
The Self, Modern Civilization, and International Law: Learning from Mohandas Karamchand Gandhi's Hind Swaraj or Indian Home Rule

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Abstract

The article offers some reflections on Gandhi's seminal anti-imperialist text Hind Swaraj (1909). I discuss elements of Gandhi's critique of modern civilization, noting his emphasis on an evolved ethical and spiritual self for creating a better world. I point out that what is remarkable about Gandhi is that his accent on work on the self is embedded in the world of social and political struggles against all forms of violence and injustice. I therefore read aspects of Gandhi's critique of modern civilization as a critique of capitalist modernity and imperialism and not modernity per se. I suggest that Gandhi's stress on work on the self and service to humanity can be combined with the Marx's emphasis on changes in the material substratum to imagine and realize a more humane, democratic, and just world.

1 Prologue

Every pupil in India encounters Mohandas Karamchand Gandhi (1869–1948) in his textbooks. But very few, even in academia, go on to read Gandhi's writings (his collective works constitute 100 volumes) or make a serious effort to understand the deep and profound basis of his worldview. However, it is not unusual for academics in India to rediscover him later in life, as I have done in recent years. It usually reflects their dissatisfaction with available representations of alternative futures and/or the means through which these are to be realized.

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I turned to Gandhi's most important work *Hind Swaraj*¹ to seek answers to my own conundrums. I wished to understand the meaning and salience of the relationship between self and social transformation. I was seeking a response to the question whether we can bring about human emancipation and protect nature by altering material structures alone or whether it requires an evolved ethical and spiritual self. I also wished to understand the ways in which modern civilization has marginalized the ethical and spiritual self and veiled its relationship with the politics of emancipation. Finally, I was looking for guidance as to the role of the international lawyer in thinking and bringing about just relations between peoples and nations.

I ask these questions because, as a critic of the state of the world, I have not been entirely satisfied in recent years with my response to the question whether another world is possible, how it is to be envisaged, and how it can be realized. As someone writing from within the Marxist tradition I have found immense value in Marxist critiques of structures of global capitalism. However, I have been uneasy, especially after the experience of 'actually existing socialism', with the philosophy of militant materialism as a basis for building a world that expands the realm of human freedom.² First, while recognizing the need for transformations in the material substratum, in particular the need for some reordering of property rights to bring about a new social order, I have concurrently a fundamental and firm commitment to the principles of non-violence and democracy. Secondly, over the years I have not been comfortable with the neglect of the ethical and spiritual self in the philosophy of radical materialism. I have even written an odd essay with passing reflections on the theme.³ It is in this context that I eventually decided to reread the key writings of Gandhi for illumination, as in his world the ethical and spiritual self is embedded in the realm of political struggles for justice. Gandhi led a heroic and successful political movement against colonial rule. He spoke for millions of poor peasants and workers. Yet he treated the ethical and spiritual self as a foundational source for bringing about social and political emancipation.⁴ He also taught that a new man does not have to

¹ M.K. Gandhi, *Hind Swaraj and Other Writings* (ed. A.J. Parel, 1997).

² As opposed to its radical, mechanical, and reductionist versions that translated into authoritarian socialism, the outcome of which was an oppressed and estranged self, the basic philosophy of materialism can be defended. But such an exercise requires a separate tome and has to be undertaken separately.

³ See Chimni, 'Retrieving "Other" Visions of the Future: Sri Aurobindo and the Ideal of Human Unity', in B. Gruffyd Jones (ed.), *Decolonizing International Relations* (2006), at 197. For a brief mention of the theme of spiritualism see, e.g., Chimni, 'Alternative Visions of Just World Order: Six Tales from India', 46 *Harvard Int'l LJ* (2005) 389. I also wish to mention that when invited two years ago to mention ten texts that have influenced my work I listed *Hind Swaraj* among them although its thinking is yet to be fully integrated into my work. See Chimni, '10*10' 8 *Int'l J Constitutional L* (2010) 437.

⁴ In speaking of the ethical self I use the broad understanding of 'ethics' offered by Paul Ricoeur. By 'ethics' he signifies 'the aim of a good life with and for the other, in just institutions': P. Ricoeur, *Oneself as Another* (trans. Kathleen Blamey, 1992), at 172. However, I subsume in the term 'ethics' the world of 'morals' or 'morality' which is concerned with the principles and standards of right or wrong behaviour. By the spiritual self I mean the development of the inner reality of being or the gaining of self-knowledge through leading an ethical life in pursuit of truth. I adopt these understandings because I interpret Gandhi as doing so. It is perhaps worth noting here that while Gandhi was a deeply religious man, for him 'religions are different roads converging to the same point': Gandhi *supra* note 1, at 53. He therefore does not speak

await a social revolution and, conversely, that a better world cannot be sustained without work on the self.⁵

