

# GANDHI MARG

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VOLUME 45 • NUMBER 3 • OCTOBER–DECEMBER 2023

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**Gandhi Peace Foundation  
New Delhi**

# GANDHI MARG

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*Quarterly Journal of the Gandhi Peace Foundation*

VOLUME 45 □ NUMBER 3 □ OCTOBER – DECEMBER 2023

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*Gandhi Marg: 1957-1976 available in microform from*

Oxford University Microfilms, 300 North Zeeb Road, Ann Arbor, Michigan, USA;  
35 Mobile Drive, Toronto, Ontario, Canada M4A1H6; University Microfilms  
Limited, St. John's Road, Tyler's Green, Penn., Buckinghamshire, England.

II ISSN 0016—4437 LIBRARY OF CONGRESS CARD NO. 68-475534

*New Subscription Rates (with effect from Volume 34, April-June 2012 onwards)*

<i>Period</i>	<i>Individual</i>	<i>Institutional</i>	<i>Individual</i>	<i>Institutional</i>
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Published by Ashok Kumar for the Gandhi Peace Foundation, 221 & 223 Deen Dayal Upadhyaya Marg, New Delhi-110 002 (Phones: 23237491, 23237493; Fax: +91-11-23236734), Website: [www.gandhimargjournal.org](http://www.gandhimargjournal.org), e-mail: [gpf18@rediffmail.com](mailto:gpf18@rediffmail.com), [gandhipeacefoundation18@yahoo.co.in](mailto:gandhipeacefoundation18@yahoo.co.in), and printed by him at Gupta Printing and Stationery Service, 275, Pratap Nagar, Street No. 18, Delhi-110 007

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Gandhi Marg Quarterly

45(3): 261-262

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<http://gandhimargjournal.org/>

ISSN 0016—4437

## Editorial

THE WAR IN GAZA has been raging relentlessly since 7 October 2023. Sadly, we still have not learned that using force to address contending issues will not work long-term or provide lasting solutions. It is already very evident from international laws, regulations, and norms that civilians, hospitals, and schools should not be the targets of such actions. And the Israeli offensive on Gaza has violated all of these. The basic contention here is that future security and peace are less likely the more devastation you inflict on Gazans. You cannot get rid of the 2.5 million people who reside in the world's most populated area and who have spent the last 16 years living essentially in an open prison. Israel will not gain any military advantage over Hamas fighters, Hamas militant groups, or Hamas weapons if it keeps bombing civilians and homes. By doing so, Israel is essentially eliminating any potential for future interaction with the Palestinian people. These days, the Israeli military and Hamas are not the true enemies in the war. Israel and the Palestinian people are now the parties to the conflict.

Instead of adopting another naive, biased, or blind stance, what is needed is to return to fundamental human values and recognize the need to uphold and foster humanity on both sides. The creation of an independent Palestinian state is opposed by Israeli Prime Minister Benjamin Netanyahu and his right-wing coalition partners. If his government were to fall soon, as many political analysts believe, his replacement might take a tough stance on the creation of a Palestinian state. The Israeli public may be becoming more and more conservative.

The only Palestinian representative at a future negotiating table can no longer be the feeble and dishonest Palestinian Authority (PA), led by Fatah in the West Bank, which is increasingly seen as unable and unwilling to defend Palestinians against Israeli violence. The majority of Western nations classify Hamas as a terrorist organisation, but this should not be a barrier to its involvement in negotiations, as avoiding it could potentially create a spoiler role. That used to be the

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situation with the Palestinian Liberation Organisation (PLO). However, just as the PLO modified its national charter, Hamas must also give up on its declared goal of destroying Israel. There were seven unsuccessful attempts at Fatah-Hamas reconciliation between 2007 and 2018.

In Gaza, more UN employees have lost their lives. What is happening in Gaza is not covered by the Israeli media. Furthermore, no party leader has presented a comprehensive strategy for Gaza's post-war administration. Military solutions can provide the Israel state with a temporary sense of security. But, such security is not sustainable in the long run.

Has the world community failed? The Security Council has been a complete failure. The resolution imposing an arms embargo on Israel was also not enacted by the General Assembly. In addition, the International Criminal Court avoided discussing Palestine's situation out of concern that doing so would anger the organization's Western sponsors.

This journal issue has four main articles and a shorter one in the notes and comments section. The article by Karunakar Patra examines Gandhi's philosophy in light of the contributions made by Anthony Parel towards its explication. In the next article, Ashkar M M and Gilbert Sebastian examine Kerala's New System of Fisheries Management Councils. Abhilash Babu, Hamadou Amadou Cissé BARRY, and Mohamadine ASSEYDOU explore the intricacies of Peri-Urban Transformation in a Mali Village. The final article by Michael Allen discusses the theme of Gandhi, Hobbes, and Locke on Natural Prescriptions for Peace. In the notes and comments section, we have an article by Ananta Kumar Giri titled Truth, God and Justice: Walking and Meditating with Gandhi. This issue also carries the Gandhi Peace Foundation lecture by Justice Madan Lokur and three book reviews.

JOHN S MOOLAKKATTU  
Chief Editor



Gandhi Marg Quarterly

45(3): 263–284

© 2023 Gandhi Peace Foundation, New Delhi

<http://gandhimargjournal.org/>

ISSN 0016—4437

# Anthony Parel's Canonical and Comparative Reading of Gandhian Philosophy: A Reply to the Plurality of Cultural Tradition in Indian Civilization

*Karunakar Patra*

## ABSTRACT

*Gandhi's philosophy and praxis are consistently grounded to make them more realizable in the growing complexities of the twenty-first century. Thinking about alternative ideas of good life in plural and diverse societies, Anthony Parel finds Gandhi more interesting in the tradition of intellectual history that represents Pax Gandhiana, a comprehensive idea that Gandhi's political philosophy is a means to understand fundamental truths about political phenomena which ultimately lead to realize truths in action. I argue that how is that the political truths that Parel thinks of Gandhi impact on citizens and their political and economic institutions to create political orders of freedom and peace as broadly coined as Pax Gandhiana. In order to proceed through this argument, my task further would be to elaborate on Parel's constitutive and interpretative "conceptual framework" as well as the comparative method to locate Gandhi's philosophy as uniquely distinctive in comparison to other thinkers of his times. The comparative approach to political theory is distinctive for its conceptual analysis of political concepts and theories and its usefulness for a broader understanding of a comprehensive political world.*

**Key words:** M. K. Gandhi, Anthony Parel, Purusharthas, Truth, Pax Gandhiana, Indian Civilization

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### **Introduction**

AMONG HIS MANY contributions to intellectual history, Anthony Parel's most outstanding contribution lies in understanding and interpreting the meaning of Gandhi. Ronald J. Terchek praises Anthony Parel's contribution to interpreting Gandhi:<sup>1</sup>

For those who thought there is not much new to be said about Gandhi, Anthony Parel has shown otherwise in this outstanding book. It is stimulating and fresh, opening new doors to our understanding of Gandhi and is an invaluable contribution as it is intelligently speaks to our own times and challenges.

After many decades of rigorous study, Parel is probably very close to the essence of Gandhi and his philosophy in terms of consistency and inclusiveness. This is about the theory of purusharthas, which is mostly about the foundational theory of Indian civilization. Gandhi reinvented the theory of purusharthas, and it is regarded as one of his most important contributions to modern Indian political thought. Parel is convinced that Gandhian concepts like swaraj, satyagraha, ahimsa, swadeshi, sarvodaya, and religion are "accurate" but they cannot go far enough. Parel emphasizes, 'they cannot give us the full picture. To get the full picture we have to look for the intellectual framework within which they are set. The theory of the purusharthas proves to be that framework.'<sup>2</sup>

To contextualize civic nonviolence that enriches Gandhian politics, Moolakkattu provides a finely ingrained interpretation of Parel's construction in the following:<sup>3</sup>

What I have found unique in Parel's writings is a strong assertion that Gandhi was out and out a political philosopher who was equally accommodative of the demands of practical politics..... On the whole, this book (Pax-Gandhiana) has endeavoured to depict Gandhi not as an absolutist in terms of his ideas relating to nonviolence and politics.

Political philosophers invented symbols and fetched them into their thought, action, and communication. Symbols bear testimony to the political behaviour of human beings who are engaged with one another to communicate the need, urgency, and value of their specific contextual actions. 'Values become politically dynamic when they find symbolic expression.'<sup>4</sup> Symbols play a role in the dynamic process of politics in different ways. Symbols perform both relational and communitarian functions in politics. Parel underlines the role of symbols in attaching meaning to material objects, which are not

important for their own sake but for the meaning they convey. The meaning conveyed by symbols changes individual emotions and values. Symbolism becomes dynamic when its current passes through values, emotions, and beliefs that individuals practice in their lives to a particular material object. Apart from the relational function, symbolism also performs the communitarian one – as part of the internal structure of the community. Symbols help to integrate the community by appealing to certain material objects. Symbols carry dynamic potential and bring radical social change and progressive development.

Symbols are thus action-oriented and help to realize certain goals in politics. They attach meaning to action through values and virtues. In this context, the meaning of Gandhian politics is aided by the virtue of “peaceful and nonviolent pursuit of common good.” Politics for Gandhi is a domain of human species guided by nonviolent action because “nonviolence is consistent with human nature.” In contrast to the virtuous politics of peace and nonviolence, Gandhi also pointed out the vicious nature of politics. Parel highlights four vicious aspects of politics, ‘the lack of mastery over the libido, the lack of social purpose in the instinct for wealth and materials goods, the lack of the will to resolve political differences on the basis of relative truth and fear that is general lack of confidence in the intentions of others.’<sup>5</sup> The vicious politics is embedded in violence, which insists on a pathological action – ‘an arena of struggle for gaining domination over fellow men by the application of greater violence, fraud and competition.’<sup>6</sup>

Parel points out that Gandhi used symbols to analyze the meaning of politics in terms of virtues. For him, symbolic politics helps in the realization of values attached to material goods. Gandhi used many political symbols like cow, fasting, khadi, and Harijan to realize political virtues like nonviolence, chastity, poverty, truth and fortitude. Gandhi used the cow as a symbol of nonviolence in the cultural pluralist civilization of India as part of his civic and composite nationalism. It reflected religious toleration and goodwill among the Hindus and Muslims. Gandhian symbols, Parel suggests, function in two important ways in politics.<sup>7</sup> First, it helps to transform politics from the stagnation of tradition. He reinvented the symbolic gestures and their deeply embedded values in the tradition of society into a living reality of inclusiveness. Secondly, Gandhian politics also revealed political symbols’ historical and cultural contextuality to give meaning to material objects.

Gandhi pursued religion to seek dharma as a part and moksha as a whole, whereas dharma is considered a moral virtue that accentuates

the duty of humans. Since dharma is a moral virtue innate in humans, it propels them to behave politically in a virtuous manner. So what is the importance of truth to politics to Gandhi? An answer can be found in Gandhi's Autobiography as well as in other places. Parel points out:<sup>8</sup>

...the state and its politics are of course necessary for human wellbeing, but they are not sufficient. Along with artha, human wellbeing needs dharma, kama, and moksha also. There is therefore no way of making *raison d'état* the highest human good. The highest human good is spiritual liberation; but it cannot be achieved unless one enters into the field of politics – implying that there is a connection between "what is done" and "what should be done", and "between the relative truth" (*apne kalpelu satya*) pursued in politics and "absolute truth" (*swatantra chirastayi satya*) pursued in spiritual liberation.

For Gandhi, religion vests individuals with moral qualities, giving direction to pursue politics as an essential part of human behaviour. Moral virtues, in this sense, guide political virtues. The civic virtue of nonviolence is also true of this connection that sincerely guides people to be bound by dharma as a duty not to be separated from rights. To Gandhi, to be secular means to follow the constitutional principles of a secular state. He differs from self-sufficient humanism as part of secularism in which a human being alone is capable of self-fulfillment. For self-fulfillment, one has to pursue the four canonical aims of life. Artha gives way to secular mode of conduct but it is not holistic and should be guided by dharma and moksha. Gandhi points out that the weakness of the state is to be corrected by satyagraha – the highest law.

### **Method**

Parel is an outstanding intellectual historian of Western and Indian political thought. His works on Machiavelli, Aquinas, and Gandhi are exemplary. He is very particular about the method of the history of Western and Indian political thought. Parel's first major work on Gandhi, *Gandhi: Hind Swaraj and Other Writings*, is an ecumenical task carried forward in the spirit of interpretation of the text by emphasizing three important aspects – the authorial intention, textual, and contextual. In addition to this, he also employs the comparative method to study historians of thought in a very subtle manner. Parel adopts the comparative method to study the philosophy of Gandhi in comparison to his contemporaries to place its relevance on a plural and diverse society like India. The comparative political theory has recently been reinvented as a subfield of political theory and has

emerged as a dominant area of research in contemporary times. The idea of comparative political theory is a challenge to political theory, which is mostly Eurocentric in scope and content by focusing on the comparative worth of different ideas from both Western and Eastern perspectives. The location of Parel's comparative understanding of Gandhian philosophy presented thus:<sup>9</sup>

Being more things than one is a label that fits Gandhi well. Any study of his thought that aspires to be comprehensive is to bound to expose the student to the comparative perspective that it provides. The ancient and the modern and the Indian and the Western perspectives jointly illuminate the substance of his thought. The question is how the different elements come together and constitute a coherent whole. This book 'Gandhi's Philosophy and the Quest for Humanity' attempts to answer this question. It uses a framework of analysis that does justice to the basic unity of his practical philosophy. Gandhi was not a philosopher in the normal sense if that term, much less a system builder. But a philosophy does underlie his thought and actions. He was aware of this, though not willing to expound systematically the underlying philosophy.

Parel compares the Gandhian "conceptual framework" with his contemporary political thinkers in India – Ambedkar, Jinnah, Savarkar, Tagore and Aurobindo. The comparative approach is distinctive for its conceptual analysis of political concepts and theories and its usefulness for a broader understanding of a comprehensive political world. To emphasize the comprehensiveness within the "conceptual framework" of Gandhi's philosophy, Parel also criticizes others who do not see Gandhi's work in an integrated way. In V S Naipaul's interview given to India Today International in 2007, he distinguishes two aspects of Gandhism: pre-mahatma and post-mahatma. Gandhism, he says, has no real unity; it is like a cafeteria menu comprising many disparate items – the dhoti, the spinning wheel, the khadi, vegetarianism, celibacy, social work, bits of Thoreau and Ruskin. However, Parel disputes Naipaul's interpretation of Gandhi and provides a "conceptual framework" to comprehensively understand the unity of Gandhi's work. He claims that 'understanding Gandhi's conceptual framework is the first step toward understanding the originality of his political philosophy'.<sup>10</sup> The "Conceptual framework" through which Parel interprets Gandhism is coined as "Pax Gandhiana." This phrase does not find any place in his writings. However, it is certainly implied when his political philosophy is invoked:<sup>11</sup>

Gandhi's political philosophy is not only a means to understanding the

fundamental truths about political phenomena, but also a means of realizing, or at least attempting to realize, those truths in action. The realization of political truths should occur not only in the lives of individual citizens but also in the operations of the political and economic institutions. Understanding and action go together and are inseparable. You have to live the truth you profess. If realized in action, the outcome will give rise to appropriate political and economic institutions which in turn will create a corresponding social and political order, an order of freedom of peace, which I call "Pax Gandhiana.

Gandhian theory and practice are incompatible, so Pax Gandhiana is not a utopia. Gandhism, Parel is convinced, is both normatively comprehensive and realistic in praxis. In this context, Parel's constructive paradigm – conceptual framework – is useful to understand the originality of Gandhi's moral and political philosophy. This categorical construction rebuilds a new interpretation of the classical Indian philosophy of "purusharthas"<sup>12</sup> that emphasizes four aims of life – ethics (*dharma*), politics (*artha*), pleasure (*kama*), and the pursuit of spiritual transcendence (*moksha*). Through this framework, Gandhi reinvents the tradition and allows a notion of coercive politics different from the West.

Moolakkattu argues that Pax Gandhiana, as a conceptual framework, is a symbol of peace in a society that does not believe in the complete elimination of violence but can reduce it gradually. In the pragmatic sense, it can be defended against the charge of being a utopia.<sup>13</sup>

Parel's Pax Gandhiana can be established only if four conditions are met; namely, constitutional government up to the local level, the existence of a band of nonviolent constructive workers engaged in dispassionate service, civil disobedience to redress specific grievances and party politics in an environment of free and fair elections, acknowledging simultaneously that more than competition in politics, what is required is a spirit of service.

### **Pax Gandhiana: Political and Economic Aspects**

Swaraj is very popular conception of Gandhian philosophy. 'It is a state of being of individuals and nations.'<sup>14</sup> Swaraj is an ultimate idea in the sense that it is an end in itself; it is not political privation but political selfhood. It contains two important meanings – individual and nation. The individual swaraj is identified with self-rule, self-discipline, or spiritual freedom. Political swaraj is coined with state's political sovereignty. The realization of political swaraj is a reflection

of civic nation. It is a theory of civic nationalism in contrast to religious or ethnic nationalism. Political swaraj is a form of self-determination on the part of the nation. Gandhi's conceptual framework explains a mediation between a sphere of artha and the ends of human life. Individual self-rule has an origin in Indian philosophy. Self-rule intends to glue the idea of swaraj in the individual to be disciplined from within: self-restraint, self-control, and self-direction by dominating unbridled passions. Self-rule and political swaraj are compatible, which spells the originality of Gandhi's political philosophy. This blend makes his theory of state distinct from modern theories of the state.

The important aspects of Pax Gandhiana constitute civic nonviolence and a constitutionally limited state based on the people's consent. Absolute nonviolence as a creed is a part of private life. Sometimes, Gandhi is criticized for adopting this view and thus is disqualified as a political philosopher. But, such criticism does not recognize that politics (artha) is part of purusharthas and that, in this context, Gandhi allows the minutest use of force for internal peace and external security. Parel argues that Gandhi moderates the use of violence by the monastery to the common arena of life of people in the society. It can be seen as being practiced by commoners and statesmen. Nonviolence in this context contributes to peace and harmony in the society. Parel grasps a broader connection between nonviolence, individuals, and the state. He points out that, 'what Gandhi seeks to introduce is nothing less than a new equilibrium between nonviolence, the political interests of individuals and groups, the rights and freedoms of the citizens, and the coercive state.'<sup>15</sup>

Civic nonviolence stresses the link of the pursuit of dharma and moksha to artha, contrary to the monastic idea of nonviolence. It is adhered to as an active virtue by the citizens to pursue civic nonviolence for peaceful living by resolving conflicts. Gandhi distinguishes between the two meanings of nonviolence – nonviolence as creed and nonviolence as policy. The former is a part of the monastic idea and is considered a weak version because it abstains from the use of violence for self-defence. The latter version of nonviolence should be used by citizens and statesmen in civic affairs. This is an inevitable part of civic activity with less intent as a realistic political arena; thus, civic nonviolence and a coercive state can coexist.

The source of civic nonviolence has three important parts. First, it draws on soul-force. It is followed as love-force or sociability. Second, it draws on citizenship and public service. It means that individuals as citizens are peers, and no ascriptive features like caste, class, ethnicity, race, or religion can hinder the realization of that identity as supreme. Third, it draws on *anasakti yoga* or self-less service. It is

interpreted as a realistic version of life that enables an active engagement in political, economic, and social arenas. Engaging in such an activity entails responsible behaviours of the citizens to live not only in a peaceful atmosphere but to realize spiritual self-fulfillment. Parel submits that such an ethic contains four conditions. First, this idea is good in itself, following one's ethical standard of professional life and life circumstances. Second, the consequence of such an act is harmless to others and contributes to societal welfare. Third, the intentional purity of function is devoid of undue personal gain but to perform the task. And finally, the means are as pure as ends.

Parel underlines a practical and realistic application of Gandhi's civic nonviolence apart from the monastic idea of nonviolence. The intention is to make this life spiritualized; Gandhi brings dharma into arenas of artha and artha into dharma. Spiritualizing eliminates the disharmony of artha with dharma and the pursuit of moksha. A combination is perceived among three purusharthas in coordination with one another in civic life as the most invaluable part of the good life. 'In Gandhi's view, Pax Gandhian adapts nonviolence to the needs of civic life in pluralistic society without committing the error of exalting the artha above all the other purusharthas.'<sup>16</sup>

Civic nonviolence and civic nationalism are integral in Gandhian comprehensive thinking. Gandhi consistently argues for a civic nation against religious and ethnic nationalism. The context of his argument is very much historical. India is a nation that has practiced multiple and diverse values for centuries and can exist with arrangements that suitably make people happy and lead good lives in harmony with cultural distinctiveness. The relative advantage of civic nation for India is its emphasis on citizens as a bearer of inalienable rights and capable of swaraj or self-rule, self-determination, and self-development. Parel suggests three sets of ideas that hold citizens together as a civic nation:<sup>17</sup>

First, there is a shared sense of history: its triumphs and tragedies, its achievements in the arts, the sciences and technology. Second, there is a sense of human rights and a willingness to share with one another the material benefits of living in an inclusive civic nation. Third, there is a commonly held humanism that disposes one to embrace one's fellow citizens simply because they are human beings, regardless of social, racial, economic, or some other differences.

The argument for a civic nation underlines the importance of unity in diversity. As a great civilization, India has progressed unstoppably by the character of 'assimilation' of different cultures into its heart. Different religions are allowed to flourish without barriers from each other. For Gandhi, Parel submits, 'apart from the virtue of equal respect

for all religions, civic friendship is also needed to build a civic nation.<sup>18</sup> The idea of civic friendship has a common root in all religions – in the dharma that underlies all dharmas.<sup>19</sup>

How is civic nonviolence and coercive state compatible? For Gandhi, civic nonviolence is a mode of civic life that is compatible with a coercive state. Nonviolence, Gandhi suggests, is attached to human nature. Human is a composite of body and soul. They are inherently characterized as possessors of violence, but they are also having a spiritual soul. Nobody can be entirely abstained from violence. In such a context, a coercive state is required to instill internal order and external peace in society. The idea of state in Gandhi's philosophy is seen with skepticism. Many interpreters of Gandhi reject the idea that he has ever a systematic theory of state. This might not be true. Definitely, he has a theory of the state; that is, in his Hind Swaraj, he meant "Indian Home Rule" that clarifies an "Independent Indian State" with "Parliamentary Swaraj" as a reality.

The nature of violence for Gandhi is observed in various "fields of nonviolence". By field, he means community. Gandhi envisaged four community types: the family, the religious community, the nation-state, and the international community of states. In each of these communities, the violence operates in different modes. Parel contends that Gandhi does not reject the state itself but the reason of the state or national interest of a Machiavellian sort above the interests of the international community. Parel insists that:<sup>20</sup>

...the Gandhian state has the obligation to consider the individual the most important unit of society, and to seek national interest only within the bounds of the norms of *sadharan* (universal) dharma – truthfulness, uprightness, freedom from malice, compassion, forbearance, and abstention from causing injury to other states.

Political swaraj is accompanied by economic swaraj, a "just economic order" that satisfies the citizens' material needs under conditions of human dignity, liberty and equality. Ruskin's *Unto This Last* (1904) is a perennial source for Gandhi in life and outlook. He translated it into *Sarvodaya* in 1908. Parel has quoted the meaning of Sarvodaya:<sup>21</sup>

We do not even explain what the title of the book means, for it can be understood only by a person who has read the Bible in English. But since the object which the book works is the welfare of all – that is, the advancement of all and not merely of the greatest number – we have entitled these articles Sarvodaya.

This story highlights the most basic economic right: living wage as an inherent condition of economic justice. "Sarvodaya" is an economic manifesto, and "Hind Swaraj" is a political manifesto. Parel scrutinizes the capitalist nature of the production of material life, which to Gandhi is sinister and based on man's brute nature. It is neither helpful nor required for the poverty-stricken masses in India. Gandhi sought a longstanding solution to India's economic problems by employing many ideas like trusteeship, manual labour, wealth, private property, and others.

Gandhi's important lesson from Ruskin is the value of work in economic activities. The modern capitalist economy is seen as profit-seeking by enlightened, self-interested individuals. Benevolence and mutual benefit are the guiding principles of Gandhian economics. The pursuit of artha in the Gandhian framework has an ethical underpinning. In such a scenario, the narrow self-interest is replaced by a sense of benevolence and mutual self-help. It is derived from the soul force that is benevolence.

Wealth falls in the artha sphere is an integral part of Pax Gandhiana. Parel highlights Gandhi's sources of normative implications of wealth in Ruskin's *Unto This Last*, *Upanishads*, and the New Testament. A distinction of wealth is outlined between Ruskin and J. S. Mill, while the latter defines it as 'all useful and agreeableness objects which possess exchangeable value'<sup>22</sup> and the former disagrees with the latter suggests 'political economy, being a science of wealth, must be a science respecting human capacities and dispositions.'<sup>23</sup> Thus, human capacities and dispositions are crucial in addition to possessions of exchangeable values as the right definition of wealth. The shift from wealth as possessions to wealth as persons is a shift in the focus of Gandhian economics, because the transformation is to recognize human capacities and dispositions. The ethic of person-centred wealth entails Ruskin reentering the wealth market with humans at the epicenter alongside possession-centred wealth. It is 'the real science of political economy .... is that which teaches nations to desire and labour for the things that lead to life, which teaches them to scorn and destroy the things that lead to destruction.'<sup>24</sup>

The Upanishadic influence, in alliance with Ruskinian philosophy, led Gandhi to articulate the "enjoyment of wealth with certain moral capacities and spiritual dispositions." The *Brihadaranyaka Upanishad* recommends certain virtues of moral character in person to be glorified in self-restraint, generous giving, and compassion. Gandhi learns the value of renunciation from the Upanishadic tradition: "renunciation is the condition of enjoyment". Parel points out that the Upanishadic teachings allow Gandhi "a second new birth", a veritable moral

"regeneration." It will, if put into practice, create conditions for a nonviolent economic order.

The famous 1916 lecture to the Economic Society of Muir College, Allahabad, is based on the New Testament and is a spiritual detachment from wealth. The Gandhian framework requires the pursuit of artha in conciliation with dharma and, ultimately, moksha. Pursuing wealth without an agreement with dharma leads to a lack of moral sensitivity. The moral solidarity of artha, dharma, and moksha is a requirement for purusharthas in Pax Gandhiana. Material progress is not the only indicator of a nation's progress, but spiritual and moral progress are also the symbol of it. Any deviation from moral requisite in pursuing wealth can be disastrous to the spirit of national progress and surely can be a defective idea.

