. On the basis of this fundamental premise alone, he accepted restraints for the sake of the community and rejected licence which could result only in the loss of social wellbeing.

#### Form of State : Democracy

Gandhi accepted the existence of groups as an essential feature of society and the state.<sup>146</sup> But his theory and practice of democracy included only groups that did not 'weaken and destroy' the organisation because of their internal quarrels. On the other hand, the existence of groups should strengthen the organisation. Gandhi's faith in the capacity of man to act to promote his wishes without affecting adversely others, encouraged him to adopt his capacity of man as the test of democracy. Restricted freedom became the basis of democracy. This democratic frame of action derived from the 'inculcation of the spirit of brotherhood.'<sup>147</sup> and

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146. H, 30-3-1940.

147. YI, 8-12-1920.

mutual 'tolerance'.<sup>148</sup> The existence of difference of opinion either among the individuals or among the groups did not affect adversely the organisation when a spirit of brotherhood and mutual tolerance prevailed. Gandhi also emphasised conscious human effort as a precondition for a successful working of a system. The model of action in a democracy was provided by non-violent non-co-operation.

Gandhi's writings show that Gandhi was aware of the existence of a majority and a minority, not only in the political field but also in social, economic and religious fields. He held that mutual understanding and reconciliation among these warring camps, should not be brought about by compulsion. Neither a majority nor a minority should compel each other.<sup>149</sup> Then how can these groups be made to live in harmony if nobody can compel anybody? What is the working device? Gandhi accepted the majority rule within certain limits as a working device. But he never ignored the question of right and wrong.

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148. YI, 2-2-1921.

149. H, 1-4-1933.

Whenever the minority found the majority in the wrong, it could and should 'refuse co-operation' with it.<sup>150</sup> Gandhi was jealous of the rights and wishes of minorities, and quite often he was siding with the minority, at least in the beginning of his political career.<sup>151</sup>

The majority rule was not thus accepted without qualification. At certain times the majority rule might be sound but at certain other times it became unsound. Gandhi enumerated some of the conditions under which the majority rule should prevail.

Only when there existed a consensus on fundamentals, the principle of majority rule could be followed. Gandhi emphatically declared : "the principle of majority does not work when differences on fundamentals are involved."<sup>152</sup> The rule of majority thus had a 'narrow application'. And this narrowness was due to its validity only in regard to details.<sup>153</sup> On substantive issues, the minority could stand away

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150. Ibid.

151. Ibid.

152. Ind. N, 14-9-1924.

153. VI, 2-3-1922.

from the majority. But in matters of details, the minority should subject itself to the decisions of a majority. This application restricted the right of the minority, but the restriction was reasonable. A sacrifice for the sake of the good of all seemed to be the working principle behind this arrangement. Gandhi was proud of his "yielding nature in non-vital matters."<sup>154</sup> The substantive issues, on which the minority had a right to reject majority rule, included the field of "one's religion or moral code."<sup>155</sup> On vital issues, even a single leader was justified in rejecting mass opinion.

Numerical strength could not always justify an action or the opinion of a group. Majority rule was unsound where the issue involved roused strong feelings in a minority. Gandhi argued in this way, because his reasoning never stopped merely with a device but it went into the practical consequence of the application of such a device. Majority decision against a strongly felt minority opinion might, if made a rule, result in violence. Gandhi was an out

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154. YI, 14-7-1920.

155. Ibid.

and out follower of non-violence. He never expected his device to turn out to be a source of violence. So the way out in such cases was for a dignified acceptance by the majority of a minority opinion. Such action and conduct of the majority not only saved the institution from breaking but it also increased the moral stature of the majority. A rigid position of a minority could be thus successfully dealt with by the majority. The existence of a spirit of give and take among the minorities was also a precondition for majority rule.

Gandhi's acceptance of majority rule did not mean any neglect of a minority. "The purest justice can consist only in the welfare of all."<sup>156</sup> He was in fact much worried about weaker sections in society or in the state machinery. His Ramarajya, his ideal conception of democracy, included the conception of "protection of the interest of even the smallest limbs of the realm." So it became a duty of the majority to safeguard, not only its interests, but those of the minority as well. Gandhi

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156. N, 30-5-1920.

declined to accept a Swaraj that sacrificed "the single legitimate interest of a single minority."<sup>157</sup> "Weight not of might but of right" had a prime place in Gandhi's conception of democracy.