Turning for a moment to the world of international law, since the turn to positivism in the 19th century international law scholarship rarely acknowledges the relevance of the theme 'care of the self' for creating a more humane and just world. Contemporary international law is abstracted from ethical and spiritual moorings of everyday life. The sovereign individual makes an appearance in the literature, but essentially as a subject of legal rights and occasionally of legal responsibility. The absence of a self that is rooted in duties to strive for self-knowledge and promote the global common good is based on an excessive faith in the idea of restructuring international laws and institutions for creating a humane world. However, by facilitating accelerated capitalist globalization these laws and institutions continue to marginalize subaltern classes and nations and entrench in multifarious ways a singular conception of good life that is inhospitable to the idea of an ethical and spiritual self. In other words, the present day accent on reconfiguring international law and institutions has not produced an adequate focus either on deep structures of global capitalism or on the ethical and spiritual self, embedded in the notion of duty to humanity and god. I have attempted in my work to address the first gap through stressing, among other things, the internal relationship between structures of capitalism and imperialism. But I never did consider seriously the significance of the ethical and spiritual self in building a better world.

This is where I have found Gandhi's *Hind Swaraj* or *Indian Home Rule* enlightening. A short tract first written in 1909 in Gujarati (later translated by Gandhi himself into English), and banned by the colonial government in 1910 (although he returned to India from South Africa only in 1914), Gandhi directly reflects on the relationship between the self and social transformation through undertaking a critique of modern civilization. He also reviews the place and role of laws and the legal profession in ushering in a better world. The text is written in simple prose in the form of an imagined dialogue between a Reader and an Editor. What I find unique about Gandhi's worldview in *Hind Swaraj*, a seminal anti-imperialist text, is that the struggle for freedom from colonial rule and beyond is firmly rooted in the struggles for advancing self-knowledge. He thus writes that '*Swaraj* (self-rule) has to be experienced by each one for himself', and further that 'real home rule is self-rule or self-control'.⁶

The use of the term *swaraj* to signify both self-government and self-knowledge represented an epistemological break in the world of anti-colonial movements; freedom from colonial rule was not to be gained at the expense of the ethical and spiritual self.

of Hindu civilization but of Indian civilization in *Hind Swaraj*. As has been commented, 'what comes out loud and clear in *Hind Swaraj* is that Gandhi talks of *Indian* civilization as a category comprehending different streams of cultures regardless of religious denomination': S. Bhattacharya, *Talking Back: the Idea of Civilization in the Indian Nationalist Discourse* (2011), at 50. Gandhi noted that 'India is richer for the cultures that Islam and Christianity brought with them': *Collected Works of Mahatma Gandhi* (1999), lxxviii, at 323.

⁵ T. Surhud, *Reading Gandhi in Two Tongues and Other Essays* (2012), at 41.

⁶ Gandhi, *supra* note 1, at 118 and 73.

As one historian observes, ‘Gandhi clearly subordinates the political programme to the cultural agenda’.⁷ More generally, *Hind Swaraj* departs from the dominant view, at least on part of certain sections of the left, that the material world is the sole site of social transformation. Gandhi instead places greater emphasis on work on the self to change the world. The central figure in the world of Gandhi is the self in search of *satya* (i.e., truth). As he noted, the word *satya* comes from *sat*, which means ‘to be’ or ‘to exist’ with one objective, the pursuit of truth. Gandhi thus affirms the primacy of being, privileges the experience of knowing over the theory of knowing. For Gandhi the search for truth is not merely a cognitive exercise, but involves an active engagement with self and humanity through the performance of duties to both. The understanding of truth was in his world internally linked to struggles against all forms of violence and injustice. A remarkable feature of Gandhi’s life was that work on the self, i.e., the attempt to gain self-knowledge and self-understanding through the pursuit of truth, was an inextricable and integral part of the process of fighting racial discrimination in South Africa (between 1893 and 1914) and leading the collective struggles of the Indian people for independence from colonial rule. Thus the concept of truth in Gandhi simultaneously comprises and signifies the ethical, spiritual, and political.⁸

2 The Self and Modern Civilization

The centrality of the ethical and spiritual self in Gandhi’s thinking assumed the form of a comprehensive critique of modern civilization since he saw it as neglecting the self. While Gandhi did not rule out alternative forms of modernity (some commentators use the terms non-modern or a-modern to capture his thinking), these were acceptable to him only if they did not subvert the ethical and spiritual self. His most valuable insights, flowing from the critique of modern civilization, pertain to the disturbing focus on the welfare of the body, the enslavement of man by ‘machinery’ and ‘capital’, and the occlusion of alternative notions of good life.⁹

Each of these insights allows deeper reflections on the problems of our times and the ways of dealing with them. I have read *Hind Swaraj* in a way that helps to address

⁷ Bhattacharya, *supra* note 4, at 48.

⁸ Gandhi was often asked about the meaning of truth. He would say that God is Truth but then hasten to add that it was more correct to say that Truth is God. In his view each individual has to arrive at true knowledge by listening to his inner voice. But there is no debilitating relativism here. For Gandhi the meaning of truth was inextricably bound with the acceptance of core values such as non-violence, non-possession, compassion, and love: M.K. Gandhi, *Truth is God* (1955), at 20, 18. The gaining of true knowledge also required working for the common good. As he wrote in his autobiography, ‘I am endeavoring to see God through service of humanity, for I know that God is neither in heaven, nor down below, but in every one’: M.K. Gandhi, *My Autobiography or the Story of my Experiments with Truth* (1948), at 615.