Private property and trusteeship are very important contributors to economic progress. The nonviolent economic order is to be judged on the standard it devises to tackle the question of private property. Gandhi tries to find the answer within the framework of how chronic poverty will be tackled. The challenge before the good society is to settle the issue that there would be nobody sleeping hungry in the midst of absolute private property. Parel is convinced that Gandhi was in favour of private property, which is the result of one's hard labour and a requirement of good life. It is the 'inalienable rights of Indian people.'<sup>25</sup>

Gandhi had no doubt that having private property strengthens other values like liberty, equality, self-respect, and dignity of individuals and communities. He criticized Rajas, Maharajas, Zamindars, and industrialists for amassing property and becoming, at the same time, a perennial source of exploitation of the poor. How can it be just and fair in a society where few would be leading a lavish life in the presence of millions living in abject poverty? The right to absolute private property cannot deprive society of the fruits of others' labour. The solution to this can be found in socialist or Marxist conceptions of the abolition of private property; however, Gandhi suggests that it can be done with a novel idea of trusteeship. The idea of trusteeship entails that the property owner is the trustee of any excess wealth he could have created. The inalienable right that Gandhi suggests only applies to the basic requirements of life depending on one's standard of society in which someone lives but not the excess of wealth that belongs to the domain of others' claim. The institution of private property operates nonviolently when the principle of trusteeship supports it.

The idea of private property in Gandhi's thinking evolved into trusteeship and is nowhere found either in Marxists' or liberals'

thinking. Both systems' abolition of private property and mere welfare measures are indifferent to the idea of trusteeship. The onus in this system lies with trustees, the only ones with moral responsibilities to look into the welfare of the poor. In case of any deviation from this moral duty, Gandhi urges the state to exercise "a minimum of violence" for noncompliance.

The labour is a duty, physical or bread labour, and can potentially create nonviolent economic order. Human labour has the potential to create a nonviolent society engrossed with the qualities of ethics and spirituality. Parel comments that Gandhi had a different version of physical labour, contrary to the ascetic tradition. The latter does not believe in physical labour or manual labour for one's attainment of moksha. Because they rely on begging and abstaining from manual labour. It has a negative impact on Indian society. Although some believe that begging and abstaining from physical labour is a virtue in itself and thus respected.

Gandhi's faith in physical labour led him to believe in the Bhagavad Gita and the ideas Ruskin and Tolstoy. The concept of *yagna* or sacrifice in the Gita means physical labour. Deviating from the traditional meaning of *yagna* that stresses animal sacrifice for ritual worship, Gandhi reinvented the meaning of *yagna* from a negative implication of sacrifice to a "work ethic". This suggests a new version of "work ethic" in which physical labour is done for private gain and the collective benefit of the entire society. "Work is worship" is the new mantra for Gandhi. It is in this process a transformation of society takes place by adding nonviolent measures to societal development by reducing violence and exploitation.

For Gandhi labour is neither inferior nor superior. The value of labour is always of an equal worth. He was aware of the traditional division of labour in a hierarchical Hindu society where some people were considered above the manual work and thus left to the lowest strata of society to do with obligation as part of their birth duty. Gandhi emphasizes the dignity of physical labour and does not see any discrimination. In his Autobiography, following Ruskin, Gandhi utters that a lawyer's work had the same value as the barber's.

### **Constructive Programme**

'By Constructive Programme', Parel describes, 'Gandhi means works of national importance affecting economic and social issues, motivated by ethics of service (*seva*), and carried out by a multitude of nonviolent, nonprofit, voluntary, nongovernmental organizations (NGOs).'<sup>26</sup> The historical transformation of the Indian experiment of satyagraha to constructive programme is an emphasis almost like "seismic". Parel

points out three major issues of the constructive programme: scope, civil disobedience, and party politics.

The scope of the constructive programme is rather ambitious. Parel sees the constructive programme as a larger framework of nation-building. This pamphlet lists eighteen areas of national importance rather than local issues. This is categorized into ten by Parel:<sup>27</sup> (1) ending religious conflicts, especially between Hindus and Muslims; (2) ending suppression of the Dalits; (3) the Adivasis (Aborigines), and (4) women; (5) issues affecting education, including adult education; (6) issues affecting peasants and industrial workers; (7) health; (8) national hygiene and sanitation; (9) the welfare of students; and (10) the care of the marginalized such as lepers and the homeless.

Parel insists on a lack of interest among the interpreters of Gandhi in constructive programme. Most of these have heavily concentrated on satyagraha and minimized the role of constructive programme as a subsidiary method of satyagraha. For Gandhi has warned his readers:<sup>28</sup>

I would like to say the diligent reader of my writings and to others who are interested in them that I am not at all concerned with appearing to be consistent. In my search after Truth, I have discarded many ideas and learnt many new things .... What I am concerned with my readiness to obey the call of Truth, my God, from the moment, and, therefore, when anybody finds any inconsistency between any two writings of mine, if he has still faith in my sanity, he would do well to choose the later of the two on the same subject.

Parel highlights the importance of service (*seva*) in Gandhi's spiritual politics:<sup>29</sup>

...in Pax Gandhiana *seva* is an independent and indispensable source of inspiration, one that releases deep moral and spiritual forces for the benefit of society – regardless of the religious or ethnic differences of the recipients of the service in question. There is a good deal that nonviolent NGOs can do to better the condition of women, the Dalits, the Adivasis, and those discriminated against because of their religion.

Parel's sincere comparison between the Pamphlet of 1945 and the "Draft" of 1948 is an output of a commonality: "the flexibility characteristic of Gandhi's political practice". The satyagraha cannot be downgraded as an ideal but to disown the Congress Party as an NGO for the service of the people. Though he was not against the political party, he was for disbanding the Congress Party in this context.

### **Modern Civilization**

Hind Swaraj, or Indian Home Rule is the only book that Gandhi wrote within ten days using both of his hands, out of 275 handwritten pages, 45 were written in his left hand while he was coming back from London to South Africa.<sup>30</sup> Two ideas – civilization and swaraj – occupy prominence in Gandhi's political philosophy. According to Parel, 'Pax Gandhiana stands for peaceful and nonviolent political order, both domestically and internationally. It has no room for belligerent civilization... In the end, it stands for a new kind of sovereignty that harmonizes the interests of individual states with community of states.'<sup>31</sup> For Gandhi, it was a dilemma to wrestle with the contesting idea of civilization: modern civilization, Islamic civilization emerging in modern South Asia, and Hindutva civilization emerging in modern India. Parel highlights the definition of civilization given in Hind swaraj: Civilization is that mode of conduct pointing out the path of duty to man. Performance of duty (*farajj*) and observance of morality (*niti*) are convertible terms. To observe morality is to attain self-mastery over our mind (*mann*) and our passions (*indriyon*). So doing, we know ourselves. The Gujarati equivalent for civilization means "good conduct".<sup>32</sup>

The original Gujarati text clearly defines the meaning of civilization as *sudharo*, which means good conduct. It is a continuous process of self-improvement. *Sudharo* stands in contrast to *kudharo*, which means barbarism, lacking self-knowledge and self-discipline. This civilizational impact guides individuals to have good habits to lead an ethical life. The importance of this interpretation of Gandhi, Parel suggests, has a "subtle effect on the moral development of its adherents."

Parel points out that there was no mention of Gandhian civilization's political and economic aspects in the 1909 definition of civilization. In the 1931 Karachi resolution, Gandhi seriously revised it by adding more values, such as liberty, equality, freedom of conscience, association, and expression; economic justice, gender equality, and religious neutrality of the state as integral parts of Pax Gandhiana. This implies that rights and duties coexist with civilization as artha and dharma coexist with Gandhi's political philosophy.

Parel points out that the state plays a negative role in exploring the concept of civilization. Parel highlights that 'where rights are involved, the state is involved in a negative way, by preventing a clash based on rights. Whereas duty is self-enforced, rights can be enforced only by a state playing a negative role, as enforcer and defender of individual rights and freedoms.'<sup>33</sup> a Gandhian state has a

Thoreauean impact – a good state governs the least.<sup>34</sup> It suggests, then, that a state that governs the least is neither negligent nor inefficient. Avoidance of barbarism and chaos is the concrete symbol of Gandhian state. Gandhian state is never an imperial and is not to be aligned with any such ideology such as Hindutva, Maoism, or Marxism. Parel asserts ‘freedom from an ideological programme and abstention from an aggressive civilizing mission distinguish the Gandhian state from the imperial and the modern state.’<sup>35</sup> The Indian state, said Gandhi, was solid only in its foundation and is the epitome of the theory of the ends of human life to pursue the purusharthas. However, the overwhelming factors – elements of barbarism, misogyny, patriarchy, oppression of the Dalits, the Adivasis, and religious minorities, caste have contributed to the failure of Indian state. There is a contingent need to reform the state to fulfil the state’s original purpose: to help human beings pursue the purusharthas.

Parel highlights the essence of modern civilization interpreted by Gandhi as epistemological, scientific, and progressive in industrialization. Such a change causes colonial conquests in parts of the world. Epistemologically, modern civilization underlines the elements of reason and empirical evidence as the only basis of valid knowledge. It thus rejects anything related to metaphysics and religion as a source of knowledge. The complete reliance on epistemology allows a shift in belief regarding ethics and religion. In the ethical domain, man is considered to be everything, and there is no limit to his capacity. On the other hand, the relationship between reason and passion also witnessed a radical change in modernity. The passionate and unlimited individual is looked upon now as an arbiter of his will to accelerate his unbridled desires – wealth, power, and sexuality. A radical utilitarian calculus becomes a guiding principle to satisfy unlimited desires with a motto of public benefit. The ideal of a transcendental world is not seen as a competent alternative because it relies on metaphysics. The idea of secularization of the public domain displaces the tendentious relationship between man and God.<sup>36</sup> Consequently, universal modernity is replaced by antifoundational postmodernity that emphasizes non-antinomian relativism.<sup>37</sup> Parel argues that Gandhi was skeptical about modern civilization for its total concern about bodily welfare<sup>38</sup>, based on his theory of purusharthas. So, Gandhi used purusharthas to classify civilizations. Modern civilization is defective for him because it emphasizes bodily welfare that undermines spiritual excellence, and *artha* and *kama* are privileged over *dharma* and *moksha*. Parel draws a comparison between Huntington and Gandhi in the context of imperial power and the ethos of civilization.<sup>39</sup> He observes that there is an unholy alliance

between the two. "Might is right" and "survival of the fittest" are the twin principles of modern civilization. Modern civilization is a brute force. Modern civilization, to Gandhi, lacks spiritual legitimacy.

Gandhi rejects the epistemological and metaphysical premises of modern civilization but still believes in scientific spirit as well as a few of its key fundamental political values – civil liberty, freedom of conscience, expression and association, and fundamental rights. Gandhian quest is for achieving a balance between modern civilization and its utmost importance to artha and kama and the spiritual dimension of dharma and moksha. The emerging Indian civilization would look into an alliance of the scientific spirit with the political values mentioned above. The new Indian civilization, at the same time, would abstain from any alliance of ideology that the state may expect to promote. Pax Gandhiana hopes to avoid any such alliance for the peaceful coexistence of the new Indian civilization.<sup>40</sup>

### **Emergence of South Asian Muslim Civilization**

Two important hypotheses are being problematized in the context of colonial India. Whether Islam should be a basis of the social and political identity of Indian Muslims and for that, they need a separate Muslim state or not. On the same ground, they would not need an independent Muslim state? These two views regarding having a separate Muslim state or not for the recognition of the Muslim identity have different exponents. The Indian National Congress had set a clear agenda from its inception that the social and cultural questions would be preceded by political swaraj. The Indian National Congress had many Muslim leaders who had strict positions on religious neutrality. However, with the progress of the national movement in India, many questions arose regarding the future of an independent India. Many Muslims may be skeptical about the plural structure of Indian society and the authentic position of Muslims as a political minority. Being a political minority in a democracy, they suspected their minority position.

An argument by Jinnah for Muslim civilization in India envisions the fact that:<sup>41</sup>

We maintain and hold that Muslims and Hindus are two major nations by any definition or test of a nation. We are a nation of hundred million, and what is more, we are a nation without own culture and civilization, language and literature, art and architecture, names and nomenclature, sense of value and proportion, legal laws and moral codes, customs and calendar, history and traditions, aptitudes and ambitions; in short, we have our own distinctive outlook and life and of life.

Another letter of Jinnah concerning *Sharia* that allows an independent Muslim state having Muslim majority territory without even cognizance to non-Muslims:<sup>42</sup>

Can you not appreciate our point of view that we claim the right of self-determination as a nation and not as a territorial unit, and that we are entitled to exercise our inherent right as a Muslim nation, which is our birth-right? .... The right of self-determination which we claim postulates that we are a nation, and as such it would be the self-determination of Mussalmans, and they alone are entitled to exercise that right.

### Savarkar and Hindutva

Vinay Damodar Savarkar's *Hindutva: Who is a Hindu?*, published in 1923, is the counterpart of *Hind Swaraj*. He makes a distinction between Hindutva and Hinduism. Hindutva is not the same as Hinduism. Hinduism, to Savarkar, 'is only a derivative, a fraction, a part of Hindutva...Hindutva is not identical with what is vaguely indicated by Hinduism.'<sup>43</sup> He elaborates:

Hinduism is a religion, a set of religious beliefs and doctrines, "peculiar and native" to Indian peoples. Hindutva is a political ideology that looks after the political interests of Hindus. It transcends the sectarian differences among Hindus and makes no difference between Hindus who believe in the teachings of Hinduism and those who do not. All Hindus share the quality of Hindutva equally. According to Savarkar, Jains, Buddhists, Sikhs, Santhaals, Kolis, Bhils, Panchamas, Namasudras, and 'all other such tribes and classes are technically Hindus and possess the quality of Hindutva.'<sup>44</sup>

The idea of Hindutva is constituted of three things: a common race (*jati*), a common civilization (*sanskriti*), and a common nationality (*rashtra*). Savarkar points out that 'Hindus are not merely the citizens of the Indian state because they are united not only by the bonds of the love they bear to a common motherland but also by the bonds of common blood. They are not only a nation but also a race – *jati*'.<sup>45</sup>

Parel is critical about the sense of Savarkar's notion of "common blood" and laments 'that the inhabitants of India, excluding Indian Muslims and Christians, belong to the same race is anthropological nonsense. Nevertheless, Savarkar promotes this idea for political reasons, which paradoxically only increases the sense of national disunity'.<sup>46</sup> The idea of common civilization is central to Savarkar's argument. Civilization, to Savarkar:<sup>47</sup>

...is the expression of the mind of man. Civilization is the account of what man has made of matter. If the matter is the creation of the Lord, then the civilization is the miniature secondary creation of man. At its best, it is the perfect triumph of the soul of man over matter and man alike. Wherever and to the extent to which man has succeeded in molding matter to the delight of his soul, civilization begins.

Parel points out Savarkar's mysterious relationship between Hindu civilization and the land of India. Savarkar argues that if a religion is born in India, it possesses the quality of Hindutva. This is equally the case of Buddhism, but when it became a universal religion and spread to foreign lands, it gradually lost its Hindutva character. Savarkar argues that universal Buddhism, with its central focus on the dharma of passive nonviolence and universal brotherhood, made India a prey to foreign invasion. It is, therefore, necessary for it to be replaced by Hinduism. Savarkar does not believe in nonviolence preached by Buddhism:<sup>48</sup>

Thus it was political and national necessity that was at once the cause and the effect of the decline of Buddhism in India. Buddhism has its geographical centre of gravity nowhere. So it was an impressive need to restore at least the national centre of gravity that India had lost in attempting to get identified with Buddhism.

Parel highlights Savarkar's idea of India:<sup>49</sup>

Savarkar's notion of India as a holy land and fatherland "is a variation on the theme of mysticism associated with land." A person who qualifies to be concrete part of Hindutva must consider India both as holy land and fatherland. Indian Muslims and Christians lack the character of holy land because their holy lands are Arab and Israel. However, India is their fatherland and almost they share with Hindus "almost pure Hindu blood and parentage", but they cannot be recognized as Hindus. Because they have embraced non-Indian religion, they "cease to own Hindu Civilization (*sanskriti*) as a whole."

Savarkar imagined Hindutva and Hindu in political terms. It was part of his larger design to amass all Hindus into the same fold on one nation, one religion, and one civilization. The purpose was simply to reunite them under one banner, Hindutva, to realize great power. He mistakenly believed that the irreconciled caste differences among caste Hindus and Dalits would gradually diminish under the Hindutva. He also wrongly perceived that the other minority religions, Sikhism, Jainism, and Buddhism would follow the same fate, and even most interestingly, the Adivasis would be regarded as Hindus.

Civilization as an instrument of military power is Savarkar's ultimate plan. His motto was a militaristic, violent response to the foreign invasion of India. When this succeeds, it is a success of Hindutva. His principle of organizing Hindus through politics found a strong proposition – Hinduize all politics and militarize Hindudom. His appeal was to Hindus to be united by common blood and culture so that they would be stronger to face the world. His ideas had some implications for postcolonial India.

Gandhi's political philosophy is neutral to civilization as a political ideology. Both Jinnah and Savarkar are strong opponents of the view that civilizations clash when aligned with political and military power. However, for Gandhi, the use of political power was only to maintain the internal order of the state and secure external freedom. This is in consonance with the principle that 'the concept of civilization as a mode of good conduct guided by self-knowledge and a sense of duty, and by the respect for the rights of others.'<sup>50</sup> In a very broad sense, it recognizes that justice and stability in international order require decoupling civilization with military power.

### **Conclusion**

The advantages of Parel's interpretation of Gandhi are far more authentic, reasonable, and sharp. Unlike other interpretations of Gandhi, he proves his assertions and beliefs about Gandhian philosophy by strongly reconciling the textual and contextual aspects of Gandhian thought. He does make it too abstract while interpreting the context of Gandhian philosophy. Parel's judgement on the core philosophical aspects of Gandhian thought is fundamentally justified when he evaluates his teachings for the contemporary requirements of society. His analysis of purusharthas as a reconciliation of spiritual and material pursuits by individuals is certainly worthy of appreciation in the Indian context.

Gandhi's idea of purusharthas reinvents the political truth as a form of politics in which dharma and moksha need to be supremely recognized. The political truth is not an epistemological modern phenomenon of reason as an absolute benchmark of a decider that is crucial in modern politics but something that Gandhi emphasized goes beyond in terms of truth and nonviolence for the peaceful and autonomous pursuit of wellbeing. The plural cultural tradition of India bears the compass of historical testimony of a coexisting political order with the peaceful and free life of various divergent groups to realize the dharma and moksha through mundane political activity, which is nonviolent and coercive.

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*October–December 2023*

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Gandhi Marg Quarterly

45(3): 285–300

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<http://gandhimargjournal.org/>

ISSN 0016—4437

# Implications of the New System of Fisheries Management Councils on the Community Management Regimes in the Marine Fisheries in Kerala

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## ABSTRACT

*The traditional marine fisheries management practice in Kerala is a community-based Co-management arrangement with local variations. These systems affect local villages' resource management and entire social structure via their abundant bonding social capital. The latest three-tier Fisheries management councils are a new experiment in Kerala's marine fisheries management, which can unify the management practices across the state coast. The researcher explored the composition and working of the councils at various levels, especially the village level councils at Kannur, Kozhikode, Kasaragod and Ernakulam districts. This research used telephonic interviews and in-depth personal interviews as the research methods. Viability of the new practice was examined with the use of Elinor Ostrom's principles of Enduring Common Property Regimes (CPRs) and in the light of second-generation collective action theories, which focus on the role of social capital in CPRs. The researcher has found that no recognition was given to the traditional community management arrangements like the Kadakkodi (Sea court) system in Kasaragod. A provision for nomination to the village-level fisheries management councils leads to corrupt practice and politicisation, especially in Kannur District. Fisheries management councils have to be reconstituted more democratically and should consider traditional community arrangements in their composition.*

*October–December 2023*

**Key words:** *Community-based Co-management, Bonding Social Capital, Grassroots Democracy, Fisheries Management Councils, Marine Fisheries Resource Management*

### Introduction

IN THIS ARTICLE, we seek to analyse the implications of the new Fisheries Management Councils (FMCs) system on the Community Management Regimes in marine fisheries and environmental protection in Kerala. We base our analysis on Elinor Ostrom's Design Principles of Enduring Common Pool Resources (CPRs), use the social capital argument of co-management literature, and draw on insights from earlier studies on CPRs with a view to understanding whether the new system of community management in the state would be feasible.

To understand things from an international perspective, Goal number 14 of the United Nations Sustainable Development Goals states that Oceans, Seas, and Marine resources must be conserved and used sustainably<sup>1</sup>. Over-exploitation, pollution, and climate change have vastly affected marine resources and threatened the food security of the global population. Many fish stocks show wide fluctuations affected by "*regime shifts*"<sup>2</sup>. Long-term changes in abundance related to climate variations are observed in clupeoids, salmonids, gadoids, squids, etc.<sup>3</sup> This variation includes an increase in some stocks and a decrease in others. Alarmingly, nearly 90% of the world's marine fish stocks are now fully exploited, overexploited, or depleted ecosystem-based fisheries management (EBFM) of FAO considers multi-species conservation sustainable fisheries. In short, the conservation of the ocean ecosystem and sustainable exploitation of the fisheries resources is significant with respect to the "three pillars" of sustainability.

Marine fisheries resources are one of the Common Pool Resources (CPRs), the problem of which, according to classical economic assumption and the prisoner's dilemma game theoretic model, is the depletion of stocks. There has been a debate on the effective way of managing common pool resources, of which privatization or government ownership is suggested by some scholars<sup>4</sup>, which in turn is objected to by the scholars supporting community management of the CPRs<sup>5</sup>. Government/private ownership was justified through the assumptions of first-generation collective action theory, which considers the rational individual or economic man concept of classical economic theory as the basis for explaining human behaviour. For successful management of a common pool resource, there should be quite a small number of participants or legal or coercive measures to make rational, self-interested individuals work for a common interest<sup>6</sup>. Community management was justified through second-generation

collective action theories which consider some extra-rational elements in human motivation<sup>7</sup>. The second-generation collective action theories supporting community management of CPR are empirically strong as most studies are conducted in field settings. Elinor Ostrom's path-breaking research on the commons included field studies of both successful and non-successful CPR regimes. When the ethical consideration of non-denial of public goods to anybody is a principle that democratic governments cannot avoid, the classical solutions of private or government control seem least considerable. To quote Ostrom, "[N]one of the success cases involved direct regulation by a centralized authority"<sup>8</sup>. Various resource management arrangements exist around the world for fisheries resources like tenure system,<sup>9</sup> community management<sup>10</sup>, multi-stakeholder co-management, etc. The tenure system is a seasonal allocation of fishing rights to individuals and groups, a kind of private allocation. Community management arrangements are most successful in small communities with a definite number of resource users and a definite resource habitat. Co-management is suitable for even larger communities with multi-stakeholder, multi-resource user involvement.

Ostrom and other researchers who studied community-involved resource management arrangements considered some elements and preconditions for the success of CPR, which means that not all communities and all situations are suitable for community management. "[N]o claim is made that institutional arrangements supplied by appropriators, rather than by external authorities, will achieve optimal solutions .... But... at least a minimal level of ("solution)<sup>11</sup> . This includes design principles of enduring CPRs like Clear Boundaries and Memberships, Congruent Rules, Monitoring, Sanctions, Conflict Resolution Mechanisms, etc. provided by Ostrom<sup>12</sup>, and notions of Participation, Power, and Equity provided by Quimby & Levine<sup>13</sup>. Marine fisheries management in India is diversified across regions, under the spirit of cooperative federalism. The Central government is complementing the states in their pursuit of marine opportunities. Management practice in Kerala got recognition in the draft National Fisheries Policy as an example of a Co-management<sup>14</sup> Fisheries management practice in Kerala is in a process of change 'from an informal co-management arrangement to a more formalised participatory arrangement'. The state's formal management arrangements are looked after by agencies of the Department of Fisheries. State laws and executive orders were enforced in collaboration with district administrations and police. The state's Management policies are being framed after consultation with various stakeholders like fishermen federations affiliated to various politically

oriented labour organisations<sup>15</sup>. Apart from the official resource management practice, there are various local informal community management arrangements, some of which are village-specific or comprise a cluster of villages. A community institution called *Kadakkodi* (a colloquial abbreviation of the Malayalam word, *Kadal Kodathi*, meaning 'sea court') has been prevalent all along the coast but has now got confined to some fishing hamlets<sup>16</sup>. The researcher, in his field visit to Kozhikode district, identified that the areas where *Kadakkodi* disappeared are now locally managed by different informal arrangements, some of which are linked with religious groups, and a select committee of major political party representatives and other major stakeholders manages some. The process of change in the management regime has just begun with the introduction of a new three-tier system of participatory management called Fisheries Management Councils at the state, district and village levels<sup>17</sup>. The KMFRAA Amendment Act of 2017 provided the functions and composition of the councils at all levels. District and state councils have been constituted since then, and attempts have been made to establish the councils in many villages. During the COVID-19 pandemic, these councils conducted fish auctions. By February 2023, Fishing Village Management Councils (FVMCs) were set up in six coastal districts of Kerala. This article attempts to analyse the impact of the newly introduced system of participatory management over the existing informal co-management arrangements and discusses the future of the CPR management regime in Kerala.

### **Research Questions**

Based on the design principles of enduring CPRs provided by Ostrom, this research seeks to address the following key questions:

1. What is the role of existing community management arrangements in Kerala's coming CPR regime?
2. How participatory are the participatory arrangements? Or, in other words, has the system of FMCs sufficiently considered the local informal arrangements in its composition?
3. Does the system of FVMCs fit the local dynamics of the coastal villages of Kerala?

### **Methodology**

This research is mostly an analytical study of the FVMCs with the design principles of enduring CPRs provided by Ostrom. The prospects of the new system are also analysed in light of major writings on community management. A qualitative enquiry is made involving the community leaders and official and political members of FMCs. The

enquiry consists of the views by the participants on the problems and prospects of the new system. An enquiry was made through in-depth interviews with the participants. The state FMC A complete list of all the FVMCs was provided. This list contains the contact numbers of the FVMC's members, and telephonic interviews were conducted with the selected respondents. Apart from that, descriptive writing of the roles and composition of the councils and the existing community management arrangements are also made.

### **Conceptual framework**

Elinor Ostrom provided some design principles for successful CPRs. She found that state or private ownership does not efficiently tackle the common's dilemma. Still, there are examples of different successes and failures in community management regimes, so community management becomes a worthwhile solution<sup>18</sup>. As she predicted, the theory has gone further, and multi-stakeholder co-management arrangements have become prominent, and most of the cases studied around the world found that the existing social capital of the resource users, especially the bonding relations play a prominent role in the performance of co-management arrangements<sup>19</sup>. This study uses Ostrom's design principles, insights on co-management arrangements from previous studies and the social capital argument of co-management literature. Through this prism, the study looks into the workings of the CPR Regime in Kerala.