The principle of non-violence further made the majority accept minority proposals. Acceptance of the proposals of a minority meant that the weakness of that minority was compensated. But behind such an acceptance there should not be any force or violence.<sup>158</sup>

Thus Gandhi's notion of democracy was not identical with the principle of majority rule. Sometime it was a majority rule but sometimes it was also a rule by a minority whose opinion predominated. Depending upon the circumstances, the force of the proposal, the capacity of the sections involved, the motives behind their proposals, and the future effect of the opinion, both majority or minority might gain legitimate dominance. Thus, in Gandhi, we find a complex approach to the problems of politics, including democracy. He never committed himself either to

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157. YI, 12-9-1929.

158. YI, 2-7-1931.

this or that model or to a single arrangement. But what remained fundamental and non-negotiable were the principles of the wellbeing of all and the supremacy of right over wrong in a non-violent manner. It is within this framework that Gandhi developed his distinctive notion of democracy.

Gandhi's model was not a copy of the Western democratic model,<sup>\*159</sup> where numerical strength has become the basic principle upon which the democratic structure is built. For Gandhi, the acceptance of

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\*159. Of course, historically the liberal democratic model of the West has been far more complicated, though the model here suggested has come to be the dominant model. As noted by the theorist, C.B. Macpherson, in his "The Real World of Democracy", and as implicit in the theories of T.H. Green, Western democratic tradition has been characterised by a tension between its classical moral ideal of human equality and its later liberal ideals of "possessive individualism." We may even trace it in J.S. Mill's inability to reconcile his utilitarian concept of man with his ideal of individual self-development.

the principle of majority rule was conditional. The conditions he stipulated were :

1. The minority was really weak.
2. The minority was not rigid in its views and sportively accepted the majority rule.
3. The good of all or the good of the institution to which the majority belonged was the motive behind majority opinion.
4. The majority was in the right in a moral sense.
5. A consensus on fundamentals prevailed.

These conditions emphasised the importance of minority as well as certain limitations over the majority. Gandhi provided a technique with which a minority could fight for its cause i.e., non-violent non-co-operation. This weapon could also be used by a majority when the minority was rigid over the issue of community harmony.

Gandhi was no doubt a protagonist of minority interest but his support was not an unreserved support. For example he was against separate electorates for the minority groups in Hindu society. He even

declared fast unto death when a separate electorate was provided for untouchables by the MacDonalld award. This was because he thought that such a device would divide the community and weaken the minority section itself morally. Gandhi, therefore, opposed the communal award. The way to communal harmony, for him, was 'mutual voluntary arrangement'.

#### C O N C L U S I O N

Gandhi's theory of state is incomplete without a discussion of Gandhi's conceptualization of 'SWARAJ'. Theoretically one can see the existence of three models of state in Gandhi's framework.

- I) The British model of state that Gandhi rejected.
- II) An intermediary state which had some features of a parliamentary democratic system.
- III) Swaraj, Ram Raj or Gandhiraj which was the ideal state of Gandhi, where the state was subordinated to society or community.\*160

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\*160. We use the term, model, in the sense of the Ideal type of Weber.

Gandhi rejected the British parliamentary model, because it worked in India with force as its sole sanction. Such a state lacked morality which alone could legitimise the state. The existence of certain evils which followed the application of violence were also grounds for this rejection.\*161

The second model of state came into his theory due to his compromising nature on non-essentials and his practical outlook. This type of state was rather a preparatory stage for the attainment of the final ideal type-swaraj. Such a preparatory state should possess certain basic qualifications. They were : the total elimination or at least the minimum presence of the five evils that characterized the British system. These five evils were - railways, hospitals, machinery, the army, the law and law-courts. In the preparatory state they would perform certain useful functions, and would not be the sources of the evils on which rested the British Raj.

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\*161. For an elaboration of this point, see the analysis of the notion of state in terms of might or force.

The Railways should provide for communication, the hospitals should help those who suffered, not from self-indulgence, but from accident; the army would be made up of volunteers for the maintenance of internal order; and law and law-courts would function as the custodians of the liberty of the people.<sup>162</sup> The immediate target that Gandhi fixed was the "attainment of parliamentary swaraj in accordance with the wishes of the people of India."<sup>163</sup> Thus parliamentary swaraj became an inter-mediary arrangement.<sup>\*164</sup>

The final ideal type that Gandhi wished to attain contains his own ideas on the nature of the state, the nature of authority and the legitimate sphere of operation of the state.