⁹ It may be helpful for the reader to note the western thinkers that Gandhi lists in an appendix as being helpful to the study of *Hind Swaraj*. These include Carpenter, Mazzini, Maine, Nordau, Plato, Ruskin, Sherard, Thoreau, and Tolstoy: Gandhi, *supra* note 1, at 120. He also translated ‘Tolstoy, Ruskin, and Plato’s *Defence of Socrates* into Gujarati’: Suhруд, *supra* note 5, at 2.

the failings of Marxism by clarifying the need to be simultaneously attentive to material structures and to work on the self. At the same time I interpret aspects of Gandhi's critique of modernity as being directed against capitalist modernity and imperialism, and not modernity *per se*, and therefore reconcilable with Marxism. I am conscious of the difficulties of bringing Gandhi and Marx together, but have come to believe that it is a project worth undertaking. In these difficult times we should be less concerned with the purity of ideologies than with understanding our existential condition and finding answers to our ethical and political predicaments.

A Understanding the Self

It was the urge to understand the meaning of being that made Gandhi interrogate modern civilization. Since all experiential knowledge is gained by a self living in particular times, he had perforce to wrestle with the meaning of modernity. But he did not rely on the idea of history (as Karl Marx did) for understanding modern civilization. Gandhi saw history as being a story about the external world. The absence of a narrative on the evolution of the ethical and spiritual self that resisted all forms of oppression and injustice in the pursuit of truth made history less than meaningful to Gandhi.¹⁰ In the world of international law Gandhi's critique of the modern way of composing history is pertinent. The story of international law is told in a way that has little to say about how the self is imagined, constituted, and impacted upon by international law. It has nothing to impart about the sources of the self in different civilizations. In a profound way this has meant the evisceration of the discipline of international law.¹¹

To speak of the self is to talk of both the corporeal and the ethical and spiritual self. Gandhi's notion of the self is constituted of the 'self as *atman* (the imperishable, eternal, spiritual, substratum of the being of every individual) and self as *dehin* (the embodied spatio-temporal self, composed of body, senses, mind and soul)'.¹² It is the interpenetration of the two notions of the self that unites the ethical and the spiritual worlds. For Gandhi, however, this would have been merely an intellectual explanation. He was adept at translating high philosophic concepts into the world of accessible thought and practices.¹³ In his view, since 'the *dehin's* ultimate end is self-realization or *atmadarshan*' an individual must pursue everyday life on the basis of *dharma* (right conduct). His notion of an ideal self was taken from the *Gita* and has been described as a 'man of steady mind or steady wisdom ... who strives to attain inner *swaraj*'.¹⁴ In Gandhi's view the striving towards an ideal self was crucial to producing and

¹⁰ Gandhi observes that history 'is a record of wars of the world ... there can be no evidence of soul-force or passive resistance in such history. You cannot expect silver-ore in a tin mine'. A passage or two later he reiterates that history 'is a record of an interruption of the course of nature. Soul-force, being natural, is not noted in history': Gandhi, *supra* note 1, at 89–90.

¹¹ See Y. Onuma, *A Transcivilizational Perspective of International Law* (2010).

¹² Parel, 'Editor's Introduction', in Gandhi, *supra* note 1, at p. xlix.

¹³ *Hind Swaraj* is 'a text deeply embedded in practice': Surhud, *supra* note 5, at 46.

¹⁴ Parel, *supra* note 12, at p. xlix.

sustaining just social and political institutions. In this understanding only if men and women are in control of their needs and passions and seek self-knowledge can political self-rule informed by fair institutions be established. According to Gandhi this task is rendered difficult by modern civilization.

Gandhi's critique of modern civilization is in a central way linked to modernity's obsession with the care of the body, a particular dimension of *dehin*, as opposed to the care of the self. Gandhi writes that the essence of modern civilization 'lies in the fact that people living in it make bodily welfare the object of life'.¹⁵ Modern civilization 'promote[s] bodily happiness'.¹⁶ Better houses, clothing, vehicles, etc., define modern civilization. In contrast it 'takes note neither of morality nor of religion'.¹⁷

For Gandhi it is the failure to cultivate the ethical and spiritual self that is responsible for many horrors of modern civilization. These horrors included colonialism, which was primarily about coveting the wealth of other nations to improve bodily comfort. As a result the ability of imperial regimes to look within was eroded. The reason 'empires cannot easily look inward', as Uday Mehta explains, is 'because their internal life merely reflects the principles of their existence, which are extension, expanse ... and unboundedness'.¹⁸ Gandhi concluded that 'India is being ground down, not under the English heel, but under that of modern civilization' which is 'turning away from God'.¹⁹ He felt that contrary to modern civilization the Indian civilization paid heed to religion and sought to 'elevate the moral being'.²⁰ Gandhi was aware of the hardships imposed and cruelties committed in the name of religion, including in Indian civilization, but believed that modern civilization had claimed far more victims.²¹ He was, however, willing to wage battle against objectionable religious practices; he fought long and hard against the practice of untouchability and structures of patriarchy (he actively drew women into the freedom movement). In his world justice always prevailed over the word. But the rejection of religion, understood principally as the pursuit of truth through work on the self and service to humanity, was unacceptable to him.