### **Marine Fisheries Management Practice in Kerala**

Marine fisheries management in Kerala is an informal co-management arrangement. Co-management is a hybrid type of management wherein the official authority and informal community management systems cooperate for resource management. Official management is done by the state government through the Department of Fisheries through its various agencies, in collaboration with district administrations and police, to enforce various state laws and executive orders<sup>20</sup>. The state government, in its policy formulation, conducts various stakeholder consultations: Primary producer organisations are invited for the state-level meeting, and state political leaders and administrative officials hold joint sittings with Kerala Mathsyoathozhilali Federations affiliated to CITU, INTUC, AITUC, and *Kerala Mathsyoathozhilali Aikya Vedi* (Kerala Fishworkers' Unity Forum) and Mechanised fisheries organisation. Apart from the official resource management practice, there are various local, informal community management arrangements, some of which are village-specific or comprise a cluster of villages. During his field visit in

Kozhikode (Calicut) district, the researcher identified that a community institution called *Kadakkodi* (sea court) was prevalent all along the coast but has now got confined to some fishing hamlets. The areas where *Kadakkodi* disappeared are now locally managed by different informal arrangements some of which are linked with religious groups. Others are managed by a select committee of major political party representatives and other major stakeholders. Article 13 (A) incorporated by the Kerala Marine Fishing Regulation (Amendment) Act (KMFRAA), 2017 through an amendment to KMFRAA 1980, provided for the constitution of fisheries management councils. It is a three-tier system of fisheries management councils: (1) Fishing village management council, (2) district fisheries management council, and (3) state fisheries management council. Fisheries management councils are the latest arrangement for fisheries management, which is meant to be a representative body comprising all the stakeholders in the marine fisheries sector. The 6th draft of the National Fisheries Policy 2020 mentions that the governance arrangements in marine fisheries in Kerala, Tamil Nadu, and Pondicherry are co-management models, and the policy seeks to extend such arrangements to other coastal and inland fisheries. KMFRA (Amendment) Act, 2017, made two significant changes in the original Act to incorporate Fisheries Management Councils by inserting new sections to section 13 of the Act, namely, sections 13A, 13B, 13C, and 13D. As is mentioned in the preamble of the Amendment Act, its objective was for the “constitution of fisheries management councils and for matters connected therewith or identical thereto”.

#### **Constitution of the Fisheries Management Council**

Section 13A of KMFRAA, 2017 says that the government may, for the effective management and surveillance of marine fisheries and to carry out the provisions of the Act, constitute a three-tier system of Fisheries Management Councils, namely, (a) Fishing Village Management Council; (b) District Fisheries Management Council; and (c) State Fisheries Management Council. (See the figures with the description below).

#### **Composition of the Fishing Village Management Council**

The head of local government is the ex-officio chairman of the council. The head of Mathsya Bhavan who has jurisdiction over the area, is the member secretary. The other seven members include two elected members of local government, two elected presidents of fisheries cooperative societies nominated by the government, having jurisdiction over the area, and two fishermen and one woman from

the same village nominated by the government.

#### **Composition of District Fisheries Management Council**

The Collector is the Ex-Officio Chairman, the Deputy Director of Fisheries is the Member Secretary, and the other nine members include the Corporation Mayor, District Panchayat President, one representative of Central Marine Fisheries Research Institute (CMFRI), one representative from each of the five recognized fish workers' trade unions, nominated by the government, and one person having expertise in marine fisheries nominated by the government.

#### **Composition of State Fisheries Management Council**

The Director of Fisheries is the Ex-Officio Chairman, the Additional Director of Fisheries is the Vice Chairman, the Joint Director of Fisheries is the Member Secretary, and the Deputy Director of Fisheries is the Coordinating Member.

Ten other members include the Director CMFRI, Director of Central institute of fisheries technology (CIFT), Zonal Director Fisheries Survey of India, one fisheries expert, five representatives from the recognized fishermen trade unions, one representative from a recognized mechanized boat operators union, one person having expertise in marine resource conservation and one representative of Seafood Exporters Association (SEAL local chapter), all nominated by the government.

Officers coming under the central institutes or authorities may be nominated in consultation with such institutes or authority; the term of office of the non-official members in the councils shall be five years from the date of the constitution of the council. Any non-official members can resign from office with prior notice to the government. Still, they should continue in office until their resignation is accepted by the government, following which the vacant seats will be filled within three months. The new member can continue in office only for the remaining period of the former member. The government may remove any member for sufficient reason.

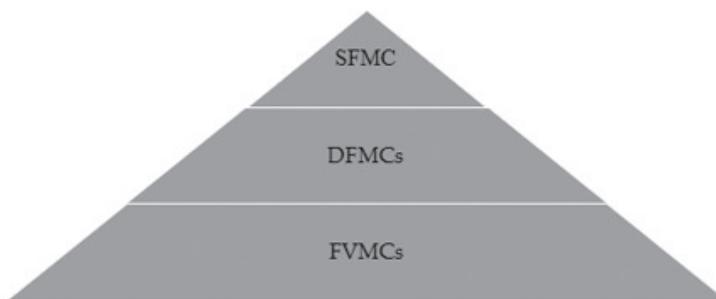
The assets, liabilities, and posts of the State Fisheries Resource Management (FIRMA) are transferred to the newly constituted State Fisheries Management Council. The deployed post in the cadre of Joint Director of Fisheries from FIRMA will function as the Member Secretary of the Council, and the DD of fisheries from FIRMA will function as the Coordinating member of the State Fisheries Management Council.

As per the provisions of section 13B of the 2017 Act, powers, duties, and functions of the Fishing Village Management Council include the

preparation of the village fishery management plan and seeking approval for the same from the district fisheries management council, to conduct awareness efforts on responsible fishing and fish resource conservation, conflict resolution, effective implementation of the KMFRAA, to help, to inform and to discharge the duties assigned by the DFMC.

The powers, duties, and functions of DFMC are provided in section 13C of the act; they prepare management plans at the district level and send them for approval to SFMC. DFMC has to make appropriate decisions on the fishing village level management plans. It has to conduct awareness programs at the district level and resolve conflicts between fishing village management councils and also on the issues referred by the village level councils. Further, it should help the state fisheries management council by creating a conducive environment for implementing the provisions of the KMFRAA and by providing information on matters of conservation of marine fisheries resources and other information called for, and most importantly to discharge the duties and powers assigned by SFMC and such other powers prescribed.

Section 13D describes the powers and functions of SFMC, like FVMC and DFMC. The SFMC is also assigned management plans, awareness duties, conflict resolution, and information services, and apart from these, it also performs research, publishing, training activities, and mariculture development.



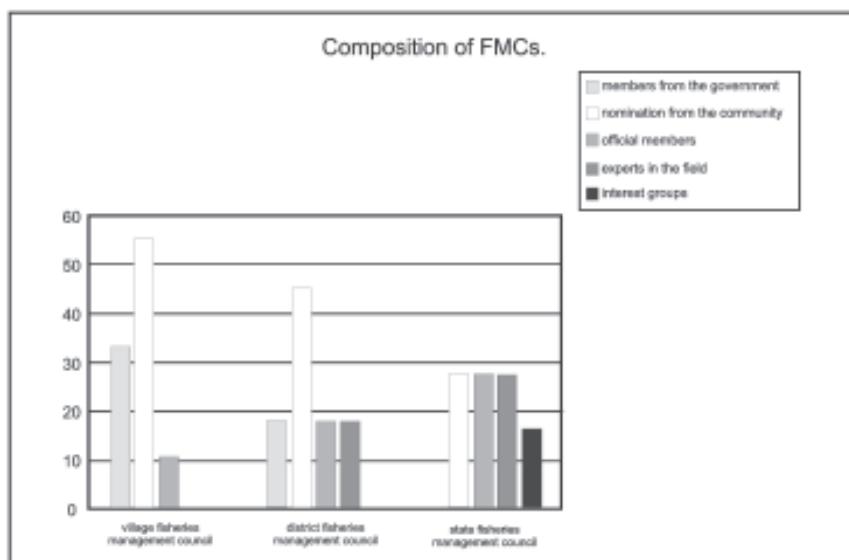
A pyramidal illustration of the FMC system.

### **Insights from the field**

Fishermen from Kozhikode and Kasaragod districts were asked some questions concerning fisheries management councils; the first question was whether they knew about the FVMC, and the second was whether, in case of a conflict between community management



Functions of FMCs at different levels



Composition of Fisheries Management Councils

institution and the new state-sponsored FVMC, which one would they support. The results show that the community members were not made aware of the newly introduced system. Of 30 respondents, only one supported the new institution of FVMC. Only five respondents have heard about the institution. Except for one respondent, all others responded that they would stand with the community institution in case of conflicting interests.

Questions were asked about the different aspects of the

composition of FVMCs to member secretaries of some fishing villages, the Panchayat Presidents, and other members of Kannur, Kasaragod and Ernakulum districts. The questions included: who nominated the member from the fishing village? What were the considerations taken while making such a nomination? What are the two cooperatives whose Presidents got nominated to the Councils? What is the political affiliation of the core members of these cooperatives? A general picture was that a balance between two political fronts, UDF and LDF was observed in many districts.

However, the findings from Kannur district have been rather scandalous. Out of ten FVMCs in Kannur, six are coming under Left Democratic Front (LDF)-ruled local governments, and four under UDF-ruled local governments. A nominal figure of one non-LDF member was included in some of the LDF-governing VFCMs. In Ernakulum district, members from the fish workers' community were suggested by the ward members of the fishing community panchayats. But in Kannur, this practice is corrupted; in most LDF-ruled FVMCs, the community members are either nominated by the Communist Party of India (Marxist) (CPI-M) Local Committee or by the ward member from the LDF camp. In Palakode fishing village, all the community members were suggested by the LDF panchayat member, whereas in another ward, a member owed affiliation to the Muslim League party was denied the right to nominate.

The power of nominating fishing community members in UDF-ruled local bodies was hijacked by the local committees of the Communist Party of India (Marxist) (CPI-M), the dominant party in the coalition government in the state. This might have happened partly because of the lack of informed participation by 'political parties in power' in local administration and partly as an attempt to create party strongholds through undemocratic ways wherever the vigilance is lacking, an alleged tendency of CPI-M expansionism at the grassroots. One of the Panchayat Presidents in the UDF-ruled local body responded that they had no idea how the members from the fishing community were nominated. They heard the names of FVMC members when those were read out in the Council's first meeting. They said that they had objected to the names of those nominated members from the community because they have not been active in the local fishing village activities while there are deserving candidates in the village who were not nominated. In effect, this new system was malfunctioning, packed with non-democratic tendencies and clandestine nominations in Kannur district.

In no place, the informal community management arrangement was involved in the formation of FVMCs. Some of the key informants

opined that the system of FVMCs is more practical in developed fishing harbours. The fishermen expressed concern that there is a nexus between politicians, merchants, and the police nullifying the fish workers' attempt at restricting the boats from far-off distances which are practising night fishing with high mast-light. Fish workers of Chombala harbour in Kozhikode district restricted entry to boats from far places due to their practices of night fishing, but the harbour management committee headed by the District Collector decided to lift the ban in the harbour.

### **Analysis and Conclusion**

The nature of resource boundaries is a major challenge in establishing community management in the marine fisheries of Kerala state. Marine fisheries resources are not oriented in a particular place; they are spread in a vast sea, and the resource users are not single communities; they are diversified with traditional and modern fishing technologies. So, the first design principle that the regime should have clearly defined boundaries is difficult to achieve in the case of such a scenario of diversified resources and resource users. Even though this is the case, a system of Nested Enterprise<sup>21</sup>, which is the last design principle of enduring CPRs, makes community management possible in Kerala's marine fisheries. By nested enterprise, Ostrom means joining together the management activities happening in multiple layers of resource use. So, the best possible mechanism in a local area can be used for that area, and the overall management within the state of Kerala can be done by clubbing together the diversified management arrangements. The new system of FMCs is a kind of nested enterprise with various levels of governance, but the management options chosen for various local levels show that they are far from what is required.

Principle number two<sup>22</sup> says that the appropriation and provision rules shall be in congruence with the local conditions. By totally avoiding the traditional management regimes in the new system, the government has apparently failed to understand the role of local conditions in resource management. Along with this issue comes other drawbacks of the FMC system, which counteracts some of the principles of enduring CPRs. Traditional management regimes were found to be successful in ensuring all the remaining design principles of enduring CPRs.

Principle number three of the enduring CPR seeks resource users' participation in making management rules. In the absence of a direct democratic system to such an effect, at least a representative democratic arrangement shall be followed. What is provided instead is a system of nomination by 'government' where the term government

is not properly defined, whether it is the state government or the local government. The case studies conducted for this research reveal that this section is severely misused in many localities, especially by the political parties supporting the state government, a crucial implication of this tendency is that instead of creating an effective management regime in the villages, an attempt at establishing party influence and party strongholds might be the inclination of political parties. Most of the fishermen community members in the Kannur district are recruited through clandestine nomination and political patronage. For this purpose, even the authority of the local government was trespassed. A tendency to weaken the grassroots democratic institution by the state government through state-sponsored civic association was found in an earlier study<sup>23</sup>, and the findings of our study broadly agree with it.

The next three design principles are Monitoring, Graduated Sanctions, and Conflict Resolution Mechanisms. With their wide societal acceptance, traditional community management arrangements were successful in all three matters. With abundant bonding social capital, they managed to monitor the resources cost-effectively in India<sup>24</sup> and around the globe<sup>25</sup>. Social sanctions are the most effective sanction in traditional communities, and conflict resolution mechanisms in the traditional community management arrangements are also an asset that can be integrated into the new co-management arrangement. These three principles of enduring CPR are intact in traditional arrangements in Kerala through the high stock of social capital among fish workers' communities. Through neglect towards traditional community arrangements in the new system of FMCs, the co-management arrangement in Kerala has failed to incorporate these important design principles into its stock.

The seventh principle is the provision of Rights to Organize the Resource Users for the purpose of resource management. The extra community arrangement will have no relevance with a new Fisheries Management Council in each fishing village. In effect, the new system of FMCs suffers from a democratic deficit by avoiding the local dynamics and traditional community arrangements and is open to the danger of institutional capture by factional politics. However, powerful political interventions in matters of environmental protection could have disastrous consequences. Some of the possible policy suggestions are:

1. Instead of government nomination of the members of the fish workers community to the Village Fisheries Management Council, transparent democratic methods like election from the community members will be useful.

2. The local dynamics of the resource users should be considered in places with established traditional management practices (like the *Kadakkodi* system in Kasaragod district). The community leaders should be included in the Council with due recognition of social composition because some of the institutions are faith-centric and include only the members of a single community, in which cases the principle of inclusiveness should be followed.

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*Volume 45 Number 3*



Gandhi Marg Quarterly

45(3): 301–326

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<http://gandhimargjournal.org/>

ISSN 0016—4437

# The Trajectory of Bamako's Peri-Urban Transformation: Exploring the Actors' Logic and Survival Strategies of Village Kabala, Mali, Africa

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## ABSTRACT

*The term “peri-urbanization” refers to the process through which cities are forced to expand into surrounding territories. The onset of economic globalisation, liberalisation, and transnational corporations’ migration from core to peripheral countries in pursuit of cheap labour and resources, together with the population growth brought on by both internal and foreign migration, are the driving forces behind this phenomenon. The village of Kabala, in the rural commune of Kalabancoro, southwest of Bamako, Mali, has experienced rapid urbanization and the resultant urban sprawl, as in other African countries. This has resulted in the transformation of the land and social relations. It has led to the disappearance of agricultural land in favour of buildings. It also led to a conflicting and collaborative relationship between the customary institutions and modern apparatuses of governance. Land has been transformed from a source of livelihood and survival to an object in the commodity market. Faced with the anarchic urban sprawl of the village boundaries, the local people express their concern about transforming their land. The study has been placed within the analytical frame work of “Space” proposed by David Harvey and Henri Lefebvre, which enables the capture of the larger political and economic drivers of peri-urban spaces and the creation of diverse subjectivities at the local level. The study concludes that anarchic urban sprawl creates hegemonic peri-urban*

*October–December 2023*

*spaces in which the local inhabitants have to acquiesce to the modern state apparatuses of governance, but not without opening a space of liberated life for those the traditional institutions have historically controlled.*

**Key words:** *space, peri-urbanisation , neoliberalism, Lefebvre, Harvey*

### Introduction

URBANIZATION IS A RELATIVELY recent phenomenon in human settlement history. Only 2 percent of people on earth lived in cities in 1800; by 1900, it was less than 15 percent<sup>1</sup>. Since then, the number has undergone a quantum leap, and today, more than 4 billion people - more than half of the world's population live in cities- by 2030, it is estimated that two-thirds of the people will be living in cities<sup>2</sup>. More than 80% of the population lives in metropolitan regions of the high-income nations, including those in Western Europe, the Americas, Australia, Japan, and the Middle East<sup>3</sup>. Between 50% and 80% of individuals do so in Eastern Europe, East Asia, North and Southern Africa, and South America<sup>4</sup>. Most people still reside in rural areas of low- to lower-middle-income nations. Even though started as a European phenomenon, especially in 19<sup>th</sup> century England, urbanization is happening faster in developing countries<sup>5</sup>. According to the United Nations' projection, the overall growth of the world's population could add another 2.5 billion people to urban areas by 2050, with close to 90% of this increase in Asia and Africa<sup>6</sup>.

There is no doubt that urbanization holds great promise for economic and social progress which also corresponds to modernization. Urbanisation is generally defined as an increase in the percentage of a nation's population that lives in urban regions. It also observes less consensus over the precise definition of an "urban area"<sup>7</sup>. The distinguishing socio-cultural traits of urbanisation and modernization include reasonability, scientific temper, individualism, secularism, temperament of progress, and mobility. It has relieved the masses from the clutches of feudalism. The growth of technology and industrialization has increased the pace of urbanization in Europe<sup>8</sup>. Planned cities that are efficiently and productively run provide economies of scale and network effects. Being close to different people and cultures can stimulate new thinking and creativity, leading to more innovation and new job prospects. At the same time, urban spaces also create competition for resources, a highly hierarchical social structure, a large income gap between the upper and lower classes, job insecurity, social deviance and crime, the emergence of slums, etc.

But the dawn of economic globalization, liberalization, and the relocation of Transnational Corporations (TNCs) from the core

countries to the periphery in search of cheap labour and resources has created an unprecedented growth of the informal sector and casual jobs in developing countries, especially in the urban centres. This, coupled with the swelling of the population due to internal and external migration, has created new challenges to the cities. This pressure forces the sprawling of cities to the nearby areas, primarily called "peri-urbanization". Urban sprawl and peri-urbanization are increasingly distinguishing characteristic of developing countries as most of the world's population expansion is focused there<sup>9</sup>. The sudden spurt may also be the relocation of low-income populations from the main townships due to some national or international events such as sports, establishing a new manufacturing industry (national/international), and locating new services like airports, universities, etc, in the peri-urban areas<sup>10</sup>.

The term peri-urban is a contested term used by researchers from many disciplines and paradigmatic perspectives to describe contradictory processes and environments, and if put it in another way definitions are largely situational and case-specific<sup>11</sup>. The concept's geographical roots are up for debate. Simon<sup>12</sup> asserts that peri-urbanization was "[o]riginally formulated in the context of rapidly growing African and Asian cities" and "has recently been applied globally." In contrast, writers from a more northern perspective emphasise its roots as an early French regional planning concept<sup>13</sup>. The connotations of peri-urban differ between the North and South, and even within the South, due to urbanization's diverse and complex processes. Whereas the peri-urban area is frequently a zone of chaotic urbanisation leading to sprawl in newly industrialising nations and the majority of the developing world, in older industrial or post-industrial countries, the peri-urban area is a zone of social and economic development and spatial reorganisation<sup>14</sup>. In the north, peri-urban areas are often seen as suburban areas located on the outskirts of cities and characterized by low-density residential development, shopping centers, and offices.

In contrast, in the South, peri-urban areas are often characterized by a mix of rural and urban land uses, including agriculture, informal settlements, and industrial activities. Furthermore, the term peri-urbanization is often used in the north to describe the process of urbanization spreading outwards from the city center. While in the South, it is used to describe the process of rural areas becoming more urbanized. For instance, cities near arid areas in developed countries do not have to deal with this issue or the transitional processes that huge cities in developing nations with large surrounding rural populations face<sup>15</sup>. This difference in processes reflects the different

trajectories of urbanization in the North and South. Overall, the idea of peri-urban in the North and South is shaped by different historical, social, and economic contexts, and scholars need to be aware of these differences when using the term. Broadly, the peri-urban literature denotes the term as expansion of urban activity outside of current administrative boundaries in metropolitan zones that has resulted in the growth of urban fringes creating a mixed rural-urban landscape around cities that resembles a mosaic of urban and rural land-uses, livelihoods, and lifestyles<sup>16</sup>. But, the urban-rural dichotomy could not be maintained in the face of the creation of the rural-urban continuum since essential urban operations had largely been transferred from a central city to suburbs and then to the much broader decentralised “urban field”<sup>17</sup>.

The models of peri-urban can be broadly divided into a place/territory based and a fluidic understanding of the functional and transitional space. The place/territory-based approach’s main goal is to define the peri-urban geographically for administrative purposes and quantify particular socio-economic parameters. The physical and material changes in the peri-urban area are the main focus of the place/territorial approach to peri-urban studies<sup>18</sup>. This approach has a direct correlation with the Peri-urban planning and Policy process, which, in turn, affects the wellbeing of the poor and the sustainability of the environment<sup>19</sup>. The common issues addressed by this approach are the conversion of agricultural land to residential and commercial uses, threats to food security, issues with water and sanitation, issues with land tenure due to multiple jurisdictions, environmental degradation, diversity of household incomes, accessibility to markets, availability of farm labour, etc<sup>20</sup>. As a result, the arguments in favour of place/territory-based understanding of peri-urban areas call for prescriptive remedies such as context specific policy and planning, environmental sustainability, social and cultural diversity, economic development, and now also incorporates UN sustainable development goals<sup>21</sup>.

The functional/transitional understanding views Peri-urban seen as a “fluidic” landscape rather than looking for administrative boundary. According to this perspective, the peri-urban area serves as a transition zone between the urban and rural areas with changes to the institutional and governmental structures taking place. It functions as the city’s resource hinterland providing goods, services, labor, environmental resources, and ecosystem services for the city<sup>22</sup>. The peri-urban area is highlighted for its dynamic and ever-changing nature, resulting from urbanisation processes. It acknowledges that urbanisation processes cause the peri-urban area to change and evolve constantly rather than remaining a static region<sup>23</sup>. The political

marginalisation of peri-urban spaces is a result of the transitional nature of these places, which still causes policymakers to see them as transient.

For several years peri-urbanization has become the preferred theme for scholars of urban and regional studies. Most of the studies fall under three evident situational dimensions: *peri-urban space* (the spatial expression of peri-urban development), *peri-urban life* (the functional appearance of land uses, activities and peri-urban innovation), and *peri-urban change* (a more causal and temporal perspective featuring flows and drivers of change)<sup>24</sup>. It can also be viewed as a phase of rapid transformations in people's mentalities. But the above conceptualizations have largely overlooked people's own perceptions and understandings of the peri-urban in the theorisation of the peri-urban. This, Iaquinta and Drescher point out, 'misses the reality of peri-urban, underestimates the prevalence of social change and misclassifies the experiences of numerous people and communities in the real world'<sup>25</sup>. As a result, scholars and policymakers continue to grapple with the challenges and opportunities presented by peri-urban areas, and the concept of the peri-urban as a "production of a distinct space" remains an important tool for understanding these complex and dynamic landscapes.

In his book *Social Justice and the City* (1973), David Harvey<sup>26</sup> explored the dynamics of urbanisation under capitalism. He introduced the concept of the "spatial fix" to theorize uneven development under capitalism. He made the case that understanding the nature of "space" is crucial to understanding these processes. Harvey believes that the only way to understand space is via human practise. Thus, according to Harvey is "neither absolute, relative, or relational in itself, but it can become one or all simultaneously depending on the circumstances"<sup>27</sup>. He argues that the property relationship creates absolute spaces within which monopoly can operate'. Harvey attempts to make the point that capital accumulation primarily shapes materiality, symbolism, and spatial usage. In her *Spatial Divisions of Labour* (198)<sup>28</sup>, for understanding spaces of production, Doreen Massey also conceived capital is as a set of social relations between its instruments, such as the relationships between jobs, firms, and branch plants, and that these relationships constitute a space. She stressed how the geographies of the social relations of production have developed in a complicated, interconnected, and vitally uneven way. The work of Henri Lefebvre on *Production of Space* (1974)<sup>29</sup> is another useful analytical lense to examine the spatial patterning of social and mental life of peri-urban space as a distinct category in abstract terms without delimiting the question of planning and governance. The premise of Lefebvre's theory is that '(Social) space is a (social) product'<sup>30</sup>. It

offered an intriguing and different perspective to study the issues unique to peri-urbanization. The author argues "that every society — and hence every mode of production with its subvariants i.e. all those societies which exemplify the general concept - produces a space, its own space"<sup>31</sup>. Lefebvre and Harvey have significantly contributed to our understanding of space, but their approaches and emphases differ. Lefebvre's work emphasizes space's lived and social aspects, while Harvey's work focuses on the economic and political forces that shape it, particularly within the context of capitalism.

Broadly Invoking this analytical framework of "space"<sup>32</sup> by David Harvey and Henri Lefebvre, the present study explores the central question of land use transformations due to peri-urbanization and the process of mental urbanization in the village of Kabala near the city of Bamako in the West African state of Mali. It sheds light on the conflictual and collaborative relationships between complex customary and legal institutions and analyses the different perspectives of the local people in the production of a new peri-urban space. Even though, politically, the transformation is hegemonical, forcing the locale inhabitants to quietly accept the change by coalescing with the modern hierarchical institutions but It is more emancipatory for the younger generations in that it broadens the mental horizon by bringing about socio-cultural shifts in people's attitudes and behaviors that appear to happen at an incredibly fast rate, as well as a new awareness of one's place in the world of chances, hazards, and risks in the newly produced space. The paper contends that alongside the more visible transformation of the land use and associated conflicts and occupational changes, other processes such as change in institutions and mental horizons of the local people in peri-urban area contribute to re-scripting social relations forging new subjectivities. Against this backdrop, the present study argues that the peri-urban space emerges is not a monolithic entity, rather it is contingently multiple in relation to those who involve and appropriate the space on its ongoing constitution.

### **Peri-Urbanization in Africa**

Africa is one of the fastest urbanizing continents in the world, with 7,600 cities and a cumulative population of 500 million people<sup>33</sup>. Of these, seven are megacities with populations over a million: Cairo, Kinshasa, Lagos, Accra, Johannesburg-Pretoria, Khartoum, and Nairobi<sup>34</sup>. It is also to be noted that rapid urbanization is accompanied by a sharp contrast between the rich and poor. In 2020, an estimated 218 million Africans lived in slums, making up an average of 51.3% of the urban population, notwithstanding the scarcity of comprehensive

statistics<sup>35</sup>. This proportion is noticeably higher than the global average of 24.4%<sup>36</sup>. This rapid urbanization causes cities to swallow up peripheral villages that were once agricultural areas. Peri-urban areas in Africa are subject to several problems, including prospective places for disease outbreaks and other social hazards due to their general lack of planning and institutional integration the collapse of agriculture, the distribution of urban occupation patterns, the emergence of illegal settlements, the disposal of toxic and solid waste, and the stress that the environment places on green spaces and recreational areas<sup>37</sup>. The process of Peri-Urbanization in Africa and other developing countries are similar as it occurred and is happening by encroaching fertile agricultural land .Thus, Coly (2018)<sup>38</sup> notes that in Senegal, urban sprawl generally takes place on high-potential soils and contributes to the loss of the best soils for agriculture, notably in the Tenghory district. The arguments related to the loss of fertile land put into perspective the absence of policies to maintain certain food sovereignty by favouring peri-urban agriculture. The population is forced to abandon agriculture with the destruction of their agricultural land in favour of new trades to which they are struggling to adapt.