Gandhi deliberately used the term Swaraj, not Ramarajya, to characterise his ideal state, though

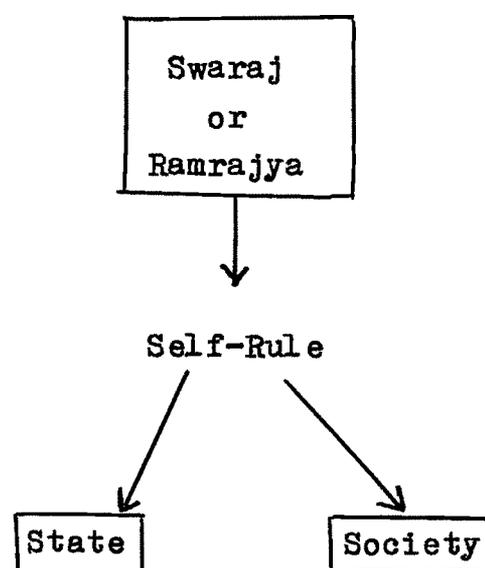
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162. YI, 9-3-1922.

163. CW, Vol.19, p.278.

\*164. This model has been analysed in detail in our discussion of state in terms of power and authority.

he wished to use the latter word. This shows his sense of tact and understanding of the situation. He believed that in an age of rationalism, the term, Swaraj, appealed better than Ramrajya.<sup>165</sup> Ramrajya or purna swaraj was an 'imaginary ideal'. But nevertheless he felt that the like of it had existed in the past.<sup>166</sup> Gandhi was also aware of the fact that a complete or absolute attainment of the ideal was not possible but he felt that one could always progress towards the ideal. This was Gandhi's modest and practical goal.



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165. N, 29-1-1928.

166. CW, Vol.60, p.38.

Gandhi's concept of Swaraj included state and society. The two systems were linked by an intermediary principle - self-rule. Self-rule minimised the role of the state, while society limited self-rule. But ultimately society limited and controlled the state. What does self-rule signify? To Gandhi swaraj was nothing but self-rule. "Swaraj' means one's own rule. Every one has to rule over himself. When all have learnt to rule over themselves then it will be rule by all, by the people. Thus in swaraj yagna people have learnt to obey their conscience...<sup>167</sup> In the attainment of such a self-rule, doctors, lawyers, machinery and railways became a hurdle.<sup>168</sup> Self-government also presupposed independence from government control.<sup>169</sup> Under it, people depended progressively less and less on the state. Such a process might ultimately result in the elimination of the state. Where everyone exercised self-rule, there was no need for representatives and for the government.<sup>170</sup> No doubt this is an ideal state, but Gandhi believed that one should move towards it.<sup>171</sup>

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167. N, 8-1-1922.

168. YI, 8-12-1920.

169. YI, 6-8-1925.

170. Hindustan Times, 4-10-1927.

171. Ibid.

Gandhi's own words should shed light on the nature of the second and third models to which we have referred. Gandhi said, "To me political power is not an end but one of the means of enabling people to better their condition in every department of life. Political power means capacity to regulate national life through national representatives. If national life becomes so perfect as to become self-regulated, no representation becomes necessary. There is then a state of enlightened anarchy. In such a state every one is his own ruler. He rules himself in such a manner that he is never a hindrance to his neighbour. In the ideal state, therefore there is no political power because there is no state. But the ideal is never fully realized in life. Hence the classical statement of Thoreau that that government is best which governs the least."<sup>172</sup>

Thus Gandhi accepted state as a necessary evil. And its evil nature was reduced and minimised due to

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<sup>172</sup>. YI, 2-7-1931.

the active application of the capacity of the people. Even as he accepted the state, he emphasized the role of the people. That is why he wrote : "I hope to demonstrate that real swaraj will come not by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when abused."<sup>173</sup> Gandhi emphasised the capacity of the people to 'control and regulate authority'. Then the state became an intermediary arrangement, accepted only conditionally. He emphasized that there should be enlightened and educated people. But education, for him, was not literary education. It was education for living and education for the whole man.

Though Gandhi's ideal was the establishment of a stateless society, the imperfections and the incapacity of the people prompted him to accept a limited state, with a very marginal authority, subjected to social control. It is this limited state that, ultimately, finds a limited functionality and legitimacy in the framework of his political theory.

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173. VI, 29-1-1925.