True civilization was for him a 'mode of conduct which points out to man the path of duty', secured through attaining 'mastery over our mind and our passions. So doing we know ourselves'.²² Gandhi used the term 'duty' also to mean service to humanity. His composite notion of duty accounted for his discomfort with the focus

¹⁵ Gandhi, *supra* note 1, at 35.

¹⁶ *Ibid.*

¹⁷ *Ibid.*, at 37.

¹⁸ Mehta, 'Patience, Inwardness, and Self-Knowledge in Gandhi's *Hind Swaraj*', 23 *Public Culture* (2011) at 426.

¹⁹ Gandhi, *supra* note 1, at 42.

²⁰ *Ibid.*, at 72. It is important to note that Gandhi's vision was not a sectarian but an inclusive vision. As he observed, 'I bear no enmity towards the English but I do towards their civilization [i.e., modern civilization]': *ibid.*, at 119.

²¹ *Ibid.*, at 43.

²² *Ibid.*, at 57. Gandhi attempted to gain control over the self through his 'experiments with truth' (part of the title of his autobiography); for instance he took the vow of *brahmacharya* (i.e., celibacy) at the age of 37.

on the language of rights in modern civilization. He certainly did not reject the importance of rights. Gandhi, however, asked, 'where everybody wants rights, who shall give them to whom?'.²³ He recognized with Marx that the world of rights does not 'go beyond egoistic man'. He therefore chose to speak of duties. For Gandhi 'real rights are a result of performance of duty'.²⁴

What I have found most instructive in *Hind Swaraj* is the meaning Gandhi assigned to 'duties'. Duties for him had two dimensions that were deeply entrenched in his understanding of the ontology of *swaraj* signifying both self-knowledge and self-rule. The first aspect points to work on the self. In recent times Michel Foucault has captured for me the Gandhian understanding on this subject. For Foucault too 'salvation' is 'no more than the realization of the relationship to the self'.²⁵ Like Gandhi, Foucault noted that 'gaining access to the truth always requires transformative work on the self'.²⁶ He understood it to imply 'the search, practice, and experience through which the subject carries out the necessary transformations on himself in order to have access to the truth'.²⁷ But Gandhi went further and founded his mass politics on the relationship to the self. It was a politics of emancipation to be achieved by the performance of duties to humankind through actively participating in struggles for equality and justice. It is the dialectic between work on the self and work on the world that would help establish the relationship to self.

The importance of duties to the self and others influenced Gandhi's views on 'good life'. He made the simple observation that 'a man is not necessarily happy because he is rich, or unhappy because he is poor'.²⁸ It follows that it is not through consumption that the self can cure its disenchantment with the world. Gandhi therefore spoke of setting limits to our needs. For 'the mind is a restless bird; the more it gets the more it wants, and still remains unsatisfied'.²⁹ But Gandhi did not trace 'possessive individualism' simply to the 'ensemble of the social relations', as Marx did, but also to the erosion of the spiritual self in modern civilization. On the other hand, while Gandhi recognized that it was difficult to put the genie of industrialization back in the bottle, he did not reflect on the possibility of the reorganization of industrial societies in ways that would allow the ethical and spiritual self to surface. While he understood more deeply than Marx that the emancipated self would not emerge through transforming material structures alone he believed that industrial civilization and not merely capitalist industrialization had to be left behind to this end. For in his experience industrial civilization stood for exploitation and imperialism.

²³ *Ibid.*, at 82.

²⁴ *Ibid.* In the world of international law one can refer to the African Charter of Human and Peoples' Rights that underscores the duties of individuals towards the family and the community.

²⁵ M. Foucault, *The Hermeneutics of the Subject: Lectures at the college de France, 1975–1976* (trans. G. Burchell, 2005), at 192. For an insightful discussion see Rabinow, 'Foucault's Untimely Struggle: Toward a Form of Spirituality', 26 *Theory, Culture & Society* (2009), 25.

²⁶ Foucault, *supra* note 25, at 15.

²⁷ *Ibid.*

²⁸ Gandhi, *supra* note 1, at 68.

²⁹ *Ibid.*

B Technology, Capitalism, and Self

Modern industrial civilization was for Gandhi embodied in and symbolized by ‘machinery’ which places severe hurdles in establishing a relationship to self; ‘machinery’ represented to Gandhi ‘a great sin’.³⁰ He used the term ‘machinery’ as ‘a general term meaning technology and its ostensive constructs’,³¹ but understood the intimate association of technology with modern science and capital.