In the same dynamic, Prost, 1994<sup>39</sup> says that where urban pressure is strongest, agriculture is on the fringe. It is no longer part of the rural system of territorial production; it is too dependent on the urban system. It is threatened within a peri-urban space that is too coveted. Maintaining peri-urban agriculture requires affirmation within a new territorial system whose coherence depends on the place acquired by agriculture. All these grassroots level issues associated Peri-urbanization in Africa are the result of the larger political and economic process with neo-liberalization as its driving force. It is , therefore, while studying the peri-urbanization in Africa, it is critical to comprehend the significant impact and ongoing influence of larger political and economic processes, such as colonialism, post-colonialism, political independence, wars, post-conflict political scenario, post-industrial societies, structural adjustment, neo-liberalisation, and the global politics of development, international institutions such as world bank and other regulating organizations. In Mali, since the 1980s, land has become a popular choice for urban dwellers in the capital city. The country is experiencing a very accelerated growth rate that is out of phase with development and economic growth combined with anarchic urbanization. Bertrand, 2003<sup>40</sup>, estimates that in Mali, with demographic growth exceeding 5% per year in the already constituted city, and sometimes more than three times that in the agglomeration, this spatial sprawl is spectacular. Its dynamic is no

longer mainly one of migration but has become one of centrifugal redistribution, without public planning support. The effects of structural adjustment on the one hand, forced average civil servants to move to the city's outskirts; on the other hand, wealthy citizens requested fields for intensive farming. But behind this idea lays another logic of land appropriation for commercial interests.

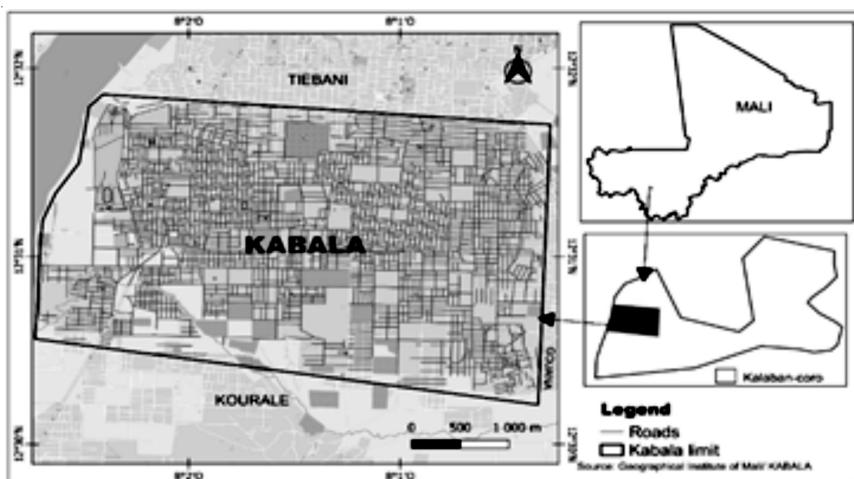
### **Presentation of the study area**

The village of Kabala, in the rural commune of Kalabancoro, is located southwest of Bamako in Mali. Kalabancoro is one of the rural communes of Kati's circle, which belongs to the Koulikoro region in Mali. The Kalabancoro commune is situated on the right bank of the Niger River, southwest of the District of Bamako. It covers an area of 219.75 km<sup>2</sup> and has 12 villages. It shares borders with the District of Bamako to the north, the commune of Sanankoroba to the South, Mountougoula to the east, Mandé to the west, and the commune of Baguineda to the northeast. Bamako was the capital of the French Sudan (actual Mali); after independence, it became the capital. It got the status of a district in 1972. The urban growth of this city is very fast. Migration from the rural areas, migration in response to the cities' attractions, and the recurring droughts of the 70s and 80s are the major internal contributing factors. Kabala village saw an acceleration in the occupation of land in the 2000s. This was due to the advent of the 2002 African Cup of Nations, during which Kabala was chosen to host the sports facilities. In the same context, the political authorities decided to draw up a plan for the subdivision of the area. The second factor was the construction of the university campus in the village in 2010. These aspects have contributed to the rapid expansion of Bamako into the village of Kabala. As a result, its land is coveted by all social categories for housing purposes. The 'Traoré' of the 'Bambara' ethnic group are the founders of the village, along with the families of the blacksmith and three lineage groups (Mandiala, Tagala, and Samantiguila). The Peulhs (Bah, Diallo, Sangaré, and Sall) came to settle there after them. Kabala has evolved into a multicultural community where various ethnic groups coexist. New socio-professional categories have also emerged (carpenter, mechanic, mason, driver, etc.). The location of the study area is shown in Figure 1 below.

### **Methodology**

The study approach is based on the emic view consistent with qualitative methods in understanding the various aspects of peri-urbanization. It seeks to understand the subjective understanding of the inhabitants on the peri-urban space. Qualitative tools such as in-

Figure 1 Kabala



Source: Geographical Institute of Mali, 2023

depth interview and observation were used for the fieldwork. An interview guide was used to collect data, and an observation grid was developed to record field visits (gardens, fields, plot sales) and informal exchanges with the target population. The interview guide was addressed to 25 individuals made up of customary authorities, associative groups, administrative and technical services<sup>41</sup>, and resource persons. The fieldwork was conducted from February to August 2022. The responses were recorded via a dictaphone. The respondents were mainly speakers of the Bamanan language. Their verbatim reports were transcribed faithfully and translated into English. Discourse content analysis was used to analyse the data.

#### Kabala's way of life and activities in the past

In the past, this village lived mainly from agricultural activities. This activity ensured the vital needs of its inhabitants. It was varied and included farming, market gardening<sup>42</sup>, gathering, hunting, and fishing. However, agriculture was their main occupation. The village was very self-sufficient and made little use of the outside world. Trade was based on barter. It was free from land problems, with abundant arable land, as described by this interviewee, J.T.: "*before the extension of the city into Kabala, you know when the village was small, the population was low, and our source of income was mainly based on agriculture. Before Bamako absorbed Kabala, the population density was low, there was land to cultivate everywhere, apart from that, people used to gather fruit. Practically, here in Kabala, each large founding family had an orchard... The women's main activity*

*was market gardening, but the men's was farming".*

Their economic activities enabled them to meet their basic needs. According to the respondents, food security was not a problem, and agricultural income was considered to be in surplus. The management of the family assets was vested with the elders. In the same vein, another interviewee explain the way of life in the village of Kabala over time. According to C.V.: "*our way of life, before the extension of Bamako into Kabala, we used to farm. After the agricultural activities, we organized festivals to show our joy to God. Then we used to grow vegetables. This enabled us to provide for our families until the next season. We showed our joy; it is part of our customs... There are initiation societies like the "Komo*<sup>43</sup>*". We used to practice the Komo after the harvest*".

Initiation rites were common practice. These rites were an integral part of the socialization of men in this rural environment. Only initiated adult men have access to the "Komo". Social control was exercised over the man with rigor by the whole society. This led the individual to avoid certain deviances such as theft, adultery, etc., as much as possible. People lived in a community where mechanical solidarity was strong. Individualism did not exist at the expense of the collective. The passage from this interview highlights the social realities of this society in the past. As Y.T. testifies: "*In our society, individualism did not exist; rather, in the community, we always said we should involve everyone. We did not glorify ourselves but rather the group. Goods belonged to the group. Economically, the management was communal. So if there was a vital need such as food or for sale, to support a poor person, the head of the family authorized the use*".

This interview paints a picture of the situation that prevailed in the past. Like all others, the social organization in this agricultural society was hyper-hierarchical. Power was exercised according to the principle of primo birth and social prestige. Social cadets were relegated to the background as executors. It is revealed that the inhabitants derived their livelihood mainly from agriculture. Life was characterized by autarky. There were hardly any problems with agricultural land. Food security was ensured during this period except for a few rare famines. Then, society took full responsibility for the education of people through its socialization bodies. Politically, people had great respect for the authority of their elders, which was rarely challenged. The social control exercised by society discouraged people from transgressing established social norms. All the interviewees felt that society was better regulated than today.

#### **The process of urbanization of Kabala village**

Following Bamako's encroachment of the village of Kabala, the village

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fringe has been consumed; as this extract from J.T.'s interview illustrates: "*at present, with the expansion of the town, there are no more agricultural spaces to cultivate. It's obvious, no one can show you fields to cultivate here in Kabala, and everything is built. This urban sprawl has led to several economic and social changes*". Economically, the population used to practise primary sector activities to ensure their livelihood. But the village has been facing land pressures for the past twenty years. City dwellers covet the land in this area for housing. This new situation compromises the future of the farmers who used to live solely on the land.

The village's urbanization process by the capital was slow until the early 2000s. Before, the area was coveted by wealthy city dwellers under the Second Republic regime to create orchards. The applicants promised the population the creation of factories and other development projects to boost the area. With this in mind, the natives freely allocated the vast areas to them. It was for mercantilist interests.

Also, the consequences of the structural adjustment of the 1980s led state agents, given the high cost of rent in Bamako, to fall back on the peri-urban areas where the price of plots of land is derisory. In the wake of the advent of democracy, the subdivision of the area began gradually, taking into account the demographic growth of the city of Bamako, which was due, above all, to anarchic urbanization. B.C.'s interview tries to describe the process: "*it was the overcrowding of the city of Bamako that caused the phagocytizing. The city dwellers came to ask for fields, at the beginning, it was free and as time went by, the sale began; we really couldn't imagine that these places would be inhabited in this way. Only in 1992, under the third republic, these practices began. Before that, people refused to come to Kabala, given the distance that separated it from Bamako*". In the past, the villagers of Kabala went to Bamako to sell their agricultural products. Nowadays, the opposite is true.

Other events have accelerated the occupation of Kabala's land. This was the advent of the 2002 CAN. In this context, the village of Kabala was chosen to host the players' accommodation and the construction of the sports complex. This enhanced the value of the area and aroused the interest of many people to buy lots for housing purposes. This contrasted with the way of life and the vocation of the area. This was in contrast to the way of life and the purpose of the area since the inhabitants used to earn their living from agriculture. Then, in 2010, the site also hosted the university campus. This also encouraged citizens to buy plots for housing. In the same vein, the natives have developed a taste for easy money and are now selling their land. As the excerpt from this councilor's speech explains: "*it was from 2002, precisely, with the construction of the Kabala sports high*

*school and the housing estate for sportsmen that the village was swallowed up. It is from this moment that the population began to have a taste for money from the land. In addition, the university campus was built. These two aspects contributed to changing the status of Kabala from a village to a town".*

The peri-urbanization is not without impact on the village. The new residents have dominated the indigenous population and is now a minority in its territory. On another front, their ancestral farmland has been converted into housing. Agricultural activities would disappear in favour of self-employment. The anarchic occupation of their land has created other new phenomena, such as unemployment, the learning of small trades, and land speculation. Land brokering has become their favourite sport.

Under these conditions, the relationship between man and land has changed. Once sacred, the land has become an asset for saving and investment. It is the scene of competition, blackmail, and speculation. As this interview with M.S illustrates, "*the price of a plot of land used to vary from 150.000 CFA francs to 400.000 CFA francs, but from 2002 onwards the price tripled from 1.500.000 CFA francs to 6.000.000 CFA francs, or even 10.000.000 CFA francs in some places. With the university campus, it is 15.000.000 CFA francs to 20.000.000 CFA francs. Unfortunately, the natives had already sold everything and nothing is working now*".

In light of the data collected, it should be noted that several events have marked the process of the peri-urbanization of Kabala by Bamako. It goes back to the Second Republic under the dictatorial regime with the natives' demand for fields. Then the subdivision plan in the mid-1990s of the area with the democratic boom contributed to the occupation of the area. But the two major events, as mentioned above, are the advent of the CAN 2002 and the establishment of a university in Kabala, which accelerated the phenomenon of urban sprawl. Indeed, the transformation of the village into a town with its infrastructure has changed the citizens' way of life. However, many people are nostalgic about the past, which is considered to be a period of opulence and prosperity. The loss of their agricultural land is far from being compensated by the benefits of the new town.

### **The land game**

One reason is that it is an area across which the city grows, both in terms of the entire materiality of its construction and the structuring of its social and intellectual life. Therefore, land is a crucial component of it, and conflicts between competing ownership and use interests primarily revolve around it. But right away, as Sorensen has shown in his article for this special issue (Sorensen, 2016), land is not simply a fragment of diverse surface on our planet but also a complex of

societal, judicial, and political institutions that we occasionally group under the more general concept of governance. The dispute over peri-urban land develops through and around these institutions.

In terms of land resource management in Kabala, two types of law apply customary law and positive law. In the first case, the communities have certain control over their land, and this responsibility falls to the landowners, more precisely the traditional chieftaincy, which is the guarantor and ensures the equitable distribution of the land among the inhabitants. The second is the prerogative of the administration (town hall, sub-prefecture, prefecture, etc.). With the absorption of Kabala by the city of Bamako, the customary authorities have seen their competence diminish in favour of the administration's. According to F. K: "*at the beginning, it was the traditional chieftaincy, but later other actors came to interfere. Allocation was done informally, and with the parceling out, all the plots were identified. Then, the administration started issuing official documents (allocation letters, occupation permits, etc.). Some people paid thirty-five thousand CFA (35.000) for their plot and paid more than a hundred thousand to have their administrative documents*".

The peri-urbanization has led to the multiplication of actors in land management, and to a surge in the price of plots of land, which at the beginning were acquired with ten kola nuts and nowadays are sold for tens of millions. According to a technical officer, M. S: "*there is an overlap at this level, the sub-prefecture, the prefecture, and the town hall all allocate. Then the customs authorities are in the land arena in the name of the customary principle. As for the town hall, it only had the power to allocate land 15 years ago. However, all these actors are involved. The corollary is that the same plot of land is allocated to three different people. Often the same authority can allocate the plot to two or three people without checking*". Using both types of law and the large number of actors involved in the local arena increasingly complicate land management. More and more, positive law transcends the latter, which is considered informal.

#### **Relations between the administration and traditional authorities**

Several relationships are maintained between the traditional authorities and the devolved and decentralized services. These include the mayor's office, the sub-prefecture, urban planning, the estates, etc. The junction point of these relations revolves around land issues. Thus, the town hall and the traditional chieftaincies have a very close relationship of collaboration. Thus, the town hall remains the locus of demands of the local population. As illustrated by the words of this notable Y.T. from Kabala: "*there is a collaborative relationship with the town hall, for example, there are public spaces or goods that are allocated to*

*certain impoverished local people, and we are obliged to go through the town hall. These are social cases, it is the whole village that decides, but we have to go to the town hall so that it can examine the feasibility of the action". The mayor's office is seen as a key player in the management of day-to-day village affairs. Since the advent of decentralization, the state has transferred certain competencies to it. Similarly, M.S., a municipal councilor in charge of a civil status center, emphasizes the role of traditional authorities, who in his opinion are major players in the administration of the city: "generally, the first councilor of a mayor is the village chief, and the mayor's office has the mission of serving the population. We have good relations with the customary authorities. As far as the parcelling out of sites is concerned, it is the local chieftain that pilots the projects. In a way, all the actors are involved in the parcelling out: customary authorities, the town hall, the sub-prefecture, the prefecture, and even the governorate".*

Behind these speeches, there are other less-than-stellar realities. This is true of relations between the administration and local authorities. The relationship is not always good. Some users accuse the administration of conspiring against them. Other discordant voices think that the administrative authorities have duped the natives during the various parcellations carried out in Kabala. Often, the parcelling out is orchestrated just to enrich themselves or to serve the interest of their relatives. According to some people interviewed, when their fields are divided, the administration takes half of the land for unspoken reasons. This leads to a feeling of frustration and distrust of the administration. Corrupt practices have become almost a norm in the management of land affairs.

Moreover, in the opinion of local technical services, the town hall and the customary authorities blow the same trumpet. They consider them to be strategic partners who handle their land affairs without involving other *technical services* whose opinion is very necessary. The words of this M.S. officer from a technical service are quite illustrative: "*the mayors and customary chiefs are hand in glove. They agree to divide up public spaces. The customary chiefs avoid us except in the case of land disputes between them. Otherwise, we are not consulted*". Several factors can explain this situation. Firstly, the elected municipal officials come from the grassroots, and, therefore, potentially from their parents and relatives. Secondly, the clientelist relationships between them, the politicians, to build up their electorate, have good relations with the traditional leaders. They too benefit from economic spin-offs. Often traditional leaders become politicians to recoup their power threatened by decentralization. Therefore, they may feel that the *technical services* is a threat to their dubious transactions. Moreover, the administrative procedure advocated by the *technical services* seems very petty in their

eyes. The technical language of land tenure is not comfortable to farmers. Therefore, it was necessary to invent strategies to get around all these obstacles.

As mentioned, several services should be involved in land management, but the most active are the town hall and the sub-prefecture. Two registers emerge: on the one hand, some consider that collaborative relations are normal, and on the other hand, the *technical services* think that the relations between the mayor's office and the local authority are marked by complicity. In this regard, the relations between the administration (the town hall, sub-prefecture, prefecture, etc.) and the customary authorities are varied and multiple. With the pressure on land, relations are becoming increasingly conflictual over managing certain resources of public interest, particularly land.

#### **The emergence of new local actors in the management of the city**

In this context, new actors are emerging, such as the youth, women, non-natives, socio-professional associations, town halls, etc. All these actors are now consulted on the management of village. Before this phenomenon, only the village council<sup>44</sup> was empowered to administer the village without involving other institutions. These institutions, even when they existed, had no say in the matter. This sudden transformation of the village into a town is not without effect on the institution of the village council. It is forced to involve other actors. As the extract from this interview with the Kabala is notable, C.V. shows: "*There are other people involved, around the village chief. Advisors are appointed for each sector to support and work as a team. The non-natives are represented on the village council. The chiefdom alone cannot manage, Kabala is part of Bamako*". The village authorities are increasingly ceding some of their prerogatives to the new actors. In the village of Kabala, non-natives are the majority. New sectors or neighbourhoods spring up almost every year. Theoretically, each sector is run by the first foreigner to settle there. Under these conditions, it is difficult to control all these new areas that are springing up; only the old core is under the control of the village chief.

Another very dynamic institution is the youth council<sup>45</sup>, which is also consulted on youth issues. The youth have networks of contacts outside the village. The state, NGOs, and other partners consult them on all matters relating to youth without necessarily consulting the village council. It is up to the youth to inform, in turn, the customary authorities. Some young people are highly educated, which contributes to influencing the village.

A notable institutional change is the weakening of patriarchy. In

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the past, women had no say in the life of their community. Their access to resources was limited. In Kabala, as in other rural areas, women's roles were limited to production, reproduction, and household chores. Making up just over half the population, they were legally bound to obey their husbands and were particularly vulnerable to divorce and inheritance. Thus, their limited rights were poorly applied due to insufficient training and information. Cultural views viewed them as inferior to men. These aspects perpetuated the cycle of gender inequality, as women were not encouraged to pursue education or participate in decision-making processes within their communities. As a result, the women of Kabala encountered significant obstacles in accessing economic opportunities and achieving financial independence. It was in the 1990s, with the introduction of democracy and a multi-party system, that women's rights movements emerged, advocating gender equality and empowering women to participate in decision-making processes. These movements have significantly improved women's access to education, employment opportunities, and the ability to own property, giving them greater autonomy and influence over their lives. According to this 60-year-old B.C. woman, "*In our tradition, women were not allowed to own property; they were taught to be submissive, and their views were rarely sought when decisions were made [...]. Nowadays, women can pursue their studies and undertake activities to develop themselves and their families*". Women are no longer on the sidelines; they now have their say in decision-making. Especially when you consider that gender issues are taken seriously by development partners, they see women as the silent majority. As a result, most young people work with the cooperatives, particularly the multifunctional women's cooperative, one of the largest in the village. This cooperative works closely with national and international partners and is recognised by the authorities.

The mayor's office is also interested in land issues, which used to be the responsibility of the traditional chieftainship, and there is now co-management in this area. This is why certain notabilities are entering the political arena to consolidate their power, which is under threat. The land is no longer the sole property of the village with the advent of town halls. According to some, it seeks to replace the village authorities.

On the social level, farmers are forced to reconvert, and agriculture is progressively abandoned in favour of other activities such as carpentry, masonry, mechanics, etc. However, older peasants are struggling to retrain, most of them practicing small trades such as "middle man" or land broker, informal trade, and becoming chronically unemployed. As for the new generation, with the

occupation of agricultural land, they practice professional trade, carpentry, masonry, transport, etc., but learned on the job. These interviews describe the current realities on the ground. Y.T. reacts as follows: “*very generally, it's always the same physical work, because these are jobs that people didn't learn at school. You meet a mechanic, he has learned on the job. He doesn't have rational techniques but he has the physical strength to do the job. He has learned empirically. He can satisfy the users. That's how others became scrap metal workers, electricians, plumbers, and drivers. They learned these jobs on the job. It is rare in our village to see someone who has studied these trades*”.

Culturally, initiation ceremonies and secret societies have disappeared with the urban sprawl. This has had an impact on society, as the notables interviewed testified. These secret societies were real schools of training and socialization to prepare the initiated man to face the trials of social life and banished theft, adultery, etc. They taught bravery, honesty, dignity and respect for others, and the importance of a healthy lifestyle. According to some, the abandonment of certain practices would explain some of the ills that currently plague society. The excerpt from this interview with the Village Councillor emphasizes the importance of secret societies: “*we gave up this practice a long time ago. In its time, not everyone attended the "Komo", only the initiated men. Only men (in a high tone). With the massive arrival of foreign populations and the advent of Islam, these practices were abandoned*”.

Marriage was a cardinal value in traditional society. It linked two families, two communities, and even two villages, taking into account of the social category. It was the elders who took care of all the procedures. But with the current changes, young people marry by consent without taking into account the origin of the person concerned. The conservatives consider this to hurt social cohesion, solidarity, and social prestige.

On analysis, Peri-urbanization has transformed not only the physiognomy of the village but also the relationships between people. Other institutions are emerging and interfering in decision-making that used to be the preserve of local power. These changes have reduced the room for manoeuvre of the customary institution by allowing social cadets<sup>46</sup> to be involved to a lesser extent. In the future, these traditional authorities will be further eroded or even disappear in the face of the urbanization of the area with its corollary of overpopulation and its negative effects.

#### **Survival strategies: adaptation and alternatives to new demands**

The population of Kabala used to live from agriculture, but as their space was absorbed, houses replaced the fields. This situation

disrupted the local population's way of life. They were forced to convert to other activities to ensure their survival. According to this woman, B. C: "*we currently depend on the cultivation and sale of market garden produce, which enables us to look after our children, pay for their supplies and all the other needs of our households. As for the young people, they do small jobs: masonry, carpentry, etc.*". The activities vary according to the socio-professional strata, with the women mainly practicing market gardening and the young people working in masonry, carpentry, mechanics, etc.

In addition to these activities, the population has found other strategies that can guarantee its survival, such as the formation of community organizations; associations, cooperatives, etc. These organizations enable it to form partnerships with development partners, including non-governmental organizations. According to the youth leader, J.T: "*we have adopted several strategies to survive. (Laughs!). There is commerce, studies, and trades (car mechanics, carpentry...). But what are the youth doing? I can tell you about it. The activities carried out by the youth are quite diversified; they practice several activities*".

The authorities seem to be concerned about the survival of the population, even if its accompanying measures are struggling to be implemented. According to this municipal councilor, M.S.: "*nothing guarantees the survival of the population of Kabala in reality. If the texts are applied, most of the natives will be rented out, they have sold all the land and have no secure activity by selling this land, and these natives think that the money does not end. Nowadays, they have no land or activity, and most of the old people are not able to work anymore, no alternative for survival! To this end, we are considering a training center, as an accompanying measure, to make young people autonomous*".

In light of all these responses, it should be remembered that peri-urbanization has disrupted the population of Kabala's system of life, forcing them to abandon their activities in favour of the new demands of urban life.

#### **The perception that their space is being taken over**

Two discursive registers are mobilized with the question of the perception on urbanization. Nevertheless, in the first register, the older generation expresses concerns, apprehensions, regrets, and remorse about the occupation of their space. These upheavals have damaged their livelihoods, culture, identity, and authority. On the other hand, peri-urbanization is beneficial for the new generation because it has opened up the village and provided the area with basic social services and modern infrastructure.

Thus, the peri-urbanization of their village is very badly experienced

by the elders who have watched their village land change its vocation by transforming it into a place of habitation to the detriment of the agricultural activities from which they derived their means of subsistence. The older generation believes that their living conditions were better than today, as agricultural yields covered their family expenses. Social values, such as social cohesion, mechanical solidarity, education, respect for elders, authority, etc., were intangible. Nowadays, they see everything in reverse. With the anarchic occupation of their land, they see the erosion of these values, plus poverty and a lack of prospects. The loss of their identity in the new society, where the natives are a minority in their land, is to be noted. They point to the misdeeds of the city such as juvenile delinquency, theft, rape, traffic accidents, and other nuisances. There is also a high cost of living in the city. This modernity brings new demands. As Y.T. explains: *"before, food was not a concern, there were no problems with the cost of condiments. The women never asked the price of the condiment, the question did not even arise. People used to grow the ingredients of the sauce like "dah", groundnut, "néré", etc. Nowadays, the condiment is sold at a price"*.

The passage from the speech of this notable C.V. is quite revealing: *"it is an occupation willed by God. What do I mean? If your land is no longer yours, it is taken away from you by force, what are you going to say? You don't have power, so you have to leave it to God. He is the Supreme Guide"*. This speech sums up the realities experienced especially by the indigenous population dispossessed of the land that is their lifeblood. For the older generation, the current situation is uncomfortable. As one resource person, F. K points out: *"that urbanization has had more negative than positive effects, it's true, they have had electricity and roads, but you have to know how to make the most of them, otherwise these achievements are meaningless, and that's the case now. They can't make any profit and besides, everything has become expensive, the price of houses and shops has gone up"*. Moreover, the old people feel that the effects of modernity only benefit the elite who have come to live in Kabala, rather than them, who are now unemployed farmers. The high cost of living is also mentioned as one of the consequences of urban sprawl. The discourse of this non-native M.D describes the empirical realities: *"it is above all the educational aspect that is deplored, the erosion of this value has led to enormous problems, armed robbery, drug use, etc. Also, in the beginning, the sale of land was ten (10) cola nuts, then the prices went up from ten thousand francs (10.000 CFA francs) to millions. It was the natives who sold or sold off the land"*. In addition to the erosion of social values such as education, from another angle, the situation denounced by the natives would be the basis for the sale of their agricultural space at a low price. According to some sources, the founders of the village, tempted by easy money, sold their land.

On the other hand, these economic and social transformations are perceived as a real opportunity for emancipation for the new generation. Without concealing certain difficulties inherent in the occupation of their space, they consider that the advent of the city has enabled the creation of socio-economic services and wellbeing. For example, one respondent mentions the facilities brought by the urbanization such as school, the community health center, the market, transport, drinking water, electricity, diversification of activities, etc. She believes that their living conditions are better now than before. We can conclude this section with the words of the young leader J.T. who praises their time: *"when we try to compare, for us the new generation, starting from what I know and my time, in reality, our time is better compared to the past, the time of our parents. If you analyze the number of children who are currently attending school... Before, people refused to go to school. The second aspect is health, which has improved a lot. Before access to health care was an obstacle, you had to travel a long way to get treatment. Not to mention the provision of electricity and other goods. Life is becoming easier"*.

The data collected show that the respondents appreciate this phenomenon in different ways, depending on whether they are indigenous or non-indigenous, young or old. The former find that phagocytizing has been a means of not only disappropriating their space, but also of losing certain traditional values. On the other hand, the younger generation appreciates the change through the creation of basic socio-economic infrastructures, the development of services, and access to water and electricity, which are considered to be achievements of phagocytizing.

### **Concluding Remarks**

Africa's intriguing unbalanced urban hinterlands are places where common people have created new conceptions of time and space. Here, the urban sprawl of the city of Bamako into the village of Kabala has created a new space that is neither rural nor urban in its physical and social characteristics. The conceptualization of "space" was put forward by Henri Lefebvre and David Harvey, in which the former focuses on the experiential aspects of space, whereas Harvey's work centers on the economic and political forces that shape space. The new space in Kabala is produced by larger political-economic transformations such as structural adjustment and neo-liberalization, the change in political regimes, and the everyday experiences of space by its inhabitants and the lived environment. The hegemonic process of peri-urbanization altered the value of the land from a places of survival to commodity for exchange in the market. The land in this area, where the population practiced primary sector activities to ensure city dwellers covet their

livelihoods for housing lots. This new situation compromises the future of farmers who used to live solely on the land. It is often the best agricultural land that is mobilized for construction and equipment because of its location (near the most populated areas). The advance of the built-up area then leads to a reduction or even disappearance of many agricultural activities developed in these areas. The loss of agricultural land has consequences for the daily life of farmers, particularly food insecurity. Indeed, peri-urbanization has led to the multiplication of actors in the field of land management and the soaring prices of plots, which at the beginning were acquired with ten kola nuts and nowadays are sold with tens of millions. The peri-urban countryside has thus progressively evolved into a space characterized by the multiplication of buildings, the increase in human density, and the spread of industrial and service activities, while agriculture, which traditionally supplied the city, is constantly declining. This competition between agricultural and non-agricultural land uses has created new challenges that explain the strong speculation on peri-urban land.

Indeed, this article shows that peri-urbanization has transformed not only the physiognomy of the village but also the relationships between people and institutions. This space is so subjective, people's perceptions of space can differ greatly depending on their cultural background, life experiences, and social environment. It encompasses feelings, sensory experiences, and the feeling of place individuals associate with the peri-urban space. The new space has altered the positions of power, which is forced to involve new actors. The old institutions have either weakened or disappeared and in its space new institutions are emerging and interfering in decision-making that used to be the preserve of local power. These results (Charles et al. 2017, p. 230) assert that the perception of urban sprawl through land tensions is indeed influenced not only by the socio-economic conditions of the populations but also by the disruption of the functioning of the social structure within the villages. It has created different perceptions of space by multiple actors such as the municipal officials, land developers, local chieftains, the common people etc. In Kabala, many older generations are nostalgic for the past, considered a period of opulence and prosperity. The loss of their farmland is far from being compensated by the benefits of the new town. The idyllic image of the city is dented by the current experience and the setbacks of the inhabitants who have suffered the phenomenon of peri-urbanization. But it is also a space for emancipation for many, such as the women and young freed from the clutches of archaic institutional control mechanisms. The women are engaged in new employment opportunities offered by the new space and have gained more decision-

making power. Some of the expropriated inhabitants adapt by converting to new urban socio-professional occupations as alternatives for survival. This is especially true of the young people socialized into this urban culture. They are increasingly practicing masonry, mechanics, plumbing, etc. Hence, the concept of peri-urban cannot be reduced to the arbitrary expansion of urban area into the surrounding rural land instead viewing peri-urban as a “space” produced by multiple actors and time enables us to capture the intricate relationships between the physical and social environment through the decoding of and experience everydayness.

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  26. David Harvey's "spatial fix" theory suggests that capitalism faces contradictions and crises, such as overproduction and declining profitability. To maintain its viability, capitalism engages in spatial fix, reshaping and reallocating capital and resources across geographical spaces. This process involves economic resilience, urbanization, and social implications. Spatial fixes can temporarily stabilize economic conditions but can lead to new contradictions over time. Urbanization of capital transforms cities into sites of economic activity and gentrification, while spatial fixes can lead to displacement of marginalized communities and uneven development. Understanding spatial fix is crucial for understanding contemporary urban development dynamics and resource distribution, see, Harvey David, *Social Justice and the City*, (London: Edward Arnold, 1973)
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  29. HenryLefebvre's 1974 book *The Production of Space* proposed a triadic division of space: Perceived Space, Conceived Space, and Lived Space. Perceived Space refers to the subjective experiences of individuals and groups with their surroundings, influenced by memory, culture, and social environment. Conceived Space refers to the formal representations of space developed by planners, architects, and institutions, such as urban designs and zoning laws. Lived Space, on the other hand, is the area where people live, work, and play, where formal plans and representations collide with the experiences and perceptions of people and communities. Lefebvre emphasized the social and political nature of space production, highlighting how power relations, class struggle, and social practices shape the built environment and experiences of space.see, Lefebvre, H.. *The production of space*. Blackwell (Basil Blackwell ltd:UK,1991)
  30. Lefebvre,Op.cit., p.26
  31. Lefebvre, op.cit., p.31
  32. The present study takes the conflicting and complimentary arguments of David Harvey and HenriLefebvre in analysing the dynamics of the peri-Urban Space in Bamako. Both Lefebvre and Harvey emphasize the social and political dimensions of space and both thinkers use Marx as their fundamental reference: the dialectic

thinking to problematize space as a key analytical category for understanding the capitalist dynamic and the construction of alternatives to overcome it. While, Lefebvre's triadic theory focuses on the experiential aspects of space, whereas Harvey's work centers on the economic and political forces that shape space. Lefebvre's work is more concerned with the everyday experiences of space and the lived environment, while Harvey's work is often more concerned with the macro-scale processes of urbanization and the role of capitalism in spatial restructuring.

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41. Technical services: government technical services. These include town planning, agriculture, livestock, water, and forestry departments, etc.
42. Marketing Gardening is the production of vegetables, fruits, and flowers for sale in nearby towns and cities. It is mainly carried out near towns due to readily available markets in towns and directly to consumers. It typically involves intensive cultivation of a small area of land, using hand tools or small-scale machinery.

43. Komo: The Komo or Koma or Komo is a secret initiation society. According to G. Dieterlen and Y. Cissé (1972), Komo is a socio-religious institution common to the Mande ethnic groups (the Malinké and the Bambara) and their close relatives, the Kagoro, the Fulani of Wassoulou, Manding, Fouladougou and Birgo. It also exists in the Minianka and Senufo communities. The Komo assumes the guarantor of the continuity of ancestral customs and culture and of protecting social cohesion and order. Thus, he secretly oversees the community's security and ritually condemns all who violate prohibitions or transgress ancestral laws to death. It is also linked to all festivals and ceremonies (baptisms, marriages, deaths, funerals, agrarian rites, etc.) and even wars, which its priests direct or control. However, with the predominance of Christianity and Islam, the practice of Komo has become limited.
44. Village council : Local authority. The village council is made up of the village chief and his advisors.
45. Youth council : It is a youth organisation working to develop the locality. The organisation is consulted by government representatives and development partners when activities are to be carried out in the village.
46. Social Cadets: In the context of a constructed power relations approach, several writings have referred to "Social Cadets" as all the dominated social categories, mainly young people and women, as opposed to their "Social Elders", whose authority is based as much on age and position in the lineage as on their possession of symbolic and material resources. "Social Cadets" versus "Social Elders." For Bayart, 1989, these relationships of social subordination, organised based on seniority, have enabled the reproduction of the political system inherited from colonisation while at the same time keeping the "cadets" in a position of marginalisation, which limits their social mobility and access to positions of power.

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Gandhi Marg Quarterly

45(3): 327–344

© 2023 Gandhi Peace Foundation, New Delhi

<http://gandhimargjournal.org/>

ISSN 0016—4437

# Gandhi, Hobbes, and Locke on Natural Prescriptions for Peace: Unnecessary, Unrealistic, Dangerous?

*Michael Allen*

## ABSTRACT

*Political philosophers often appeal to the idea of natural prescriptions for action conducive to peace. Mohandas Gandhi is no exception, appealing to Nature's Great Law, its associated Duty, and Right to Live, underwriting his conception of Ramarajya. This establishes some complex relations to the ideas of the State of Nature, Natural Law and Right in the early modern Western philosophers Thomas Hobbes and John Locke. This article explores these relations and the plausibility of Hobbesian and Lockean objections that Gandhi's natural prescriptions for peace are unnecessary, unrealistic, and dangerous.*

**Key words:** Gandhi   Hobbes   Locke   Nature   Law   Right   Ramarajya

## Introduction

GANDHI, HOBBES, AND Locke each argue from natural conflict to three very different visions of civil peace. Each argues from a particular set of naturalistic premises – or Natural Laws – to a civil condition aiming to minimize conflict and violence. Comparing Gandhi to Hobbes and Locke, I develop an exclusively naturalistic reading of his *Ramarajya*, or Divine Kingdom of Lord Ram. This emphasizes Gandhi's Great Law of Nature, along with its associated Natural Duty to take no more from Nature than one needs for daily survival. This provides the core motivation for his unique vision of a nonviolent civil order transcending the violence inherent to Nature. Such an

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emphasis on reasoning from naturalist premises to a civil peace would appear to align Gandhi with Hobbes and Locke. It strongly – although I believe *falsely* – suggests that he too is primarily concerned with practical reasoning from such premises for human conduct found within in Nature itself.

I argue this exclusively naturalistic reading of the *Ramarajya* leaves Gandhi vulnerable to several quite plausible objections from the perspectives of Hobbes and Locke. These are primarily objections to his ideal of an enlightened anarchy minimizing violence by substituting purity and humility for the state, in either its Hobbesian or Lockean forms. Hobbes argues an absolute state is the practical condition for civil peace. Natural prescriptions for peace are not binding internally and so external compulsion provided by a Leviathan state is needed to compensate for this motivational deficit. For his part, Locke argues rather differently that most of us are not capable of adjudicating our own disputes with others in a fair or unbiased fashion. Consequently, we should defer adjudication to a neutral third party, a Magistrate state. By contrast with the Leviathan state, the Magistrate state is no absolute authority. However, the assumption is that state adjudicatory power is a practical condition for peace. To assume otherwise is not only unrealistic but also dangerous to life, limb, and property.

By contrast, Gandhi's *Ramarajya* prioritizes the moral and spiritual capacities of ordinary persons – individual souls or *atmans* – to facilitate peace through their own virtuous actions without the intermediation of the state. Although not completely hostile to state power, Gandhi is more concerned about the state becoming an alternative *non-natural* source of violence, as the principle of artificially organized and concentrated violence. Natural prescriptions therefore are more fundamental to Gandhi's project of minimizing conflict and violence than they are for Hobbes and Locke. Can Gandhians successfully respond to the plausibly objections of Hobbesians and Lockeans to *Ramarajya*? In other words, can they demonstrate the *Ramarajya* is necessary, realistic, and less dangerous than the Hobbesian and Lockean alternatives for civil peace making?

In what follows, I first sketch Gandhi's *Ramarajya* as establishing an enlightened anarchist ideal. I consider each of the three objections – unnecessary, unrealistic, and dangerous – from the Hobbesian and Lockean perspectives. I also consider possible Gandhian responses to these objections. Having considered both objections and responses, I conclude on a somewhat skeptical note. If they are to be considered plausible at all, then this is because the Gandhian responses *do not* rely exclusively on appealing to naturalistic premises.

### **What is Gandhi's Enlightened Anarchist ideal for his *Ramarajya*?**

In his Divine *Ramarajya*, Gandhi poetically idealizes Lord Ram as the perfect Ruler. Such an emphasis on idealization suggests *Ramarajya* is a utopian Kingdom. Existing only in "the poet's imagination,"<sup>1</sup> it never becomes real or actual in the everyday world. According to Gandhi, Ram figuratively represents the wise ruler, placing the good of the people above his own good. He is indeed the "epitome of morality"<sup>2</sup> and humility. Rather than an absolute ruler claiming the authority of God, He is a Divine metaphor concerning the strenuous moral and spiritual commitment to protecting the weak and defenseless. Ram guarantees "equal rights to both prince and pauper."<sup>3</sup> As poetic expression of popular or communal harmony,<sup>4</sup> he embodies the values and virtues to which the ordinary people of the Kingdom should aspire in everyday life and practice.

This establishes an enlightened anarchist ideal for the *Ramarajya*. Aspiring to a standard of morality and purity figuratively embodied in Lord Ram, the people may effectively rule themselves as a true democratic moral sovereign. Defined by its morality and purity, such a popular sovereign may substantially dispense with the coercive powers of a modern centralized state, which is, in Gandhi's estimation, the principle of organized and concentrated violence. However, Gandhi does not rely exclusively on poetry and metaphor to motivate an enlightened anarchist, or true democratic *Ramarajya*.

Exclusive reliance on the latter would be inconsistent with his own rather hard-headed, or "realist,"<sup>5</sup> view of Nature and the Life of the Body as existing necessarily,

... by some form of *himsa* [violence]... [binding the world in] ... a chain of destruction.<sup>6</sup>

If Nature necessarily binds all Bodily Life in violence, then a merely poetic ideal of moral purity, or perfection, would be no more than wooly-minded utopianism. Everyday existence in a material world defined as an inescapable chain of destruction calls for some more practical and realistic account of how humanity might best facilitate its *least violent form* of political community. This leads Gandhi to consider various precepts of practical reasoning in Nature, as a domain of inescapable *himsa*.

Like the Western theorists Hobbes and Locke, he turns to the ideas of Natural Law, Duty, and Right. Turning from poetry to Nature, Gandhi appeals first to the Great Law of Nature to guide and inform the sovereign people of the true democratic *Ramarajya*, as speaking the popular voice of God/Ram. This Great Law consists in the claim

that Nature itself,

... provides for the *needs* of every living creature from moment to moment  
...<sup>7</sup>

Nevertheless, Gandhi contends,

... voluntarily or involuntarily, knowingly or unknowingly, we violate  
*this Great Law* every moment of our lives.<sup>8</sup>

Indeed, “all of us can see” that we constantly *violate* Nature’s provision for all needs under this Law because,

... on the one hand large numbers suffer through overindulgence and, on the other, countless people suffer through want”

Sufficient for everyone’s need but not greed, Nature entails a *Duty* to take no more than we require to satisfy our *daily survival* needs. Violating this Natural Duty by taking more than we need for daily survival necessarily means taking from others what they need for the same. However, this contradicts a Natural “Right to Live,” as corresponding to such a Duty. For every human being

... has a *Right to Live* and therefore find the wherewithal to feed himself and where necessary to clothe and house himself.<sup>10</sup>

According to Gandhi, then, we each have a Natural Right to Live and “stake a claim” to such necessities for daily survival as food, clothing, and housing.

That said, his Great Law and Natural Duty preclude any Natural Right to material acquisition and accumulation beyond such necessities to sustain Life. For,

... whoever appropriates more than the minimum that is really necessary for him is guilty of theft.<sup>11</sup>

He elaborates:

A thing not originally stolen must nevertheless be classified as stolen property if we possess it without needing it.<sup>12</sup>

We might then reasonably infer Gandhi endorses a Natural Right of property acquisition within the parameters of what nature provides for all living creatures. Such a limited natural property right would

preclude any *unnatural* right to acquire beyond our daily survival needs, leading to overindulgence as the expense of others suffering from want. However, such an inference would be misleading. Gandhi makes no explicit claim to a right of limited property acquisition. Instead, he offers a paradoxical claim about the possession of non-possession:

The *only thing* that can be possessed by *all* is non-possession, not to have anything whatsoever [beyond one's daily survival needs]. In other words, a *willing surrender*.<sup>13</sup>

As just such a willing surrender, non-possession (*aparigraha*) is the condition of nonviolence (*ahimsa*). In Gandhi's sense of taking an "excess" or "surplus"<sup>14</sup> beyond one's survival needs, theft is no victimless crime. It is an act of violence (*himsa*), a fundamental violation of the Natural Right to Live.

Gandhi thus contends Nature itself prescribes the minimization of unnecessary violence resulting from excess accumulation or greed – 'theft.' As grounding the everyday practices of *ahimsa* and *aparigraha*, these natural prescriptions undergird Gandhi's *Ramarajya*. By heeding them, the people facilitate Lord Ram's ideal of humility and compassion, establishing an enlightened anarchic civil order without recourse to state coercive violence.

### **The *Ramarajya* is Unnecessary**

#### *Hobbes' Alternative Naturalistic Vision for Peace*

For his part, Hobbes argues from a similar view of natural violence and conflict. Contrary to Gandhi, however, he argues not from Nature's sufficiency to meet everyone's daily survival needs but rather its scarcity of resources. Given a relative scarcity of resources for survival needs, Hobbes contends our rational desire for survival will inevitably lead everyone into relations of "diffidence," or mutual distrust. None would trust the others to reciprocate in cultivating modesty and humility in the manner of Lord Ram, each honoring a Natural Duty to strictly limit acquisition and consumption consistent with the others' Natural Right to Live.

Diffidence leads to competition for those resources necessary for daily survival, resulting in a cycle of "anticipatory attacks."<sup>15</sup> Fearing others will leave us with less than we need to save our own skins, we each adopt a strategy of *striking first*. We each take more than is necessary for daily survival *by violent means if necessary*, fearing others will take more for themselves than they need, thus leaving us empty-

handed and quite possibly starving.<sup>16</sup>

Here the problem of the Hobbesian State of Nature is certainly not that we are willing to resort to violence and theft – hoarding scarce resources for our own survival while imperiling others – because we are inherently evil. Instead, the problem is that the Laws of Nature are binding only in conscience, *in foro interno*. We would all be internally motivated to obey them *if it were safe to do so, but it is not*. For them to become binding in practice, these Laws must be enforced by an external coercive political authority, rendering them binding *in foro externo*.<sup>17</sup>

Consequently, Hobbes contends Fear of Death in anarchic Nature motivates each of us to enter a Social Compact, establishing an absolute sovereign monopolizing the coercive legal powers of the *Leviathan* state. Such a sovereign is alone capable of ending the cycle of anticipatory attacks, the war of all against all.

#### *Hobbesian Objection to Gandhi's Naturalized Ramarajya*

From a Hobbesian perspective, Gandhi's appeals to develop our moral and spiritual capabilities such that we claim no more than we need for our daily survival is unnecessary. It simply proves redundant for the purpose of creating peace. Civil peace requires *only* a self-interested recognition from each of us, in the inherently violent State of Nature, that we are all better off under the coercive authority of an absolute Leviathan state. All are better off based on non-moral considerations of personal security and the pursuit of material advantage. Subject to the fearsome coercive authority of the Leviathan state, all could pursue desires for commodious living, or material prosperity, without constant fear of attack from their neighbors.

Consequently, Hobbesians will rightly insist moral concern for the material welfare of others, realized through the Duty to take less, does not *necessarily* contribute anything to Gandhi's peace-objective for *Ramarajya*. Peace is a function of prosperity, not material renunciation, or voluntary poverty. Hobbesians need not deny the possibility that morality and humility in the possession of non-possession could result in a civil peace. On the contrary, they need only say there is no need to insist upon voluntary poverty and the possession of non-possession if what we desire is an overall reduction of avoidable violence. Why demand more morally and spiritually when less – narrowly self-interested submission to state coercive power – can accomplish the same end of peace, while also delivering prosperity?

#### *Gandhian Response*

How might Gandhians respond to the Hobbesian objection *Ramarajya*

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makes unnecessary, that is, morally and spiritually excessive demands for peace? They might deny that Hobbesian naturalism – amoral and materialistic – can do the same job. Likelier than not, Gandhians will insist morally and spiritually tutoring the whole people to renounce surplus possession, or theft, is necessary for an overall reduction of violence. Indeed, the ‘pacifist credentials’ of Hobbes’ Leviathan state are based on a sleight of hand. Fear of one’s fellow denizens of the State of Nature is substituted by Fear of this awesome political authority. The *Ramarajya* is necessary to avoid Hobbes’ sleight of hand, substituting one mode of violence and fear for another.

To be sure, Ram-inspired moral and spiritual elevation does not eliminate *himsa* entirely. That is impossible, if as Gandhi says violence is inherent to Nature, to all planetary life.<sup>18</sup> Nevertheless, *Ramarajya* eliminates the human artifice of Fear and violence baked into the absolute Leviathan state in the name of ‘peace.’ Hobbes’ Leviathan state is thus the quintessence of unnecessary violence. It is violence *not by Nature but rather human artifice and institutional design*. The greatest overall reduction of unnecessary *himsa* therefore entails ideally an enlightened anarchism absent any coercive state or, failing that, a *small state* in the manner of Thoreau.

#### *Locke’s Alternative Naturalism*

According to Locke’s Fundamental Law of Nature, “Man is to be preserved, as much as possible,”<sup>19</sup> or “the preservation of the Society and (as far as will be consistent with the public good) every person in it.”<sup>20</sup> Contrary to Hobbes, he does not approach the prescriptions of Nature through the problem of material scarcity, pointing to the rational imperative of *self-preservation*. Rather than *self-preservation*, Nature prescribes the preservation of – *if not all* – then *as many as can be* preserved within natural limits of feasibility. Consistent with Gandhi, Locke grants that Nature can provide for the daily survival needs of humanity generally. It can do so on the two provisos that each should leave “as much and as good,”<sup>21</sup> for others, and none should hoard resources beyond the point of “spoilage”<sup>22</sup>

Within the parameters of Locke’s two provisos, staking claim to more than one needs for daily survival surplus as rightfully one’s own is justified by mixing one’s labor with resources God originally gave to Mankind in Common.<sup>23</sup> Nevertheless, Locke subsequently argues the advent of an artificial system of monetary exchange relaxes the once urgent moral obligations to limit surplus private accumulation, as entailed by the provisos. For any surplus accumulation of monetary wealth is consistent with the Right to Live of all able-bodied, able-minded persons capable of voluntarily exchanging their labor for

wages.

By contrast with Gandhi and Hobbes, Locke's civil peace is neither a function of material renunciation nor Fear of the Awesome Leviathan state. It is rather a function of a much smaller Magistrate state limiting its role to administering the system of voluntary exchanges, in a modern commercial society.

*Lockean Objection*

From a Lockean perspective, Gandhi's stress on material renunciation therefore is equally unnecessary. Lockceans will object that Gandhi's insistence on material renunciation is pointless – even pathological – if accumulating a private surplus through one's participation in a system of voluntary exchanges does not leave others in want and misery. Such redundancy of renunciation and voluntary poverty in a Money system is consistent with basic morality since none is permitted to perish from want. Those who are unable to satisfy their needs within the Money System become the subjects of Christian charity, as required to preserve Society and everyone in it. Otherwise, those capable of prospering through the system of voluntary exchanges based on their own initiative and enterprise are expected to do so as free, self-sovereign individuals.

In a properly administered system of voluntary exchanges none is permitted to cheat or lie, to force or defraud one another. This requires some use of state coercive power to dissuade any would-be liars, cheaters, and so on. However, it does not require Hobbesian Fear and Awe of the Leviathan state. Those seeking opportunity and prosperity in the system of voluntary exchanges will recognize they cannot be the judge in their own case should disputes arise during a particular exchange. They are therefore willing to accept the adjudicative judgments of the Magistrate state as independent or neutral third party. This indeed is the condition of continued peace and stability, preserving as much as can be. Locke's pacifistic regime therefore reduces the overall amount of himsa in the world by embracing materialistic desires, without Hobbes' sleight of hand, replacing one mode of unnecessary fear and violence for another.

*Gandhian Response*

An appropriate Gandhian response must show that voluntary poverty and the possession of non-possession is still necessary for an overall reduction of unnecessary violence. While on a smaller scale than Hobbes' absolute Leviathan state, Locke's Magistrate state remains a principle of organized violence. How so? He argues in favor of a property qualification for voting, justifying this limitation on suffrage

by appealing to tacit popular consent. The propertyless and unrepresented have ‘consented’ merely by virtue of *not having left* the jurisdictional borders of the Magistrate state.

However, this is merely a trick of the rich. Rather than a neutral third-party adjudicating property disputes between equals, the Magistrate state effectively subordinates those failing to meet the property qualification to a politically powerful, monied elite controlling the production of legislation. Contrary to sympathetic critics of Locke such as the contemporary American political philosopher John Rawls,<sup>24</sup> Gandhians would deny that the ‘violence’ of political and economic inequality could be resolved by universal suffrage. That fails to appreciate the Money System is the primary source of moral and spiritual corruption in modernity, instigating a ravenous “hunger for wealth.”<sup>25</sup>

Transforming individuals from souls (*atmans*) into consumers, the Money System and Magistrate state continue to drive the ‘cycle of destruction’ that is *himsa*. Gandhian then may claim necessity for material renunciation and poverty. Nevertheless, even if they conceded it identifies necessary conditions for an optimal reduction of unnecessary violence, Hobbesian and Lockean critics are still likely to insist Gandhi’s naturalized *Ramarajya* is an unrealizable pipedream, an empty utopia. It is totally *unrealistic* to suppose anyone besides a saint would obey its Great Law and Duty.

### **The *Ramarajya* is Unrealistic**

#### *Hobbesian Objection*

Hobbesians will object Gandhi’s call for voluntary poverty is *unrealistic* because it *overestimates* our moral and spiritual capacities *in the face of dire existential threats*. Hobbesians acknowledge that we have benevolent motivations towards one another, and that most of us would prefer a cooperative scheme in which we can trust one another to keep our promises and abide by common agreements. They would further agree with Gandhi about what natural law demands of us: that we should keep the peace through our commitments to maintaining such cooperation. Nevertheless, Gandhi proves quite unrealistic in assuming that these commitments will be upheld, and natural law obeyed, under conditions of extreme stress. Hobbes saw such commitments as binding only *in foro interno*, that is, internally and without any external compulsion as provided by the sovereign – *in foro externo*. Hard-headed realism thus demands we acknowledge commitments to peaceful cooperation will be upheld and natural law obeyed only if fear of anticipatory attacks from one’s neighbors is

countered by fear of awesome punishments administered by the absolute sovereign should we begin to turn on each other. While doubtless unpalatable to Gandhians, fear of the sovereign over fear of one's neighbors is *realistically* the prerequisite of civil peace.

#### *Gandhian Response*

Here the most obvious response from Gandhians is simply to affirm this is realistic. On the contrary, Hobbes is *unrealistic* to suppose peace can be a function of fear. As for Hobbes' claim that natural law is binding only *in foro interno*, Gandhians would surely have to concede that point. They must then demonstrate that *in foro interno* motivations are sufficient to forestall anticipatory attacks, without the fear-based *in foro externo* motivations provided by the Leviathan state. Hobbes contends such attacks are functions of diffidence, or mutual mistrust, of one's neighbors. Gandhians need not deny that we will feel diffident about our neighbors and their intentions towards us. Instead, they need only appeal to Gandhi's call for great moral courage in the face of the potential risk posed to themselves by neighbors jealous of their own survival.