It is this matrix of modernity that compelled Gandhi to note that ‘machinery’ privileged the non-self (i.e., nature and the social world) over the self and, what is more, proceeded to violate the non-self. In the instance of non-self Gandhi hoped with Marx for the day when ‘nature becomes man for him’. But ‘machinery’ established an exploitative relationship between being and nature. It also distorted social relations. Gandhi viewed ‘machinery’ as the personification of capital that exploits wage labour.³² When capitalism incarnated into imperialism ‘machinery’ supplanted labour. Gandhi was therefore not against technologies such as the sewing machine as it did not replace or exploit human labour. He was also aware with respect to technology and its ostensive constructs that ‘it is no easy task to do away with a thing that is established’. Gandhi therefore cautioned more against technology’s unthinking development. As he observed, ‘the non-beginning of a thing is supreme wisdom’.³³ This is a most apt sentiment with reference to many of the grim technologies that humankind possesses today which do not add ‘one inch to the moral stature of a nation’.³⁴

Most vitally for Gandhi, modern technology tends to distort the relationship to self. It is the cognitive dissonance that modern technology introduces in the relationship to the self that concerned him. Technological advances give rise to the belief that the control of the external world corresponds to the expansion of human freedom and the gaining of self-knowledge. The idea of relationship to the self is thus displaced by technology to signify the development of the non-self. It allows the external gaze to have primacy over the inner self. The undermining of the inner world is traced by Gandhi also to the fact that modern technological developments redefine social spaces. He observed that ‘where there is machinery there are large cities’.³⁵ To him, ‘the modern city was a disembodied world: the home of abstractions and the modern machine’ (and modern professions) that hindered self-knowledge.³⁶ Gandhi consequently believed that another kind of industrialization (that is, socialist industrialization) was not the answer to the existing kind of industrialization (that is, capitalist industrialization).

Yet, as I have already noted, Gandhi shared with Marx his critique of capitalism. While what Gandhi advanced was an ethical critique this critique was embedded in

³⁰ *Ibid.*, at 107.

³¹ Sahasrabudhey, ‘The Machine’, in A. Raghuramraju (ed.), *Debating Gandhi* (2006), at 175.

³² *Ibid.*, at 178. See also Gandhi, *supra* note 1, at 107–108.

³³ *Ibid.*, at 109.

³⁴ Gandhi, ‘A Word of Explanation’, written in 1938 and reproduced in a local edition of *Hind Swaraj* published by Navjivan Trust, Ahmedabad (1998), at 16.

³⁵ Gandhi, *supra* note 1, at 110.

³⁶ Visvanathan, ‘Reinventing Gandhi’, in Raghuramraju (ed.), *supra* note 31, at 209.

the labour theory of value.³⁷ He too believed that the capitalist made profits by denying legitimate dues to the worker. Gandhi also agreed with Marx that capitalist exploitation led to 'the loss of the self'. But the significant point that Gandhi makes is that the 'loss of the self' cannot be overcome through merely restructuring capitalism. While Gandhi laid great stress on equality and the need to remove class distinctions he simultaneously stressed that alienation could be overcome only through work on the self.

Gandhi even spoke of converting the capitalist through the notion of 'trusteeship'. According to this view a capitalist would, through a process of self-transformation, use profits for the welfare of society. But, as Marx observed and demonstrated in *Capital*, it was not the capitalist but capital that was at issue and proceeded to 'lay bare the economic law of motion of modern society'. On the other hand, as I have learnt from Gandhi, modern civilization was not simply the doings of capital but also about modes of thinking that relegated to the margins the relationship to the self. Gandhi wished to remind modern civilization that unless the ethical and spiritual self was actively engaged the pain of alienation would remain even if capitalism were dethroned.

3 Politics, Law, and Self

The centrality of being in Gandhi's thinking and his critique of modern civilization framed his 'political theory' that included his approach to the state, the grounds for obedience to laws, the understanding of the legal profession, and the practice of *satyagraha* or what in *Hind Swaraj* he called passive resistance. Gandhi's reflections on these issues yield further insights into possible alternative global futures, the means with which to struggle for another world, and the role of international law and the legal profession in the process of bringing about change.

A State, International Community, and Self

It is not easy to capture Gandhi's political theory in terms of modern ideologies. A key feature of his thinking was that the state should not have a strong presence in the everyday life of people for, if I may be allowed to put it this way, the ontology of the state clashes with the ontology of the self. In Gandhi's view the modern state actively constitutes the conditions of life in ways in which the self finds it hard to gain self-control and exercise self-rule. Gandhi was also sceptical of bourgeois democracy. He noted of the British Parliament that its members were 'hypocritical and selfish'.³⁸ He therefore once spoke of replacing the state with self-regulation: '[i]t will then be a state of enlightened anarchy in which each person will become his own ruler ... In an ideal

³⁷ E.R. Frankel, *India's Political Economy 1947–2004* (2nd edn, 2005), at 14. Gandhi had read and cited Adam Smith's *Wealth of Nations* in his writings. But he 'held up the spirit of non-competitive cooperation as the superior principle' bringing 'to mind a similar stance of the Utopian socialists and syndicalists': Bhattacharya, *supra* note 4, at 55.

³⁸ Gandhi, *supra* note 1, at 31.