On the one hand, demonstrating courage in refraining from anticipatory attack certainly entails taking an existential risk. My neighbors might take such 'courage, for weakness, reducing any hesitancy they might otherwise feel about attacking me. On the other hand, my courageously demonstrating that I have no intention of attacking them to ensure my own survival may effectively disarm them; that is, disincentivize them from attacking me. As a strategy to disarm nervous neighbors jealous of their own survival, moral courage is neither foolish nor irrational. As noted above, even Hobbesians recognize our moral preference ultimately is to trust one another. While it involves risk of suffering violence from others, demonstrating a firm commitment to everyday nonviolence (*ahimsa*) stands a reasonable chance of disarming my nervous neighbors and establishing cooperative relations with them. Such a commitment facilitates voluntary cooperation by reducing rather than increasing Fear.

Reducing fear is surely an optimal strategy for peaceful cooperation when compared with Hobbes' morally cowardly insistence upon *in foro externo* coercion, which accomplishes little more than relocating fear-based violence from Nature to the Leviathan state. Hobbesian Fear of state is unnecessary violence that may be avoided by an enlightened anarchy based on morally courageous *in foro externo* motivations.

*Lockean Objection*

Baulking at the ideal of enlightened anarchy, Lockeans might otherwise regard this Gandhian response to Hobbes as relatively uncontroversial. Basic morality tells us that we should always preserve as much as can be of God's creation. This commits us to not striking first when we feel threatened by our neighbors, while also deferring any disputes arising between us to a neutral third party for arbitration. What, then, is *unrealistic* about Gandhi's rather stringent demands for moral and spiritual purity based on *in foro interno* motivations for his naturalized *Ramarajya*? Lockeans need not deny the power of such internal motivations to drive politics. It is entirely realistic to suppose that politics could become defined by true believers courageously pursuing truth regardless of the suffering that brings to them. However, it is quite unrealistic to suppose this will reduce unnecessary violence overall.

Here the rather prosaic Lockean objection might well be that too much morality, and too much willing self-sacrifice, is a source of moral corruption and unnecessary violence. For Locke, this was the lesson of the early modern European Wars of Religion. Historically speaking, calls for moral courage and spiritual self-sacrifice in the name of truth let loose fanatics in the world of politics. It is then much better to lower the moral temperature of politics before such fanatics come to embrace coercive state power to compensate for the cowardliness of others.

In sum, if excessive demands on our moral and spiritual capacities become yet another source of corruption and violence, then a morally less ambitious strategy of encouraging everyone to keep their promises and contracts, while tolerating any larger spiritual differences, may prove more conducive to peace. Avowedly materialistic, such a basic morality suitable for a commercial society is more realistic from the standpoint of facilitating peace than the morality of courage and self-sacrifice demanded by Gandhi's *Ramarajya*.

*Gandhian Response*

How might Gandhians respond to this Lockean objection? How might they contend *Ramarajya* is the more realistic option? An appropriate Gandhian response should emphasize Gandhi himself does not actually demand *everyone* become a renunciative saint, committed to a life of penury. Gandhi described himself as a "practical idealist"<sup>26</sup> While identifying an ideal of cooperation through claiming only those resources needed for daily survival, he does not unrealistically demand absolute or universal adherence to this ideal.

Gandhi's idealistic side is encapsulated in his famous remark that the "means are after all everything."<sup>27</sup> In his "philosophy of life," he views means and ends as "integral" or "convertible" terms. In other words, the morally pure or "noble" ends (of nonviolence and non-possession) cannot be justified by evil means (of violence and 'theft'). The 'idealist part' of his practical idealism consists in his absolute – or rather categorical – claim that we "always" have,

... control over the means but not over the end. ....<sup>28</sup>

The 'practical part' consists in his recognition that humanity's "progress" towards the noble ends of the *Ramarajya*,

... will be in exact proportion to the purity of our means."<sup>29</sup>

Here the key words are *progress* and *proportionality*.

The *Ramarajya* ideal of an enlightened anarchism – of purity and humility absent coercion and theft – is aspirational. It gives shape and direction to humanity's struggle with its inner demons, its spiritual evolution and progress in historical time. However, such a struggle involves stages of "retrogression,"<sup>30</sup> the temporary victory of ego-generated greed over natural need."<sup>31</sup> This intersection of retrogression and progression explains Gandhi's appeal to proportionality. Combining idealism with practicality, he does not demand absolute purity of means to advance the *Ramarajya* goal of perfect justice. Instead, Gandhi calls for "situational-strategic"<sup>32</sup> political judgements calibrating the proportion of impure means necessary to avoid *himsa* in changing times and circumstances.

These practical-idealistic judgments define "another realism."<sup>33</sup> This is neither a Hobbesian realism, based on absolute coercive state power, nor a Lockean realism, accommodating materialistic aspirations, as most reliable route to civil peace.

### **The *Ramarajya* is Dangerous**

#### *Hobbesian Objection*

Granting Gandhi was thus a realist of a different sort, Hobbesians could still object that the level of risk entailed by situation-specific judgments for promoting *Ramarajya* is too high. Indeed, it is *dangerously* high, risking a descent into the unenlightened violent anarchy of the State of Nature. Striving for the *Ramarajya* ideal of nonviolent enlightened anarchy entails just such a risk because Gandhi's 'realistic' situation specific political judgments are based on a false conception

of self-rule.

Gandhian moral courage appeals to a conception of individual self-rule, as a kind of mastery over one's fears and self-interest in survival. However, that presupposes precisely what Hobbes denies about human nature in the State of Nature: our internal moral convictions *will hold firm* absent external compulsion by the Leviathan state. For Hobbesians, individual self-rule by force of moral conviction is a dangerous misnomer. It promotes the entirely false belief that internal self-rule will create an order of worldly Peace.

Overestimating humanity's capacity for self-rule or self-mastery, Gandhi's injunction to moral courage condemns everyone to remain *perpetually endangered* in a natural Warre of All Against All.

#### *Gandhian Response*

In response, Gandhians must defend the coherence of internal self-rule (*swaraj*) absent external compulsion. Self-rule or -mastery is no overestimation our capacities for self-rule, but rather an expression of a true metaphysics of the soul (*atman*). According to Gandhi's metaphysics of the soul, each *atman* progresses spiritually by learning to rule over its higher mind or intellect (*buddhi*), which in turn rules over its lower mind (*manas*) and then its senses (*indriyas*).

Such hierarchical self-rule entails *atman* each possess its own duty (*svadharma*), which it must identify and adhere devotedly. Indeed, fulfilling this devotional duty requires each to "renounce the desire for hoarding,"<sup>34</sup> thus aligning self-rule, or self-mastery, with the command of the Great Law of Nature to take no more than one needs for daily survival. Moreover, it requires each to "forget the body"<sup>35</sup> as desire for material objects, along with attachment to the fruits of their own actions, obscures the much larger spiritual reality of our "fundamental connectedness"<sup>36</sup> to all others in Being, Truth, and perfect Justice.

There is nothing dangerous about this true metaphysics of the soul. As for Hobbesians, they necessarily endanger the soul and its possibilities of enlightenment. Refusing to forget the body, they reverse the true hierarchical structure of *atman*. Desiring to hoard scarce resources for survival, the *indriyas* rule over the lower mind or *manas*, rationally desiring security against others, while the higher *buddhi* mind – finding universal connection through inner duty to all others – remains unrealized.

Consequently, *Ramarajya* is the practical condition of properly ordering the soul and so not to endanger its prospects of enlightenment.

*Lockean Objection*

Lockeans have their own reasons to consider Gandhi's 'other realism' dangerous. Locke's Magistrate state embodies an attitude of skepticism among individual souls concerning their capacities to neutrally arbitrate disputes in which they are themselves participants. Indeed, skeptical of their capacities to be judges in their own cases, they are willing to defer situational specific judgments for promoting a civil peace to the Magistrate, as neutral third party. Here moral courage is beside the point. The problem addressed by the Magistrate state is not a lack of courage on the part of the dispute participants, but rather the danger of standpoint bias.

Gandhians would appear to assume they are never in the grip of their own biases concerning the conditions for peace. Failure among the morally courageous to acknowledge their own biases and so defer judgment to a neutral third party might not result in an all out Hobbesian Warre of All against All, but it is still likely to result in simmering low-grade conflicts as disputes remain unresolved.

In short, *Ramarajya* is a danger to enduring peace not because it lacks appropriate institutional mechanism for dispute-resolution, naively appealing to an amorphous concept of moral and spiritual 'progress' triumphing over 'evil.'

*Gandhian Response*

One kind of Gandhian response is to address directly the Lockean point about institutions. In the 1931 Karachi Resolution<sup>37</sup> coauthored with Nehru, Gandhi signed off on a range of political and economic rights for the citizens of a new post-colonial India. This clearly implies a pragmatic recognition of the need for adjudicative institutions, giving standing to aggrieved parties deferring judgment, in their own cases, to an appropriate third party.

However, another response is to defend the enlightened anarchist ideal of bypassing state institutions as much as possible. On the one hand, there is a danger of deferring too much to state authority, which may themselves be biased as in the case of Locke's Magistrate state biased towards the interests of the rich over the poor. On the other hand, there is a danger of deference to the state becoming merely habitual or reflexive with the consequence that individuals never develop the virtues of purity and humility that might enable them to exercise their own judgment, resolving their own disputes nonviolently.

This calls for a suitable account of how it is that many different *atmans*, each acting as judges in their own cases, can surmount their own petty biases. Here Gandhians might appeal to the epistemological

benefits of Gandhi's true metaphysics of the hierarchically ordered soul in which the higher mind rules over the lower mind and the senses to find a universal connection with all others. A Gandhian community of enlightened *buddhi* minds may expose the biases of each other's "partial" or "relative"<sup>38</sup> viewpoints. Having progressed in purity and humility towards forgetting the body and refraining from hoarding, each member of this community can exercise virtuous judgment sufficient to avoid extensive internal discord and strife.

*Ramarajya* thus minimizes the need for deference to a supposedly independent authority prone to imposing its institutional biases onto the community.

### Conclusion

I began by asserting Gandhi, Hobbes, and Locke each argue from naturalistic premises to civil peace, transcending the violence inherent to Nature as a cycle of destruction. However, in contrast with Hobbes and Locke, Gandhi prioritizes the moral and spiritual capacities of individual souls or *atmans* to facilitate civil peace through their own virtuous actions. That said, do Gandhians offer satisfactory responses to the objections from Hobbesians and Lockceans that such a priority on purity and humility in his *Ramarajya* is unnecessary, unrealistic, and dangerous?

It is unlikely that Hobbesians and Lockceans will be persuaded. As far as Hobbesians are concerned, their fundamental objection to *Ramarajya* on all three counts – unnecessary, unrealistic, dangerous – is perhaps less concerned with its natural prescriptions for action than its metaphysics of the self. If lower rule over higher part of the soul, then *Ramarajya* is a foolish pipedream with a predictably high body-count avoided by the Leviathan state. As for Lockceans, their fundamental objection is to Gandhi's naivety concerning the epistemic problem of standpoint bias extending to those claiming a higher order of purity and humility. Like all such problems of bias, this is best avoided by appealing to the adjudicative institutions in some version of the Magistrate state.

Whether or not one believes the Gandhian responses are successful ultimately depends not on Gandhi's appeals to natural prescriptions for action – the Great Law of Nature, along with its associated Duty and Right – but his conception of the proper hierarchical ordering of the soul and its epistemic benefits. It depends on Gandhi's conception of such an ordering of the soul exposing standpoint biases to those having undergone a profound moral and spiritual evolution. Only then might the different parties to a dispute be capable of making appropriate situational strategic judgments for minimizing violence.

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*October–December 2023*

# GANDHI MARG

Quarterly Journal of the  
GANDHI PEACE FOUNDATION

VOLUME THIRTY    □    NUMBER TWO    □    JULY-SEPTEMBER 2008

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### Published by:

**GANDHI PEACE FOUNDATION**  
221 & 223 Deen Dayal Upadhyaya Marg, New Delhi-110 002  
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Gandhi Marg Quarterly

45(3): 345–352

©2023 Gandhi Peace Foundation, New Delhi

<http://gandhimargjournal.org/>

ISSN 0016—4437

## *Notes & Comments*

# Truth, God and Justice: Walking and Meditating with Gandhi

*Ananta Kumar Giri*

The word satya (Truth) is derived from Sat which means 'being'. Nothing is or exists in reality except Truth. That is why Sat or Truth is perhaps the most important name of God. In fact it is more correct to say that Truth is God than to say God is truth. But as we cannot do without a ruler or a general, such names of God as 'King' or 'Kings' or 'The Almighty' are and will remain generally current. On deeper thinking, however it will be realised that Sat or Satya is the only correct [...] name for God. And where there is Truth, there is also knowledge which is true. Where there is no Truth, there can be no true knowledge. That is why the word Chit or knowledge is associated with the name of God. And where there is true knowledge, there is always bliss (*Ananda*).

Devotion to this Truth is the sole justification for our existence. All our activities should be centered in Truth. Truth should be the very breath of our life. When once this stage in the pilgrim's progress is reached, all other rules of correct living will come without effort, and obedience to them will be instinctive. But without Truth it is impossible to observe any principles or rules in life.

Generally speaking observation of the law of Truth is understood merely

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to mean that we must speak the Truth. But we in the Ashram should understand the word Satya or Truth in a much wider sense. There should be truth in thought, truth in speech, and truth in action. To the man who has realised this truth in its fullness, nothing else remains to be known, because all knowledge is necessarily included in it. What is not included in it is not truth, and so not true knowledge; and there can be no inward peace without true knowledge. If we once learn how to apply this never failing test of Truth, we will at once be able to find out what is worth doing, what is worth seeing, what is worth reading.

—M.K. Gandhi (1955), *Truth is God*.

I was fond of novel experiences. I loved to see fresh fields and pastures new [...] The atmosphere of intrigue in Saurastra was choking to me [...]

And the steamer which carried these laborers to Natal carried with them the seeds of the great Satyagraha movement.

—M.K. Gandhi (1928), *Satyagraha in South Africa*.

[...] Communication is always ambiguous and always an expression of latent violence. But when this description of violence is ontologized, when one sees "nothing but" violence in it, one misses the essential point, namely, that the critical power to put a stop to violence without reproducing it in new forms can only dwell in the telos of mutual understanding and our orientation to this goal.

—Jurgen Habermas (2006), *The Divided West*, p. 18.

*Truth is God* is an enriching collection of writings of Mohandas Karamchand Gandhi, known as Mahatma Gandhi.<sup>1</sup> It contains pearls of Gandhi's thoughts on many aspects of our life related to faith, God, truth, justice, Ahimsa etc. It shows us Gandhi's deep spiritual journey related to ethics, morality, and politics.

To begin with, Gandhi invites us to realize Truth as God, which is not the same thing as God as Truth. Gandhi begins with God is Truth and then realizes Truth as God. Truth touches the reality and faith in God but is not confined to it. Truth has a demand quality, it calls upon us to realize Truth in our personal, interpersonal, social, worldly and cosmic lives. Realizing Truth calls for us to realize non-violence and Ahimsa in our daily lives as well as in our interlinked wider ways of self and social institutions. For Gandhi, '[.] without Ahimsa it is not possible to seek and find Truth'.<sup>2</sup> Gandhi tells us that "One can realize Truth and Ahimsa only by ceaseless striving."<sup>3</sup> Gandhi continues: "The path of Truth is as narrow as it is straight. Even so is that of Ahimsa. It is like balancing oneself on the edge of a sword. By concentration an acrobat can walk on a rope. But the concentration required to tread the path of Truth and Ahimsa is far greater".<sup>4</sup> But in this difficult

journey, prayer, faith in God and each other help us. Gandhi puts this concentration of Ahimsa at the service of self and society in the social field, transforming the ancient notion of Ahimsa, which was mainly confined to individual quest for moksha and accompanying life-negation. Gandhi transforms this into an active force for life affirmation and social liberation. As Albert Schweitzer tells us:

The ancient Indian Ahimsa is an expression of world and life negation. It sets before no aims that are to be realized in the world, but is simply the most profound effort to attain to the state of keeping completely pure from the world. But Gandhi places Ahimsa at the service of the world and life affirmation directed to activity in the world.<sup>5</sup>

For Gandhi, Ahimsa and Truth are related. Ahimsa is the means, Truth is the end. For Gandhi, "Means to be means must always be within our reach, and so Ahimsa is our supreme duty. If we take care of the means, we are bound to reach the end sooner or later. When once we have grasped this point, final victory is beyond question. Whatever difficulties we encounter, whatever apparent reverses we sustain, we may not give up the quest for Truth which alone is, being God Himself".<sup>6</sup>

Realizing Truth as God calls us to lead a life of justice. Gandhi writes: "Nothing can be grander than to ask God to make us act justly towards everything that lives".<sup>7</sup> Acting justice towards everything is not only a way of realizing God but also a way of realizing Truth. Acting justly towards everything that lives is a call to us: to act justly to all, irrespective of all known distinctions. For example, we should act justly to self and others, not only to members of our own family but to the human family and to both animate and inanimate objects in the Universe. Our prevalent theories of justice such as that of John Rawls, the influential theorist of justice of our times whose classic *A Theory of Justice* is being celebrated this year on its 50<sup>th</sup> anniversary, is limited to nation-state. But Gandhi's journey with Truth, God and justice is not confined to nation-state such as citizens of nation-state. Gandhi urges to act justly to all whether they are members of our nation-state, village or tribes. Acting justly here becomes part of global justice as Amartya Sen argues. For Sen, in realizing global justice, we need to go beyond Rawlsian conception of "international justice" as "laws among peoples" as realization of global justice involves "person-to-person relations" not only "inter-societal relations".<sup>8</sup> As Sen challenges us: "[..] justice across borders must not be seen merely as 'international justice' [...] A feminist activist in America who wants to help, say remedy some features of female

disadvantage in Africa or Asia, draws on a sense of identity that goes well beyond the sympathies of one nation for the predicament of another".<sup>9</sup>

Justice here also becomes part of transnational justice as "non-domination," which overcomes national barriers , as suggested by Rainer Forst, a key thinker in this field.<sup>10</sup> Justice and transnational justice as non-domination calls us overcome domination over humans, nations and Nature. Non-domination here can relate to the Gandhian vision and practice of Swaraj or self-rule as a recipient and maker of rules. Here, Forst, building upon both Marx and Kant, which resonates with the spirit of Gandhi, tells us:

The dignity of a free person can never be understood merely in terms of the 'enjoyment' of freedom or of certain liberties; it is always also a matter of the freedom of giving laws to oneself, the freedom of normative self-determination. This is a kind of freedom that comes in two modes—one moral and one political—but its *modus operandi* is the same, despite the difference between these two modes. The laws that constitute this practice and laws that are generated through it do not only protect freedom—they also express freedom.<sup>11</sup>

Furthermore,

[..] Justice articulates the fundamental claim not to be determined but instead to be an agent and equal authority of justification that no one should be subjected to norms and social relations that cannot be justified in appropriate terms towards him or her.<sup>12</sup>

Gandhi also invites us to act justly towards human beings and all beings such as non-human beings such as plants and animals. This helps us overcome human-centeredness and arrogance and realize ourselves as part of Nature and our vast cosmos, including both human beings and other beings, animate and inanimate. It helps us realize justice with meeting of species going beyond the species dominance of human beings as Donna Haraway, a deep thinker of our times, tells us. For Martha Nussbaum, another thinker of justice, it urges us to and realize justice as "cross-species dignity."<sup>13</sup>

Justice includes both social justice and justice with Nature. In our times, the later confronts us squarely as climate justice. The recent Intergovernmental Panel on Climate Change report of the UN released on August 9, 2021, tells us that our planet is the hottest in the last 125, 000 years. This is giving rise to temperature rise and many natural calamities such as floods, forest fires and extreme weather, leading to displacement of people and creating climate refugees. Climate change is caused by mindless industrialization and consumerism, especially fossil energy consumption, and the people of affluent countries have

a major role in this. But the victims of climate collapse, who usually come from resource-less countries, are not responsible for this. Here, how do we act justly? In another talisman, Gandhi urges us to always look up to the poorest of the poor while making our decisions. In the context of current climate change, we need to look at the face of the poorest of the poor and act justly towards our brothers, sisters, fathers, mothers and children who are victims of our actions and decisions. In our current condition called Anthropocene, where human impact on Earth impacts the geology of the Earth, there is an epochal need to move from human dominance to living justly with all beings in Nature and our planet. Here, as Dipesh Chakraborty tells us in his recent important work, *The Climate of History in a Planetary Age*, Gandhi is an exemplar. Gandhi shows us an example of how to live justly with all beings. Gandhi also shows how we can walk lightly and with Light with our Mother Earth, becoming her worthy children and custodians.<sup>14</sup> In his Carbon Yoga, Sailesh Rao invites us to understand the distinction between caterpillars and the butterflies, the former swallowing up everything into themselves, while the later coming out of the caterpillars and spreading pollination of new possibilities from one flower to the other. The caterpillars are causing our climate collapse, the caterpillar dimension of our selves and here Gandhi helps us to realize and awaken the butterfly dimensions of our self and society and be butterflies.<sup>15</sup>

Justice is not just a political act. It is an act and imagination of love. Deep thinkers of our times such as Paul Ricouer and Fred Dallmayr urge us to realize the integral link between love and justice, which resonates with the spirit of Gandhi.<sup>16</sup> Dallmayr is a creative savant of humanity who has deeply walked and meditated with Gandhi including Gandhi's Truth where Truth calls us upon us to embody love, justice and truthfulness in our lives, society and the world. With Gandhi, we act justly with our actions and intentions of love. Love is part of non-violence and Ahimsa. We need to embody love and Ahimsa to act justly to all beings. We must embody non-violence and Ahimsa in our myriad personal, interpersonal and institutional relations. We also need to practice non-injury or Ahimsa in our thinking. Just outward non-violence is not enough if it is not accompanied by inner Ahimsa and non-injury in our modes of thinking to self, other and the world.<sup>17</sup> Gandhi helps us in both relational Ahimsa, inner Ahimsa, cognitive Ahimsa, epistemic Ahimsa and ontological Ahimsa. Violence is part of our thinking and our modes of knowing and being what are called epistemology and ontology. Much of modernist ways of knowing and being are saturated with violence such as modernist science with its violent methods of vivisection and

modernist ontology which is tinged with an ontology of mastery and domination over others including Nature. Gandhi here helps to realize Ahimsa in our epistemology and ontology which resonates with new non-violent ways of knowing and being as cultivated by contemporary seekers such as R. Sundara Rajan (1998) who tells us not only to "know of" but to "know with," Giani Vattimo (1999) who urges to practice "weak ontology," not only "strong ontology," and Sabelo J. Ndlovu-Gatsheni (1998) who urges us to practice onto-decolonial turn in our thinking and practice. Gandhi urges us to challenge and transform still entrenched colonial violence in our epistemology, ontology and apparatus of justice.<sup>18</sup>

Gandhi has a participatory view of realization of God. God or Divine is not just out there or inside, we think of and relate to God in order to be Godlike and Divine. Therefore, Gandhi tells us, "The meaning of divinity is that I want to invoke that Divinity within me." And *Ahimsa* is a way of being Divine as Gandhi tells us: "We become God like to the extent we realize non-violence [...]"<sup>19</sup> In the same spirit, we can also realize that we become God like to the extent that we become just, we are just. Being just means sharing and not being bound by possession.<sup>20</sup> Ahimsa calls for non-possession or *aparigraha* and renunciation as renunciation calls for Ahimsa. Gandhi tells us: "[..] perfect renunciation is impossible without perfect observation of Ahimsa in every shape and in every form".<sup>21</sup>

And for realizing Ahimsa, we need to realize God within and around. For Gandhi, "Non-violence is an active force of the highest order. It is soul-force or the power of Godhead within us".<sup>22</sup> Non-violence calls for ceaseless striving. Gandhi here likens non-violence to "radium in its action".<sup>23</sup> "An infinitesimal quantity of it embedded in a malignant growth, acts continuously, silently and ceaselessly till it has transformed the whole mass of the diseased tissue into a healthy one. Similarly, even little of true non-violence acts in a silent, subtle, unseen way and leavens the whole of society".<sup>24</sup> Similarly, we can also realize that even little true step of justice acts silently and sometimes demonstrably and leavens the whole of self and society.

And this calls for courage, persistence as well as humility. Realization of Truth, Ahimsa, justice and God calls for humility and humility then becomes the mother of courage and gentle indomitable spirit and strength. For Gandhi, "He wants to practice truth knows how hard it is. The world may applaud his so-called triumphs. Little does the world know his falls. A truthful man is a chastened being. He has need to be humble. A man who wants to love the whole world including one who calls himself his enemy knows how impossible it is to do so in his own strength. He must be as mere dust

before he can understand the elements of Ahimsa. He is nothing if he does not daily grow in humility as he grows in love [...]".<sup>25</sup> Similarly, in our striving for justice, we realize how impossible it is to be just, as philosopher Jacques Derrida, among others, urges us to realize. But our impossibility is not our fate. We overcome this by taking steps towards justice, humble and steadfast, which then become sources of new awakening, strength and transformations. This is also a step towards Truth and God. In taking this step in sharing and our shared transformations, we can read the following lines of Paul Ricouer along with the living works and lives of Gandhi and fellow travelers and fighters for Truth, God and Justice:

The question is worth asking: what is it that makes society more than a system of distribution? Or better: What is it that makes distribution a means of cooperation? Here is where a more substantial element than pure procedural justice has to be taken into account, namely, something like a common good, consisting in shared values. We are then dealing with a communitarian dimension underlying the purely procedural dimension of the social structure. Perhaps we may even find in the metaphor of sharing the two aspects I am here trying to coordinate in terms of each other. In sharing there are shares, that is, these things that separate us. My share is not yours. But sharing is also what makes us share, that is, in the strong sense of the term, share in [...] I conclude then that the act of judging has as its horizon a fragile equilibrium of these two elements of sharing: that which separates my share or part from yours and that which, on the other hand, means that each of us shares in, takes part in society.<sup>26</sup>

**Note:** This paper has been presented at the international webinar on "Gandhi and Global Peace," Ramlal Anand College, University of Delhi, 18-19 February 2022. A version of this paper has come out in the online journal Ahimsa Non-Violence and in *Gandhi Sourabh*, edited by Rama Raman Padhi.

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*Volume 45 Number 3*



Gandhi Marg Quarterly

45(3): 353–368

© 2023 Gandhi Peace Foundation, New Delhi

<http://gandhimargjournal.org/>

ISSN 0016—4437

## ***Book Reviews***

**Teresa Joseph, Mahatma Gandhi and Mass Media: Mediating Conflict and Social Change (Oxon & New York, Routledge, South Asia Edition, 2022), PP. 180, ISBN: 978-1-032-25026-7. Price Rs. 995.**

This book is based on the assumption that there is insufficient literature on Gandhi and the news media with particular reference to conflicts and their transformation, given the fact that it is through mass media that the public participates in political processes. Mass media mediate conflicts by playing either a destructive or constructive role. The literature on peace journalism reflects its constructive aspect in the context of conflict. But often, the media engage in sensationalism, distortion, demonization of adversaries, and fake news. In the context of colonialism, the book discusses the alternative strategies for communication that Gandhi evolved in his manifold roles, especially as a writer, editor, and publisher.

The book is organized into five chapters. The first chapter discusses the status of media before Gandhi. The chapter covers topics such as the origin of the press in colonial India, the growth of journalism in the 19<sup>th</sup> century, social reform movements, and the evolution of the vernacular press, which became one of the powerful voices against colonialism and contributed to the formation of public opinion against the British. Newspapers were more like a public service than a business enterprise. The establishment of the Indian National Congress led to the “institutionalization of the press as a political and social instrument” in the national struggle. Books and pamphlets produced and distributed at low prices became one of the alternative means of communication. Although the missionaries were the first to introduce the print media in South Africa, it was for evangelism, admitting that it occasionally engaged in mild criticism of the government. The white-dominated press that worked with the government in South Africa wrote about the Indians disparagingly. However, by the late 19<sup>th</sup> century, an independent black press, though quite fragile, emerged.

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With the laying of undersea cables, international news agencies like Reuters emerged. The chapter concludes by saying that in India and South Africa, the history of communication in the late nineteenth and early twentieth centuries was characterized by regulation and control by the government on the one hand and the struggle to create alternative forms of communication by the nationalists.

The second chapter is titled The Mahatma, the Medium and the Message. Gandhi looked at conflict positively and saw the tendency to insist on one's own understanding of truth in an absolute fashion as the cause of all destructive and intractable conflicts. After briefly explaining Gandhi's key ideas, the author proceeds to discuss the symbolism of his actions, such as silence, fasting, clothing, spinning wheel, salt, walking stick, prayer meetings, and padayatras.

Chapter 3 looks at Gandhi's life in South Africa and his mediated interventions during the period. The author describes the circumstances surrounding the establishment of the International Printing Press in 1898 and the commencement of the *Indian Opinion* in 1903 as a weekly. The content of the weekly was known for its attention to facts and moderate tenor instead of resorting to sensationalism. *Indian Opinion* was Gandhi's initiation into journalism, and it was used to build bridges with the opponents as well as one for awareness building and education. Although it was started to promote Indian causes, the weekly later highlighted the travails of the Africans. The fourth chapter is on Gandhi and the press in India, titled Speaking Truth to Power. Gandhi's arrival on the national scene contributed to the flourishing of the vernacular press. Gandhi's plans for action had no secretive or surprising element in them since they were all communicated to the press. He was critical of some newspapers for fomenting communal tensions, distorting his statements, or merely serving as the government's mouthpiece. The Salt Satyagraha received international press coverage due to his adept media handling, and his resistance method came to be discussed worldwide.

In the final chapter, the author tries to summarise Gandhi's approach to mediating conflict and social change. The author argues that "Gandhi's engagement with mass media offers a communication methodology for transforming conflict" (p.161). Further, the press "became as essential part of the satyagraha philosophy of keeping the adversary informed of one's actions" (p.162). Furthermore, Gandhi "wrote short, precise essays based on facts and free from exaggeration which he felt was an impediment in the search for truth" (p.164). She adds: "Gandhian journalism is an ethics-based journalism, be it as writer, editor or publisher, or whether it be with regard to language,

style, content, use of advertisements, quality of the finished product, cost of subscription, or the responsibilities of a journalist" (p.166).

Overall, this is an excellent study of Gandhi's use of media for creatively engaging in conflict, controlling the content of the media carefully during conflict, and achieving the transformation of asymmetric conflicts through nonviolent means. The book has an index to help the readers, excellent readability, and is produced elegantly. However, one aspect of Gandhi did not receive adequate attention in the manuscript. In Gandhi's writings, he always tried to engage with people who had reservations about his ideas and deliberately published alternative perspectives in his publications. I strongly recommend this book to researchers and students of Gandhian Studies, Peace Studies, Journalism, and Mass Communication.

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# GANDHI MARG

Quarterly Journal of the  
GANDHI PEACE FOUNDATION

VOLUME THIRTYFIVE □ NUMBER THREE □ OCTOBER-DECEMBER 2013

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### *Published by:*

**GANDHI PEACE FOUNDATION**  
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**The Indian Ideas of Freedom, by Dennis Dalton, Gurugram, Haryana: HarperCollins Publishers, 2023; pp. xv + 517, ISBN-13. 978-9356290020, 699.**

Indian academia today heralds a decolonialized rediscovery of 'Indian' ideas. Yet, the underlying source for this rediscovery -politics, history, or culture - remains essentially contestable. Hence, debates over the 'right method' of decolonizing the Indian intellectual mind persist as competing camps either demand revisiting India's civilizational ethos through Western epistemological frameworks or bracketing/rejecting these Western frameworks as incommensurate with the Indian worldview. In this regard, Dennis Dalton's new book *Indian Ideas of Freedom* expands upon his 1982 edition to discursively engage with the 'personal and philosophical quests for truth and self-realization' (p. 64) of seven 19<sup>th</sup> and 20<sup>th</sup> century *critical traditionalists* who proposed an alternative approach of "preservation by reconstruction" for a decolonized rediscovery of the Indian cultural ideas.

Dalton's justification for clubbing a divergent set of modern Indian thinkers - Vivekananda, Aurobindo, Gandhi, Tagore, Ambedkar, M.N. Roy, J. P. Narayan - under a single 'school of thought' is premised upon (what he calls) the often-missed similarity within this 'group of seven' regarding 'the purpose they share, and the fundamental principles on which they all agree' (p. 80).

The continuity and innovation in the development of ideas of freedom in India rooted in India's cultural and religious traditions (or what Charles Taylor called 'background frameworks') and the "conceptual innovations" in response to the historical challenges of India's colonial context is detailed in the first chapter. This objective entailed the adoption of a common methodological route: "[...] first, the statement of a spiritual principle, then, its application to the Indian social order . . . and, finally, an insistence that this reinterpretation is consistent with the spirit of the traditional teachings" (p. 102). The resultant is the conscious and active repositioning of a Western political notion of 'liberty' upon the Indian civilization's most fundamental principles - 'the relationship of means to ends; the search for self-transformation; models of nonviolent change; and ethics in politics(p. 54). The syncretized output was accordingly true to what K.C. Bhattacharya called 'Svaraj in ideas', for an apparently foreign ideational import was critically engaged with and assimilated *after* being transformed into a distinctively *Indian* idea of 'freedom as spiritual liberation' or 'Swaraj'. The subsequent chapters accordingly present the distinct contribution made by each thinker in shaping this uniquely Indian version of freedom.

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Chapter two begins by shedding light upon the role of six prominent nineteenth-century thinkers - Rammohun Roy, Debendranath Tagore, Kesub Chandra Sen, Dayananda Saraswati, Bankim Chandra Chatterjee, and Shri Ramakrishna Paramahansa - who had pioneered the revitalisation of Hinduism before the group of seven. Dalton analyses their divergent opinions to tease out three key themes: "[...] the use of Indian tradition to reinforce radical reform movements; the assertion of a distinction between the spirit and form of Hinduism to support social change; and, finally, the discrimination of two forms of knowledge, 'physical' and 'spiritual', the former being identified with the West, and the latter with the Indian tradition" (p. 114-5). The book then puts in perspective the innovative role played by Vivekananda in synthesising these 'divergent currents of nineteenth-century Indian thought [with the onslaughts of British liberal thought and Christianity], channelling them into a mainstream of influence that Aurobindo, Gandhi, and Tagore all acknowledged, absorbed and developed' (p. 114). Particular focus is accorded in chapter three to Ramakrishna Paramahamsa's decisive role in shaping Vivekananda's Advaita philosophy of freedom, given the conceptual correspondence drawn by the former between the nature of man and the Absolute: 'man is individual and at the same time universal' (p. 162). This spiritual linkage between radical individualism and universal social equality subsequently premised Vivekananda's unique idea of 'Karma Yoga' or 'right action', which implied that 'he who directs his activities to the service of man, the manifestation of the Absolute, moves towards spiritual freedom' (p. 150-1).

Chapter four and five then proceed to analyse the unique contribution of Aurobindo as reflected in his early association of 'freedom as swaraj' with a *national* rather than an individual quest. Dalton notes, "[Early writings of] Aurobindo saw in the nation an entity that possessed its own divinity and its own potential for realizing spiritual as well as political freedom. Thus, Vivekananda's distinction between two forms of freedom was applied, in a political sense, primarily to the nation rather than to the individual; and Vivekananda's association of spiritual freedom with Indian civilization was used to portray the idea of *swaraj* as a unique quality of the Indian nation" (p. 186). This emphasis upon the centrality of the nation in furthering political swaraj for individuals was later marginalised by Aurobindo himself in his *Life Divine* to favour a more spiritually evolved 'world union' that would achieve 'utmost possible harmony of individual freedom and social unity' (p. 210) through a spirit of cooperation.

While Aurobindo's writings shaped and later abandoned the idea

of political swaraj, chapters six and seven elucidate that it was Gandhi who - deriving lessons from his life experiences - injected into this idea its greatest force. As Dalton notes, Gandhi added four aspects to accord 'swaraj as political self-rule' a deeper religio-spiritual dimension. These were, "Truth, Non-Violence, political and economic independence; swaraj remained incomplete without the realization of each, since each, for Gandhi, was interwoven with all" (p. 238). Gandhi further asserted that the form of self-rule or "organic swaraj" which would follow with the fulfilment of these four aspects would be greater than mere 'constitutional' or 'parliamentary' swaraj. For it would entail not only the achievement of individual civil liberty and national independence but a deeper unity of hearts as well. Therefore, for Gandhi, organic swaraj or integral unity in India could only be established using the 'right means of *Satyagraha* and socio-political Constructive Programme, particularly in three major arenas - untouchability, Hindu-Muslim discord, and rural-urban divide. However, this Gandhian analysis is juxtaposed in chapter eight against the arguments of Tagore, who, Dalton notes, acts as "[...] the critic or 'conscience' of the school, warning it against the cult of nationalism..." (p. 81). Particularly focused upon the theme of individual freedom versus nation-state, this chapter highlights Tagore's rejection of nationalism as a Western import which created a 'slave mentality' by exclusively focusing on the political dimension of freedom while glossing over or suppressing its more significant social and ethical goals.

With chapter nine, the book presents the newer elements of the present edition. This begins with a focus on Ambedkar's intellectual journey from Western ideologies of Marxism and Socialism to Buddhism. Using the latter as his theological background framework, the chapter notes how Ambedkar too uniquely contributed towards developing the Indian idea of freedom as '*maitri* or friendship toward all . . . even to one's enemy' (p. 313). Ambedkar distinguished this form of freedom as deeper and more harmonious than fraternity and *karuna*. Chapter ten also develops along similar lines as it maps M.N. Roy's transition from Marxism to Radical Humanism while focusing upon two major aspects of his political thought - 'his conception of freedom as related to the ideas of power, leadership and revolution' (p. 359). As Dalton notes, "A fascinating aspect of Roy's thought may be seen in the way his conception of 'spiritual freedom' first appears, then co-exists for a decade with the 'materialist' view of freedom, and ultimately gains ascendancy to dominate the value-theory of the Radical Humanist period" (p. 361). With this, the book proceeds towards its conclusion wherein Dalton highlights the anarchist

undertones of the modern Indian notion of freedom and the overall rejection by the group of seven of a 'Preoccupation with political power . . . as part of a distinctly Western 'vanity', a reflection of the 'material tyranny'...' (p. 391). This analysis is aided through the arguments of two post-independence theorists - Vinoba Bhave and primarily J. P. Narayan - for whom the goals of 'total revolution' was incomplete without a call for democratic decentralisation of power.

In sum, Dalton's book postulates that the distinctive contribution by each thinker in the group of seven successfully offers a 'constellation of ideas' (p. 54) regarding their ideal notion of freedom. This is read in their broad agreement over four overarching premises: (1) the idealisation of an anarchical state of swaraj; (2) the subsequent general dismissal of politics and power while placing centrality over the development of a *relational* (contra a political rights-based) approach towards individual freedom that underscores its ethical dimension and concedes to an individual's use of the right means (soul-force and non-violence) as the only legitimate basis for the exercise of one's freedom; (3) distinguishing between an individual's freedom as 'external' (socio-political) and 'internal' (moral-spiritual) while placing them on a continuum (rather than a hierarchy) to underscore their essentially *integrated* (as against mutually exclusive) nature in the realisation of 'real freedom'; (4) interconnecting ideas of "Man's Self and God" to emphasise upon the necessary role of 'right' social and political action (Karma Yoga) in manifesting this integral continuity not only between an individual's 'outer' and 'inner' freedom, but between individual freedom and overarching goal of social equality as well. Note that the book is not focused on problematising these premises. They are rather celebrated as characterising culturally unique 'Indian' ideas of freedom, developed through an innovative approach adopted by modern Indian political thinkers under the historical context of the 19th and 20<sup>th</sup> century. The book, for these reasons and many more, is certainly a welcome addition to scholarship on political theory and will be useful for philosophers, political scientists, historians, and those interested in unpacking an alternative discourse of freedom much required at a time when lust for power or selfish pursuit of narrow interests inevitably trumps moral and spiritual goals.

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# GANDHI MARG

Quarterly Journal of the  
GANDHI PEACE FOUNDATION

VOLUME THIRTY    □    NUMBER TWO    □    JULY-SEPTEMBER 2008

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### Published by:

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**Mangesh Kulkarni & Rimhim Jain.** Eds. 2019. *Global Masculinities: Interrogations and Reconstructions*. London & New York: Routledge. ISBN 9780367200480, 264 Pages, South Asian Edition, Price Rs. 695

While much has been written about women and feminist studies, not much attention has been given to understanding men and masculinities. This co-edited book *Global Masculinities: Interrogations and Reconstructions* by Mangesh Kulkarni & Rimhim Jain helps us fill this gap. This book brings together thirteen insightful essays on different aspects of masculinity, the human condition, gender oppression, and struggles for gender liberation. The book has two forewords by Raewyn Connell and Abhijit Das respectively and a preface by Rimjihim Jain. In her Foreword, Connell tells us how "there is no single pattern of masculinity." "Different communities construct masculinity differently [...] Some masculinities are more honored, more central, more authoritative than the others. Where this authority is connected to the overall subordination of women to men, we can speak of 'hegemonic masculinity.'" Connell tells us how some masculinities are socially marginalized, "for example the masculinities of indigenous peoples in settler colonies" (p. xvi). Connell also invites us to be alert about the problem of lingering Eurocentrism in our construction of a universal model of hegemonic masculinity: "the Eurocentrism of global gender discourse injects into gender analysis everywhere the image that the society of the global North holds of itself" (xvii). Connell pleads for careful documentation of the vision and practices of masculinities in many different parts of the world and the volume fulfills this task to some extent. In his insightful introduction to the volume, Mangesh Kulkarni tells us how the equation of feminism with gender studies has led to neglect of the construction and practice of masculinities among men such as patriarchal and caring masculinities. Kulkarni charts plural pathways of masculinities for us building upon the chapters of the volume.

Different chapters of the volume present us with a rich tapestry of masculinity in different parts of the world. In his essay, Nolwazi Mkhwanazi presents a portrait of male initiation rites in South Africa. Mkhwanazi discusses violence associated with it, for example, the elders of the community trying to assert their authority and control over young boys in the process of their initiation. In his chapter on Nepal, Sanjeev Upadhyay presents a plural view of masculinity and also a link between patriarchy and violence against women. In her subsequent contribution, Hannah Wright explores how transforming masculinities can contribute to the prevention of gender-related conflicts. For Wright, "given the relational nature of gender, changes

in men's attitudes toward their own gender identities will inevitably change the way they relate to women, and so it is necessary to ensure that these changes are progressive ones" (p. 59). In his subsequent essay, Sashish Sami Kamal tells us about masculinity and violence against women in Bangladesh looking into the practices of young men. Kamal tells us how young men in Bangladesh use the trope of *bhalomeye / bajemeye* (good girl / bad girl) and try to stalk, harass and act violently towards the so-called *bajemeye / bad girls*.

In their chapter on going beyond male role models among the young men in the UK, Sandy Ruxton, Martin Robb, Brid Featherstone, and Michael R.M. Ward tell us about the way vulnerable and at-risk young men negotiate with different male role models and gender identities. They tell us how "young men 'at risk' have often experienced difficult family relationships, including negative relationships with their fathers, but some also have positive relationships with their mothers and strong female influences in their lives. For some, the experience of becoming a father can catalyze the transition to a more responsible masculine identity" (p. 95). The subsequent essay by Baron Oron and Alice Wellbourn discuss the themes of interpersonal neurobiology and the prevention of gender-based violence. They discuss the works of the Stepping Stone program which applies the interpersonal neurobiology model of health and well-being developed by Daniel Siegel which tries to integrate body, mind, and relationship.

In their chapter Prabhu Deepan and Lizzie Loots discuss the issues of faith, masculinities, and the challenge of the end of gender-based violence in the African great lakes region, Africa. They discuss how faith-leaders can be trained to be more gender-sensitive in their reading and interpretation of scriptures which carry patriarchal biases and incitement for the subordination of women if necessary by violence. It discusses sexual and gender-based violence (SGBV) and how church leaders can collaborate with other agencies in society to transform such conditions of endemic violence. In his subsequent chapter Michael Flood tells us how we need to engage men in ending men's violence against women. Flood argues that "there is a real sense in which men will 'lose' from progress towards non-violence and gender equality. Efforts to involve men must acknowledge the costs to men of undermining the patriarchal privileges which underpin men's violence against women" (p. 133-134). For Flood, "At the same time, it would be a mistake to appeal to men purely on altruistic grounds. We should also appeal to men's reconstructed or anti-patriarchal interests [..]" (p. 134). Flood tells us that engaging men in the prevention of violence against women is a significant feminist achievement as feminism forces us to realize that men are

“overwhelmingly responsible” for violence against women and which men must join with women to address it” (p. 135). The same effort of engaging men in alleviating the suffering of women continues in the next chapter where Sena Cotractor, Shreeti Shakya, Satish Kumar Singh, and Mahendra Kumar tell us about community interventions in Madhya Pradesh involving men in sharing the contraceptive burden. The authors tell us improved relationships between spouses help us in this as this collaboration is part of a broader relational change and it is not just limited to moments of sex and intimacy. The next chapter tells us about the role of the male dais (Huarku) in childbirth in a tribal block in the Nandurbar district of Maharashtra. In the next chapter, Srdjan Dusanic presents opportunities and challenges for promoting new concepts of fatherhood in Bosnia and Herzegovina. They argue how “it is necessary to start to work with boys and young men on developing their gender-equitable attitudes and healthy lifestyles” at an early age (p. 192). In her next chapter, Valentina Yulita Dyah Utari tells us about the caregiving activities of men and how they perceive this. It discusses the lives of migrating men who follow their spouses in their migratory paths and then take their spouses’ caregiving role, for example, male lectures following their research degree pursuing spouses to countries such as Australia. Utari tells us that when they come back home, men do not pursue such caregiving works in the family for various reasons. In the concluding chapter, Eduardo Schwarz and Daniel Costa Lima discuss Brazilian policy toward men’s healthcare and gender equity.

This is a pioneering volume that helps us understand the work of masculinity in different countries, societies, and cultures around the world. From a policy perspective, it also helps us how we can engage men in the task of gender liberation. The volume explores different dimensions of masculinities. It can further explore what can be called the ethics, aesthetics, politics, and spirituality of masculinity. The masculine turn in gender studies is a much-appreciated turn. This includes both the masculine and feminine turn in conjunction. Moreover, these also need to be related to both the linguist turns, ecological turns, and onto-decolonial turns as suggested in the works of thinkers such as R. Sundara Rajan and Sabelo J. Ndlovu-Gatsheni. The linguist dimension in masculinity studies needs to be explored as it calls for a new language of man-woman relationship. From this perspective, some contributions exploring masculinity’s literary and poetic dimension could have been helpful. As the discourse and practice of masculinity is also related to wider ecological settings including the frames of political economy, some more explicit discussion on these would have been helpful. This is particularly

relevant in the context of the conjoint crisis of climate and capitalism. The spiritual dimension in masculinity studies calls for going beyond the oppositional views of masculinity and femininity and realizing the soul dimension of men, women, masculine, and the feminine. This also contributes to realizing beauty, dignity, and dialogues in our gender relations as well as in wider culture, society, and the world.

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### *Call for Papers*

#### **Reconciliation and Peace Building after 30 Years of Genocide in Rwanda**

*[Special Issue for Gandhi Marg Quarterly)*

*Guest Editors:* Dr. Jos Chathukulam, Director, Centre for Rural Management (CRM) Kottayam, Kerala, India

Dr. Gireesan K, Director, MIT School of Government, MIT World Peace University, Pune, India.

April 7, 2024, marks the 30<sup>th</sup> commemoration of the Genocide in Rwanda, which cost the country 10,00,000 lives, wiping out 70 percent of the Tutsi population. Ethnic violence broke out after an aircraft carrying the then Rwandan President Juvenal Habyarimana and Burundi's President Cyprien Ntaryamira was shot down by a missile near Kigali, the Capital of Rwanda. Within hours of the plane crash, militants from the Hutu ethnic majority unleashed brutal and frenzied killings of Tutsis, moderate Hutus, and Twa. The 100 days of slaughter saw neighbors turning on neighbors and friends turning on friends. Rape, sexual torture, mutilation, and enslavement were used as weapons to attack, terrorize and murder thousands of Tutsis. It has been estimated that more than 250,000 women were raped during the genocide. While the Genocide destroyed the social, moral, and ethnic fabric of the Rwandan society as a whole, it is important to note that the Rwandans rose like a phoenix from the ashes by adopting "locally engineered policy innovations" known popularly as "home-grown solutions" (HGS).

The Genocide of 1994 and its aftermath completely changed the political economy in Rwanda. Forgiveness, peace building, and good governance initiatives were key elements of HGS. No other country in the world has effectively made use of the power of HGS than The peacebuilding initiatives undertaken through the *Urugwiro Village* (President's Office), formed between 1998 and 1999 to discuss ways to strengthen national unity, democracy, decentralization, justice, economy, and security, is a notable initiative in this regard. These were termed as broad-based consultations to chart Rwanda's future course. Participants in these meetings included people from all walks of life, including religious leaders, political leaders of pre-independence and post-independence political parties, civil society groups, the academic community, youth and women, and the politicians from the Rwandan Patriotic Front (RPF). The consensus outcomes that emerged from consultative meetings in *Urugwiro Village* were incorporated into the Constitutional making process that eventually led to the creation of the 2003 post-transition Constitution in Rwanda.

The post-genocide Rwandan government has come up with several HGS built on the values and systems of Rwandan culture, Most notable

among them are *Gacaca* (Community Courts), *Abunzi* (Community Mediators) *Ubudehe* (Traditional Rwandan Practice and Cultural Value of Working Together to Collectively Solve Problems), *Girnika* (One Cow Per Family), *Umuganada* (Community Work), *Imihigo* (Performance Contracts), Vision 2020 *Umurenge*, Community-Based Health Insurance (CBHI), *Tubarerere Mu Muryango* (Let us Raise Children in Families), *Itorero* (Civic Education), *Ingando* (Solidarity Camp), *Umushyikirano* (National Dialogue Council) and *Umwiherero* (National Leadership Retreat).

The HGS plays an important role not only in ensuring peacebuilding but also in achieving sustainable development. HGS has been in vogue even before the onset of the pandemic. Between 1990 and 2017, Rwanda's Human Development Index (HDI) doubled from 0.250 to 0.524; in 2021, it stood at 0.534. GNI per capita changed about 19.51 per cent between 1995 and 2021. Rwanda is also a global leader in health care in the East African region in alternative care reforms. The Multidimensional Poverty Index (reflects deprivations in areas of health, education, and standard of living) in Rwanda declined from 0.461 in 2005 to 0.231. in 2021. In the case of the Gender Development Index, the 2021 female HDI value for Rwanda is 0.521 in contrast to 0.574 for males, resulting in a GDI value of 0.954. The de-ethnicization (*Ndi Umumyarwanda*) could empower a generation of youngsters who can openly say, "I am Rwandan, not Hutu, Tutsi, or Twa." The women have actively participated in all areas of Rwanda's peacebuilding and post-conflict recovery process. Currently, 49 of 80 seats in Rwanda's parliament are occupied by women, the highest proportion in the world. Women also hold half of the Supreme Court seats. While the Democracy Index has classified Rwanda as an "authoritarian regime" over the years, the country has become a laboratory for local governments.

On the eve of the 30th anniversary of the Genocide in Rwanda, it is proposed to bring out a special issue of *Gandhi Marg* on peacebuilding and reconciliation efforts in enhancing participatory and accountable governance, reducing vulnerability, fostering social cohesion, and nurturing inclusive human development rooted in resilience in Rwanda. This special issue titled "Peacebuilding and Reconciliation after 30 Years of Genocide in Rwanda" is a tribute to the victims of the genocide and acknowledges the contributions made by the survivors and thought leaders to ensure sustainable peace and development in a critical light.

#### Important Dates

**Abstract Submission (500 words):** 20 April,2024

**Notification of Acceptance:** 30 April,2024

**Manuscript Submission  
(5000 to 7000 words):** 30 September,2024

**Publication of the Issue:** Vol. 46(4) Jan-March, 2025

**Contact Information:** For inquiries and submission of Abstracts and Manuscripts, please contact: [joschathukulam@gmail.com](mailto:joschathukulam@gmail.com) / [giresankollengode@gmail.com](mailto:giresankollengode@gmail.com) / [editorgmarg@gmail.com](mailto:editorgmarg@gmail.com) The style sheet and sample articles can be accessed from the journal website : <https://gandhimargjournal.org>



Gandhi Marg Quarterly

45(3): 369–384

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<http://gandhimargjournal.org/>

ISSN 0016—4437

### ***G.P.F. Lecture, New Delhi on 2 October 2023***

## **Constructing and Deconstructing Constitutional Values and Rights**

*Justice Madan Lokur*

ON THIS AUSPICIOUS DAY of Gandhi Jayanti, I felt it appropriate to reflect on some of the values incorporated in our Constitution, which was debated and discussed by the Constituent Assembly for over two years. I believe many of these values encapsulate Gandhiji's thoughts and ideas.

I am not a Gandhian scholar, but I must confess to being influenced by some of his thoughts and actions, as I have understood them, and his presence at an important period of my professional life. As the Chief Justice of the Andhra Pradesh High Court at Hyderabad, I had Gandhiji watching me every day in the courtroom through a wonderful portrait on the opposite wall. I knew Gandhiji was a lawyer and constantly felt that he was looking at me to ensure that I gave a fair and just decision in every case. On my part, on some occasions, if I were unsure of the decision to take, I would look up to Gandhiji's portrait and try to read his mind and decide what the right thing to do was. This assisted me in making some difficult decisions and gave me peace of mind.