State there will be no political institution and therefore no political power'.³⁹ The state of 'enlightened anarchy' was for him best constituted by *gram swaraj* (village republics or village rule) within an independent sovereign state.

This ideal is to be understood against the backdrop of the dual sense in which he used the term 'self-rule'. The individual and village community would become the basis of self-rule not merely because the state would not be overly present but because in the absence of modern industrial civilization an individual could better control his needs and passions, and perform his duties to the local community, in order to realize a higher self. However, I understand Gandhi's anxiety to roll back industrial civilization as also reflecting his desire for Indian civilization to be left alone to pursue its own destiny. For, as already averred, in his experience industrial civilization and imperialism went hand in hand.

In reflecting on Gandhi's critique of the invasive nature of modern civilization, including the consuming modern state, I have been confirmed in my understanding that the 'international community', too, is too much with us.⁴⁰ I believe that modern international law is the instrument of choice for imperialism to intervene in all aspects of local, national, and international life. There is an excess of international law today. What is more, international law is forgetful of the ethical and spiritual self. Indeed, the estrangement of international law from the ethical and spiritual self is the dark side of the project of unification of the world by global capital. International laws have come to promote bodily comfort through facilitating the global production and circulation of consumer goods; much of international economic law serves this purpose. In short, what I have learnt from Gandhi is that international law and institutions need, as far as is possible, to leave nations alone in shaping their destiny. Too much international regulation prevents *swaraj*.

Incidentally, Gandhi held the firm opinion that no nation can be liberated by the effort of others. He understood in a profound way that we cannot bring 'self-rule' to others. He was therefore against external intervention. Thus, for instance, after the Italian aggression against Abyssinia in October 1935 Gandhi suggested that Abyssinia should 'make no appeal to the League or any other power for armed intervention'.⁴¹ He advised that it should instead engage in passive resistance. There is little doubt that he would have strongly opposed today's doctrines of humanitarian intervention and responsibility to protect, as these assume that self-rule can be brought about through the labours of others, and through the use of force.

When it came to establishing just relations among nations Gandhi rejected the belief 'that there is one law for families and another for nations'.⁴² He wanted nations to promote the global common good, albeit that this was often best achieved through leaving nations to pursue in their own ways the goal of self-determination.⁴³

³⁹ Cited in Chatterjee, 'The Moment of Manoeuvre: Gandhi and the Critique of Civil Society', in Raghuramraju (ed.), *supra* note 21, at 83.

⁴⁰ Chimni, 'International Institutions Today: An Imperial Global State in the Making', 15 *EJIL* (2004) 1.

⁴¹ See R.V. Murty, *Gandhi: Essential Writings* (1970), at 387.

⁴² Gandhi, *supra* note 1, at 90.

⁴³ Incidentally, Marx too had noted the need 'to vindicate the simple laws of morals and justice, which ought to govern the relations of private individuals, as the rule paramount of the intercourse of nations': K. Marx and F. Engels, *Selected Works* (1969), ii, at 18.

B On Obedience to Laws

Given the nature of present day modern civilization the global common good is rarely pursued in international relations and international laws. This condition perhaps explains why the rules on state responsibility demand obedience not on the basis of the ethical grounding of law but for reasons of its procedural rightness. Gandhi was critical of this understanding. He believed that the idea 'that we should obey laws whether good or bad is a newfangled notion'.⁴⁴ In his view this idea had emerged because in the modern legal system some kinds of knowing (formal legal reasoning) were privileged over other kinds of knowing (ethical reasoning).

Modern international law for this very reason is oblivious to ethical reasoning. The international law of state responsibility allows no space for ethical dissent by nations. For Gandhi, on the other hand, 'the real meaning of the statement that we are a law-abiding nation is that we are passive resisters'.⁴⁵ While it is true that such a position would allow every nation to avoid its obligations by advancing ethical reasons, the demand for obedience with bad international laws is equally troubling. It is here that I have found Gandhi's approach unique. Gandhi wanted an individual who violated a bad law to accept responsibility for his actions. Indeed, the willingness to accept punishment was an integral part of his idea of *satyagraha* or the search for truth through self sacrifice. Gandhi and his followers practised this understanding in the course of the anti-colonial struggle. They defied bad laws and were willing to go to jail for violating them. From a Gandhian point of view nations that willingly disobey bad laws must accept the consequences of their actions, as a way of affirming the principle of self-determination. This standpoint offers the possibility of a novel mode of collective resistance by states whose people are suffering because of bad laws. It allows nations to express passive resistance to bad laws while accepting state responsibility in the name of the common good and common humanity. It is of course important to remember here that in the world of Gandhi disobedience is justified only with bad laws (i.e., laws that do not promote the common good) and can assume only non-violent forms. The latter point is of crucial significance on the international plane as ethical reasoning is often used to justify the use of force. In the Gandhian scheme of things ethical dissent can never justify military action or the use of other forms of violence.

C The Self of Legal Profession

In the effort to work for the global common good what is to be the role of the international lawyer? I have often wondered what advice Gandhi would have proffered to the community of international lawyers. The counsel he would have offered can be elicited from his observations on the legal profession in *Hind Swaraj*. Despite being a barrister himself Gandhi wrote that 'lawyers have enslaved India'.⁴⁶ His primary reference was of course to the role that courts and sections of the legal profession had

⁴⁴ Gandhi, *supra* note 1, at 91. See generally M.K. Gandhi, *The Law and the Lawyers* (revised edn, 1999).

⁴⁵ Gandhi, *supra* note 1, at 91.

⁴⁶ *Ibid.*, at 58.

played in sustaining colonial rule. But his critique of the legal profession went further. He averred that it ‘teaches immorality’, for lawyers benefit from the disputes of others.⁴⁷ Indeed, they are ‘glad when men have disputes’.⁴⁸ Gandhi did not see any reason why lawyers should receive greater remuneration than ordinary workers.⁴⁹

Gandhi’s scepticism of the role of the legal profession was at least partly based on his understanding that ‘a third party’ or ‘stranger’ cannot always give us justice; ‘the parties alone know who is right’.⁵⁰ He emphasized the need to find ways of dispute resolution that were based on the pursuit of truth by the parties to the dispute themselves rather than through the active intervention of lawyers and courts. What was required was to develop capacity for empathy and compassion. For the parties already know the truth. On the practical plane this understanding anticipated a certain moral behaviour of the parties to a dispute. It is well known that Gandhi would walk away from a brief if he learnt that his client had lied to him.⁵¹ To him the right conduct of parties was a pre-condition for the resolution of a dispute.

In my view Gandhi’s critique of the legal profession raises crucial issues with respect to the responsibility of international lawyers. I will flag some of them. The first matter relates to the role of the legal adviser to governments. In giving advice should legal advisers privilege truth, read as the global common good and our common humanity, over perceived national interests? Should a legal adviser do a Gandhi to his client if truth were not spoken with regard to the material facts in issue? Secondly, should international lawyers charge exorbitant fees even when that prevents poor individuals and nations from seeking justice? Thirdly, are international lawyers willing to assume personal responsibility for particular interpretations of international law with troubling outcomes for subaltern groups and peoples in the world? Can the ethical self use the legal form as a shield to deflect criticisms? Finally, does a shadow fall between the ideals that often inform the writings of international lawyers and their practices in their professional lives? An example of the latter is the jostling for power and positions in universities and professional bodies. The shadow between aspiration and practice is not unique to any profession or vocation. In many ways it represents mundane reality. The point is that modern professions are subject to an inner dynamic that occludes reflection on the ethical self. What we can learn from Gandhi is that in a very profound sense (to invert Ludwig Wittgenstein) deeds are words.

It is worth noting here Gandhi’s views in *Hind Swaraj* on the medical profession. Since for him modern civilization was associated with promoting bodily comfort, the medical profession immediately invited his attention. He wanted the doctor to ‘give up medicine and understand that rather than mending bodies, he should mend souls’.⁵² In Gandhi’s understanding health is not about tending to the body but to the inner self. By contrast modern medicine, like legal remedies, detracts attention from relationship

⁴⁷ *Ibid.*, at 59.

⁴⁸ *Ibid.*

⁴⁹ ‘Why do they want more fees than common laborers? Why are their requirements greater? In what ways are they more profitable to the country than the laborers?’: *ibid.*, at 60.

⁵⁰ *Ibid.*, at 61.

⁵¹ Gandhi, *supra* note 30.

⁵² Gandhi, *supra* note 1, at 117.

to the self. Its interventions encourage self-indulgence and loss of self-control.⁵³ In other words, the modern medical profession is, like the legal profession, inclined to discourage work on the self.

D Non-violence and Self

It is widely known that Gandhi saw an 'inviolable connection' between means and ends.⁵⁴ He was of the unshakeable view that 'fair means alone can produce fair results' and that 'the force of love and pity is infinitely greater than the force of arms'.⁵⁵ He therefore recommended passive resistance to oppression, 'a method of securing rights by personal suffering' through 'sacrifice of self'.⁵⁶ Passive resistance 'pits soul force against brute force'.⁵⁷ It means ceasing 'to co-operate with our rulers when they displease us'.⁵⁸ It is passive resistance or his preferred term *Satyagraha* (i.e., insistence on truth with *satya* meaning truth and *agraha* insistence) that explains the impact he had. Gandhi understood that the essence of imperialism was violence and that it could be effectively combated only with an opposite idea and force. Therefore for Gandhi the meaning of non-violence has to have an inclusive ambition, including the goal of saving the oppressor from himself. Thus '*Hind Swaraj* is a rare document of contemporary thought that does not seek the annihilation of the oppressor, but in fact seeks their salvation'.⁵⁹

We would all agree that Gandhi changed the world of politics. If the discourse on non-violence is so acceptable to many leaders of resistance movements today it is only because Gandhi had shown that it was not simply an ethical position but an effective political weapon. In my view it is not sufficiently understood, however, that Gandhi was not making merely instrumental use of the principle of non-violence. His understanding of non-violence was integral to leading an ethical life and gaining self-knowledge.⁶⁰ The practice of non-violence was for him primarily about the search for truth through the performance of duties, with the transformation of the world only its logical outcome. It explains why in the course of the anti-colonial movement Gandhi seldom paid attention to the consequences of withdrawing an agitation if he felt that it had departed from the principle of non-violence. He taught us that other worlds are worth pursuing, and also realizable, only if the value of non-violence in its profound meaning is enshrined in the self.

4 Final Remarks

Gandhi was concerned that independent India would have 'English rule without the Englishman'.⁶¹ He was in many respects not far off the mark. The arrival of the

⁵³ *Ibid.*, at 63.

⁵⁴ *Ibid.*, at 81.

⁵⁵ *Ibid.*, at 82.

⁵⁶ *Ibid.*, at 90.

⁵⁷ Gandhi, *supra* note 35, at 15.

⁵⁸ Gandhi, *supra* note 1, at 95.

⁵⁹ Surhud, *supra* note 5, at 171.

⁶⁰ *Ibid.*, at 18.

⁶¹ Gandhi, *supra* note 1, at 28.

developmental state, particularly in its neo-liberal incarnation, has promoted heightened concern with the welfare of the body, pushing aside the ethical and spiritual self. Despite the ‘progress’ India has made in recent years it would have saddened him to see how the relationship to self has come to be enslaved by capital and accompanying modes of cognition. He would have been disturbed by the triumph of epistemology over ontology, technology over being, things over the self, and knowledge of the material world over self-knowledge.

The state of the world would have disturbed him even more. It would not have surprised Gandhi that imperialism remains its central feature. For powerful nations continue to covet the wealth of other nations, privileging bodily comfort over augmenting the ‘moral wealth of nations’. The external gaze of imperial regimes, especially the willingness to use force for gaining access to the wealth of other nations, has meant the failure to look within. Gandhi would of course have found ways of fighting new forms of imperialism. He might have called upon subaltern nations to disobey unjust international laws in the name of the global common good and willingly accept legal responsibility, and, if necessary, collective suffering, for the sake of common humanity. It is useful to remind ourselves here that Gandhi showed the power and validity of his thinking in the midst of an epic struggle against colonial rule. He deployed the dual meaning of *swaraj* in order both to preach a way of life and to fight imperialism. For in Gandhi’s view an individual gains self-knowledge amidst individual and collective struggles for emancipation from both oppressive cognitive and material structures. Gandhi believed that work on the self involves service to humanity. It is a self that is concerned with the performance of duties to nature and humankind. It is in these regards that he urged us to limit our wants through work on the self and actively use the instrument of non-violence to challenge unjust social and political structures.⁶² ‘Know thyself’ through the pursuit of truth is the advice that Gandhi would also have given to the invisible college of international lawyers. He would have urged them to be associated with struggles to promote the global common good. He would also have wanted the discipline of international law to be recast to speak to the self.

To conclude, while I continue to locate myself firmly within the Marxist tradition, Gandhi’s *Hind Swaraj* persuades me that the ethical and spiritual self has a vital role to play in creating a better world. For even transformed material structures do not involuntarily produce a new man. An un-alienated self anticipates patient work on the self. The question of what form of modernity or ‘alternative modernity’ can bring Gandhi and Marx together challenges the imagination. But I believe that we have to push its boundaries if other worlds that protect nature and also advance self-knowledge and human dignity through the elimination of all forms of violence and injustice are to be established. The endeavour to combine the teachings of Marx and Gandhi may not be as difficult as we would first assume. Both Gandhi and Marx advanced a critique of capitalism and sensitively expounded on different forms of alienation in

⁶² Godrej, ‘Ascetics, Warriors, and A Gandhian Ecological Citizenship’, 40 *Political Theory* (2012) 457.

the age of capitalist modernity.⁶³ Gandhi's understanding of the ethical and spiritual self as a self in pursuit of truth rooted in the realities of this world also unites him with Marx. The difference between Gandhi and Marx is that having experienced it first hand Gandhi understood better than Marx the relationship between capitalism and imperialism; Marx essentially analysed capitalism as a closed system. It explains why Gandhi was sharply critical of industrial civilization, not willing to treat what he encountered as merely one of its forms, and unbelieving that it could be reformed. Therefore, unlike Marx, he did not appreciate the possibilities of transforming industrial civilization in a way that held out the hope of human emancipation. But in the process of approaching the struggle against industrial civilization and imperialism from a cultural and spiritual vantage point he helped understand in multifarious ways the limits of materialist philosophy.

But admittedly much labour remains to be expended, beyond mere 'impressions', before elements of the work of Gandhi and Marx can be combined to yield fuller portrayals of better alternative futures. The broad goal would be to interweave the idea of transformation of the material substratum with that of creating democratic structures of governance and the need for work on the self. Of course, in mapping possible alternative futures the views of both Gandhi and Marx will have to be subjected to the method of historical materialism. Their work too cannot escape critical inquiry. However, there is little doubt that both Gandhi and Marx have much to teach humankind.

⁶³ For the views of Marx that overlap with those of Gandhi see Karl Marx, *Economic and Philosophic Manuscripts of 1844* (1959).