Gandhiji was keen on amicable settlement of disputes and protected the weak and vulnerable. This learning shaped my thought process and shifted my focus to justice for society's weak, vulnerable, poor, and disadvantaged sections. I began to see the Constitution of India not only through the eyes of the members of the Constituent Assembly but also through Gandhiji's thoughts and realised that the Constitution that "we the people" have given

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to ourselves clearly encapsulates these thoughts, ideas, and concepts providing both Nyaya and Neeti.

Today, some basic values of our Constitution are clouded. We must sit back and contemplate: Have we gone wrong, and if so, where have we gone wrong? Or has our Constitution gone wrong?

Our constitutional jurisprudence, developed by the Supreme Court over the years, has made three extremely significant contributions to understanding and implementing Nyaya and Neeti. I would like to dwell on these positives at some length. They form, in my view, the core of the pro-people values of our Constitution.

### **Basic Structure Doctrine**

The first significant contribution to our constitutional jurisprudence is the incorporation of the popularly called 'basic structure doctrine'. It is not completely a make-in-India doctrine since it originated in the views expressed by Professor Dietrich Conrad, a renowned German scholar, in a lecture he delivered in Banaras Hindu University in 1965. His theory was that however powerful the legislature might be, one must read an implied limitation on its powers. The idea for this came as a result of the emasculation of the Weimar Constitution by Adolf Hitler. A 2/3rd majority of legislators could amend the Weimar Constitution, enabling Hitler to pass the Enabling Act of March 1933. The relevant portions of the Enabling Act's first three articles clearly indicated where the country was headed. Without going into the details of these articles, power, and authority were effectively given to the Chancellor and the government to bypass the Constitution and pass laws. We all know what followed over the next decade or so.

The tragic events of the Second World War led to the enactment of the Basic Law for the Federal Republic of Germany in May 1949. One of the significant articles in the Basic Law is article 39, which limits the amending power of the legislature and makes an amendment to the principles laid down in articles 1 and 20 inadmissible. Article 1 deals with human dignity, human rights, and the legally binding force of basic rights, while article 20 provides that the Federal Republic of Germany is a democratic social federal state.

It appears that this recent history led Professor Conrad to conceptualise a theory on limitations on the amending power. This theory was brought to the notice of a 13-judge Bench of the Supreme Court by Mr Palkhivala in the famous *Kesavananda Bharati case*. A slender majority accepted his submissions in this regard, and the theory came to be known and accepted as the basic structure doctrine. Broadly, while the Constitution can be amended, its basic structure of a democratic republic cannot be altered.

A couple of years later, an attempt was made to review the basic structure doctrine, but we are informed, anecdotally, that the attempt was given up when it was realised by the then Chief Justice of India that the basic structure doctrine would be upheld by a majority of 12 to 1. Since then, the basic structure doctrine has been a part of our constitutional jurisprudence for over 50 years.

This doctrine has defined some basic features of our Constitution and our democratic republic. These include secularism, free and fair elections, the federal nature of our Constitution and polity, judicial review of legislation, rule of law, separation of powers, independence of the judiciary, etc.

Let me give you two examples. We all remember that the Allahabad High Court set aside the parliamentary election of Mrs Indira Gandhi in 1975. She sought to validate her election by amending the Constitution of India. The Supreme Court struck down the Constitutional Amendment Act because it violated the Constitution's basic structure regarding free and fair elections. Similarly, an amendment to the Constitution constituting the National Judicial Appointments Commission was struck down a few years ago because it violated the Constitution's basic structure regarding the independence of the judiciary. Therefore, the Supreme Court has employed the basic structure doctrine sparingly but effectively to maintain a democratic republic.

Recently, the validity of the basic structure doctrine was challenged by His Excellency the Hon'ble Vice President of India. A report published online says that while addressing the 83<sup>rd</sup> All India Presiding Officers Conference he said, "In 1973, a wrong precedent (galat parampara) started.... in the Kesavananda Bharati case, the Supreme Court gave the idea of basic structure saying Parliament can amend the Constitution but not its basic structure. With due respect to the judiciary, I cannot subscribe to this." He asked, "Can Parliament be allowed that its verdict will be subject to any authority... The executive has to follow laws and the judiciary cannot intervene in law-making." "If any institution on any basis strikes down the law passed by parliament then it will not be good for democracy and would be difficult to say we are a democratic nation."<sup>1</sup>

The basic structure doctrine was subsequently defended by the Hon'ble Chief Justice of India who, while delivering the Nani A Palkhivala Memorial Lecture is reported to have said, "The basic structure of our Constitution, like the North Star, guides and gives a certain direction to the interpreters and implementers of the Constitution when the path ahead is convoluted." He added "The basic structure or the philosophy of our Constitution is premised on the supremacy of the Constitution, rule of law, separation of powers, judicial review, secularism, federalism, freedom and the dignity of the individual and the unity and integrity of the nation."<sup>2</sup>

With these high constitutional personages taking diametrically opposite views on the basic structure doctrine which has been accepted and implemented by the Supreme Court of India on several occasions, we need to ask ourselves a basic question, namely, what would be the fate of our Constitution and consequently, our democratic republic if the basic structure doctrine were to be thrown out of the window? Would we go the way Germany went in the 1930s or prevent a perceived descent into chaos? I think the answer is quite clear.

#### **Public Interest Litigation or Social Action Litigation**

The second significant contribution in our constitutional value jurisprudence

is the introduction of public interest litigation or social action litigation. This gave voice to the voiceless, the marginalized and the disadvantaged multitudes. I believe this epitomises Gandhiji's thoughts on justice for the weak and vulnerable.

The origin of public interest litigation or PIL is to be found in the case of *SP Gupta versus Union of India*. This was a case in which several lawyers alleged an attempt being made to subvert the independence of the judiciary by virtually treating additional judges of High Courts as being on probation and by transferring judges. Lawyers from across the country filed petitions in several High Courts which the Supreme Court then took up in public interest. The importance of this decision lies in the fact that the rule of *locus standii*, or legal standing to approach a court, was relaxed. It was held that though the lawyers were not directly affected, they were entitled to file petitions in public interest. Another important step forward taken by the Supreme Court was to hold that procedural formalities need not be complied with in public interest litigation. Therefore, the Supreme Court entertained even letter petitions in public interest.

These small steps were remarkable examples of judicial craftsmanship and statesmanship. They enabled social activists to approach the courts to enforce the fundamental rights of disadvantaged and marginalised sections of society who, for a variety of obvious reasons, had no access to courts and therefore, no access to justice. One of the earliest and more important public interest cases pertained to bonded labour working in mines near Delhi. Swami Agnivesh sent a letter to the Supreme Court pointing out that despite the prohibition of *begar* in article 23 of the Constitution of India and the prohibition of bonded labour through a parliamentary law, there were instances of a large number of bonded labour working in mines close to Delhi. The Supreme Court entertained the letter petition and eventually freed these unfortunate persons of their forced servitude. Unfortunately, however, even today, bonded labour persists in some form or the other in different parts of the country.

PIL gradually expanded its scope and gave birth to issues of good governance. The first step was in matters of environmental jurisprudence. Again, this was through a letter petition relating to Dehra Doon's pollution due to the Mussoorie Hills' limestone quarrying. A Dehra Doon-based NGO filed the letter and the Supreme Court entertained the petition and established committees to ensure that the residents of Dehra Doon are able to breathe clean air, rather than limestone dust. On the recommendations of these committees, quarrying in the Mussoorie Hills was stopped and the court accepted the right to a clean environment as one of the aspects of the right to life. Thereafter, several petitions came to be taken up for consideration by the Supreme Court on various aspects of the environment, including river pollution, the closure of tanneries, and so on.

The governance issue also became prominent in the celebrated case of *Vishaka versus State of Rajasthan*. In this case, it was found that the government had taken no steps to protect women from sexual harassment at the workplace even though India was a signatory to CEDAW or the Convention

for Elimination of All Forms of Discrimination Against Women. The Supreme Court then issued appropriate directions and today we have a law protecting women from sexual harassment in the workplace.

These are some of the many public interest cases that brought relief to millions of persons who were vulnerable, marginalised or disadvantaged for whatever reason. The interventions of the Supreme Court earned it the epithet of the People's Court because it stood on the people's side and gave them justice in various cases - surely one of the dreams of Gandhiji.

Unfortunately, even this intervention by the courts for the benefit of the people is now being challenged and has given rise to suggestions that the courts are indulging in unbridled judicial activism. Judges are accused of running the country and crossing the Lakshman Rekha. This criticism in my opinion, is completely baseless in that the courts intervene only when the government fails to govern or does not govern in accordance with the rule of law.

I had the privilege and honour of presiding over what came to be known as the Social Justice Bench of the Supreme Court. During that period, dozens of cases of public interest were listed and considered. All these cases raised good governance issues. In most of them, the government failed to implement laws solemnly enacted by Parliament for the benefit of the people of our country.

Let me give you only three quick examples. The first relates to building and construction workers. A law was passed in 1996 and Welfare Boards were set up so that building and construction workers, mainly migrant labour and otherwise disadvantaged members of society, could live a life of dignity. A cess is collected from those who are constructing buildings and this amount is intended to be utilised for the benefit of the workers. Unfortunately, the law was not implemented either in letter or in spirit, resulting in thousands of crores, an estimated 25,000 crore, lying with the Welfare Boards. Even today, the benefit of the law has not been passed on to building and other construction workers. So much for social justice.

Another example is the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act or MNREGA. There is no doubt that this law was intended to provide employment to the poor. However, serious gaps were evident in its implementation, in that persons were not given employment and worse, their wages were not paid on time. The law requires interest to be paid to such workers if they are not paid their wages within 15 days. While these persons had a grievance about non-payment of wages, it was said on their behalf that they were willing to give up the interest due to them as long as they were paid their wages. This was a clear case of economic exploitation of weaker sections of society which, I am afraid, continues. So much for social justice.

The third example is of children in conflict with law and children in need of care and protection. Provisions of the Juvenile Justice Act were not implemented in letter and spirit. While there is much talk of children being the country's future, their present continues to leave a lot to be desired. Were it not for the intervention of the Social Justice Bench, children would have

continued to remain voiceless and invisible. I'm sorry to say that even today, the law is not being faithfully implemented and children continue to be neglected.

It is true that some persons have misused public interest litigation but the courts have been vigilant enough to throw out such petitions. A few of them may have fallen through the net, but almost all public interest litigations have made the establishment accountable for their acts of omission and commission. This is perhaps the reason why the establishment is critical of public interest litigation and derides it. The question I ask of the critics is: What is a citizen to do if the government does not act according to the Constitution and the law? There is no satisfactory answer available.

#### **Lok Adalats and free legal aid**

The third significant achievement of our constitutional value jurisprudence is the acceptance of Lok Adalats and free legal aid, both I'm sure, would have thrilled Gandhiji, the lawyer. Through these Lok Adalats, millions of our people have been able to access justice. In what started as a small experiment in 1982, the Lok Adalat system has now blossomed into a movement providing inexpensive and expeditious justice, particularly to the poor.

The Lok Adalat system was given a massive fillip through large-scale infusion of funds under the 13<sup>th</sup> Finance Commission. It was suggested that Lok Adalats be held on a regular basis and also at the national level. The manner in which these Lok Adalats function is two-fold. Cases pending in courts that can be disposed of quickly and amicably are referred to as Lok Adalat. This was the system prevailing for several decades. An interesting innovation was introduced a few years ago, by which disputes that could potentially end up in courts are now referred to a Lok Adalat, as a sort of pre-litigation exercise. This has several advantages, one of them being that these disputes do not enter the already overburdened court system. In one sense, this has been a game-changing innovation, as evidenced by the results of a National Lok Adalat held just a few weeks ago. The National Legal Services Authority has reported that more than 1.67 crore cases were settled in the 3<sup>rd</sup> National Lok Adalat, of which 32.3 lakh pending cases and about 1.4 crore pre-litigation cases were settled.

There has been some criticism of the Lok Adalat system, the criticism being that litigants approach the Lok Adalat only when they are tired of waiting for their pending court case to be concluded or they are financially exhausted by the multiple hearings spread over several years. While there is some truth in this, a large number of cases are those that ought not to have entered the court-room at all. The fact that Lok Adalats are positioned to have these cases amicably resolved and prevent cases from entering the courts is adequate justification for continuing with them.

Along with the Lok Adalat system providing access to justice for the millions, particularly the indigent, the free legal aid scheme which is constitutionally authorized has enabled millions to access justice which would ordinarily have been out of their reach for financial reasons. Article 39A of the Constitution provides for free legal aid as one of the Directive

Principles of State Policy and it is a matter of great pride that our legal services authorities across the country have taken positive steps to implement this directive principle and make access to justice a reality for millions of people all over the country.

This is not to say that the Lok Adalat and free legal systems are working perfectly. There is a lot that can be done and should be done to improve the functioning of the Lok Adalat system and the free legal aid schemes across the country. The judiciary and the State must work in unison to ensure that justice is not denied to anybody only for reasons of poverty. The good news is that, unlike a challenge to the basic structure doctrine and PILs, there is no challenge to the Lok Adalat or free legal aid system.

There can be no doubt that constitutional values, such as the rule of law, access to justice for the poor, marginalised, weak, vulnerable and disadvantaged have become a part of our life through the basic structure doctrine, public interest litigation, Lok Adalats and free legal aid. Indeed, some of them have transformed into rights such as free legal aid, the right to live with dignity, and many other rights. Unfortunately, despite these positive developments that have spanned decades, and which, in my view, take forward Gandhiji's vision of justice, attempts are being made to deconstruct and dismantle some of these constitutional values and rights.

#### **Deconstructing constitutional values and rights: The problem of pending cases**

In spite of the re-affirmation of our constitutional values and rights, from time to time, the unfortunate position today is that we are unable to provide timely justice to the people of our country despite the Supreme Court holding, on multiple occasions, that expeditious justice is an essential and integral part of the right to life guaranteed by article 21 of the Constitution.

Today, our courts are saddled with over 50 million cases and I have, off and on, been visiting the National Judicial Data Grid or the NJDG, an innovation launched about six years ago, sometime in 2017 by the Committee of the Supreme Court. It was initially conceived with a two-fold objective, namely, as a tool for providing information to litigants about the progress in their case and to provide case status so that the judiciary could better manage pending cases. While the NJDG has served its purpose of providing up-to-date information to a litigant about his or her case, the database has not been adequately utilised by the judiciary for case management purposes. I am of the opinion that our judges must take a greater interest in the information made available through the NJDG to provide justice to all litigants, particularly the poor, who have great difficulty accessing justice.

Over the last several weeks, I have been surfing the NJDG and am alarmed at finding that the number of pending cases is increasing on a daily basis. My first visit, in the recent past, was on 10 July. Cases pending in the High Courts and in the district courts across the country touched 50.18 million. On the most recent visit on 30 September, the number of pending cases increased to 50.53 million. In other words, in a period of about 2½ months the number of pending cases increased by more than 3 lakh. With

cases increasing by over one lakh every month, our justice system has collapsed. Some fortunate people may get justice but millions will not, and if millions do not get justice, it is difficult to honestly say that justice delivery, one of the corner stones of our constitutional values, is working well.

Let me give you the example of a case filed in 1988 in which a four-year-old girl was sexually assaulted. The perpetrator was convicted by the trial court in 1992 and given a very light sentence of three years imprisonment. He did not serve that sentence, having been on bail for some time. He soon filed an appeal in the Allahabad High Court which came to be disposed of 30 years later in September 2022 and he was directed to undergo the balance sentence. Was justice done to the four-year-old girl, or was justice done to the perpetrator? Was justice done at all? I have no answer to these questions.

There are hundreds of cases of this nature and a cursory look at the National Judicial Data Grid would reveal that more than 8 lakh cases have been pending in the courts for more than 20 years. If this does not indicate a collapse of our justice delivery system, I wonder what will. They say that justice delayed is justice denied, but I believe that justice delayed is injustice perpetuated.

What is the solution? No one can solve the problem except the judges themselves, and if they do not act quickly, they will make themselves redundant. A few weeks ago, a learned judge of the Allahabad High Court, perhaps speaking from his heart, observed that: "Cases are not disposable commodities to be treated as mere statistics. Their purpose is not to provide lawyers a livelihood or a monthly disposal quota to judges. Each case that comes before a judge has an element of human problem concerning the life, liberty, livelihood, family business, profession, work, shelter, safety and security of the citizen." We seem to forget this.

Recently, I read about a scheme initiated by the police in Karnataka. This scheme called the long pending cases scheme was launched by the Bengaluru police and the sum and substance of the scheme is to dig out long pending cases and take action on them. The police filed a complaint in 1965 in which a person was accused of having stolen two buffaloes and a calf. He was arrested a few weeks ago after 58 years when he reached the age of 78. Strange as this case may seem, but the fact remains that an effort was made to dig out the case and take action on it.

Our judiciary must prepare a similar scheme, dig out long pending cases, and expeditiously resolve them. It will require managerial skills and considerable effort – but it will provide justice to millions of people waiting in the queue, some of them for a first hearing.

Several other methods exist to wipe out the long list of pending cases. I would like to mention only three of them. First, encouraging mediation. There is so much talk about mediation being a win-win solution through amicable resolution of disputes. The idea of mediation was initiated in 2005, but we are still struggling to make some sense of this dispute resolution process. I recall a very interesting case involving Gandhiji. While in South Africa, he was representing a wealthy client. Having fully studied the case papers, Gandhiji advised his client to settle the dispute with the opposite party

rather than go in for arbitration. His client was naturally quite surprised but Gandhiji persuaded him to do so. Overtures were made under the auspices of Gandhiji and the matter was amicably settled to the satisfaction of both parties. Gandhiji writes about this incident not only but generally, and I quote him: "I realized the true function of a lawyer was to unite parties riven asunder. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromises of hundreds of cases. I lost nothing thereby — not even money, certainly not my soul." In my view, these words should be embedded in every license to practice given by the Bar Council of India so that not only lawyers but judges remember that the cause of justice is best served through an amicable resolution of disputes.

Second, in criminal cases the equivalent of mediation is plea bargaining. In this process, initiated way back in 2006 through an amendment to the Criminal Procedure Code, all parties that is the prosecution, the accused and the victim of a crime sit across a table and find a solution that is acceptable to all. Suppose the accused is guilty and accepts his guilt. In that case, the quantum of punishment is negotiated, and my experience has been that in a large number of cases, the victim is satisfied with an apology and monetary compensation. The problem of overcrowding of prisons that we are witnessing today can be minimised if not eliminated and I would add that such convicts can be housed in open prisons, an experiment that has been extremely successful in Sanganer near Jaipur. I had occasion to spend considerable time in the open prison with men and women convicted of murder and my interaction with them convinced me that each one of them had been rehabilitated and would eventually turn out to be a good citizen. Sometimes, compassion of the kind advocated by Gandhiji, pays rich dividends.

The third possible solution is the countrywide establishment of Gram Nyayalayas. A law enacted by Parliament to establish Gram Nyayalayas came into force today, 2 October in 2009. I have no doubt that Gandhiji would have been only too happy with the establishment of Gram Nyayalayas all over the country and perhaps that is why 2 October was chosen as the date for the law to come into force. But what is the reality? According to the law, one or more Gram Nyayalaya should be established above the intermediate level panchayat but below the district level panchayat. I have been given to understand that 5000 Gram Nyayalayas were to be established, with many of them intended to be mobile courts. However, a little over 200 Gram Nyayalayas are now functional. It seems there is no will to implement a beneficial legislation enacted by Parliament, which will greatly assist in imparting justice to people in rural India. One of the reasons for the failure of the Gram Nyayalayas scheme, as I understand it, is an absence of funds. The website of the Department of Justice informs us that for the five-year period from 2021 to 2026, a budgetary outlay of 50 crores was allocated. This is the kind of attention that is paid to justice for the poor and this is the kind of attention that is paid to access to justice for the poor.

I could go on and on about substantive and procedural possible solutions

for reforms in the system, but time constraints disable me from doing so. Suffice it to say that the time has come when we need to tackle the menace of more than 50 million cases on a war footing; otherwise, the justice delivery system, which I believe has collapsed, will completely crumble.

#### **Independence of the judiciary**

The other pressing problem in justice delivery and enforcement of rights relates to the independence of the judiciary. Please remember, the basic structure doctrine regards independence of the judiciary as one of the basic features of our Constitution. The appointment of judges has resulted in considerable debate with one of the criticisms being that nowhere in the world do judges appoint judges. This is correct. Even in India, judges do not appoint judges and a canard being spread to the contrary is completely misplaced. In India, judges only recommend persons for appointment and the President of India issues the warrant of appointment. Unfortunately, the government deals with these recommendations with great secrecy and without any accountability. The government controls the appointment of judges with an iron fist.

Today we have quite a few recommendations made by the collegium of the Supreme Court for appointment of High Court judges but the government is not acting upon these recommendations for reasons that have not been disclosed. We also have instances of recommendations made by the Supreme Court being bypassed, compelling the Supreme Court, in the interest of justice, to withdraw the recommendations. Today, the independence of the judiciary is very much at stake and I have no doubt that Gandhiji as a lawyer would have been appalled at what we are witnessing. It is unnecessary to say anything more on this subject since the Supreme Court is seized of a petition relating to the appointment of judges which, in my opinion, it clearly shows that far from judges appointing judges, it is the political executive that disappoints judges.

Suffice it to say that the hurdles and obstacles placed by the government in the appointment process is beginning to have a deleterious impact on the future of the judiciary. Anecdotal evidence suggests that competent lawyers are unwilling to give their consent for appointment as judges of the High Courts. There are two reasons for this: firstly, uncertainty whether their credentials would be acceptable to the establishment and secondly, the working conditions are uncertain and a judge can be transferred only because of a decision that may be unpalatable to the powers that be.

Other thrusts against the independence of the judiciary are gradually having an adverse impact. This is apparent from judgements rendered by several courts declining bail to accused persons for the flimsiest of reasons resulting in their incarceration for several months. Bail, not jail has become an empty slogan. We have had persons who are medically unfit and, in some cases, virtually immobilised being denied bail in spite of their physical ailments and disabilities. We have also had an extremely distressing case of a priest, more than 80 years old and suffering from Parkinson's, been denied the facility of a sipper or a straw to enable him to drink water. There are

several such instances where bail ought to have been granted but has been denied.

The Madras High Court is presently dealing with an extremely unfortunate set of cases. These cases clearly show that political overtones are overshadowing the independence of the judiciary. In one of these cases, a learned judge of the High Court had this to say and I quote:

“.... within 4 days, the Principal District Judge, Vellore marshalled the evidence of 172 prosecution witnesses and 381 documents and managed (or rather stage-managed) to deliver a 226-page testament/ judgment acquitting all the accused. On the part of the Principal District Judge, Vellore, this unique feat of industry can find few parallels, and it may well be said is a feat that even judicial mortals in constitutional courts can only dream of. On 30.06.2023, the Principal District Judge, Vellore retired two days thereafter and cheerfully rode off into the sunset.”

#### **Rule of law and human rights**

The rule of law, another essential feature of the basic structure doctrine and an integral part of our constitutional values, is under tremendous assault from the executive branch.

Outside the courts, we are witnessing an assault on the rule of law, another of our constitutional values. There have been several instances where mobs have taken the law in their hands and have lynched some people. We have seen gruesome murders and killings on the streets for trivial reasons and the perpetrators of these crimes have not been brought to justice. We have also seen murderers and rapists getting remission and parole at the drop of a hat only because they appear to be politically well-connected or otherwise influential. These instances, and quite a few, mock the concept of equality enshrined in article 14 of the Constitution and the courts. Such instances send out a message that whatever you may decide, matters of life and liberty are in the hands of mobs and well-connected or influential persons.

Human rights violations continue unabated. Today we witness serious violations of the law through what has now become known as “bulldozer justice”. Bulldozers are sent, without any warning, for demolishing residential accommodation for presumed violations of municipal by-laws. Suddenly families are rendered homeless and in almost all cases, their belongings are required to be extricated from the rubble. With respect, not only is there a violation of the rule of law but also that the municipal authorities display a complete lack of humanity and compassion – homes are demolished without even giving an opportunity to the victims of bulldozer justice to shift to some alternative accommodation, along with their personal belongings. Hundreds of such demolitions have taken place, primarily of poor and weak people who Gandhiji always wanted to protect, and were it not for public interest litigation, many more slums and so-called encroachments would have been demolished in many other parts the country and with complete impunity.

The freedom of speech and expression has also come under tremendous assault over the years. We have witnessed journalists being silenced through sledge hammer actions and the recent complaint lodged against some Editors Guild of India members for a report on Manipur has invited criminal action. The establishment may disagree with the contents of the report and place their own narrative on record but it is difficult to appreciate why action under the criminal law is required to be taken against the journalists. The adverse action taken is such that these journalists had to approach the Supreme Court for relief, for merely preparing a fact-finding report. Similar treatment was meted out to some lawyers including a young lady lawyer practising in the Supreme Court. There have also been several instances of persons being arrested and detained for tweets that have not been to the establishment's liking.

On the other hand, hate speech is being condoned by the establishment and even orders of the Supreme Court in the public interest to initiate action against hate speech has met with deafening silence. Hate speeches have been made in so-called religious gatherings or Dharam Sansads, including one where a call was made for genocide, but again no substantive action has been taken against any speaker. Such inaction encourages others to indulge in hate speech. Recently we had a very despicable tirade in Parliament by a particular honourable member, but so far that has not invited any adverse action against him. On the other hand, some believe he has been promoted through additional responsibility.

That the rule of law, particularly with regard to the fundamental right to freedom of speech and expression, has broken down is quite apparent from two very glaring cases: Firstly, section 66A of the Information Technology Act was declared unconstitutional by the Supreme Court in March 2015. This law gave the government broad powers to punish for disseminating offensive information, for example, through social media. The Supreme Court held that the power was too broad and unchecked, and it was therefore held to be unconstitutional. Notwithstanding this, seven years later, it was noted that several hundred prosecutions were pending in different courts for social media posts under a law declared unconstitutional. To make matters worse, a few hundred prosecutions were launched after the Supreme Court's decision declaring the law unconstitutional. So much for the rule of law.

Secondly, banning Internet was considered before the Supreme Court and it was held that a prohibitory order must be publicised and justified. It was also held that such orders must be passed only if they are absolutely necessary. Recent research carried out has shown that a large number of prohibitory orders have been issued in violation of the directions of the Supreme Court and Manipur, for example, and earlier in Kashmir, access to the Internet was not possible for days and weeks in violation of the right to freedom of speech and expression and directions of the Supreme Court. So much for the rule of law.

#### **Right to Protest**

Our Constitution gives us the fundamental right to protest in a peaceful

manner. This is of course a legacy of Gandhiji's teachings through satyagraha. In the last few years, farmers have protested against three laws enacted by Parliament. The establishment completely ignored the peaceful protest for more than a year. Many farmers died during the protest but it had no impact on the establishment's policies. We have also been witness to a peaceful protest by hundreds of women in Shaheen Bagh in Delhi, and other parts of the country, against an amendment to the Citizenship Act. Again, even though this peaceful protest went on for several months, it was largely ignored by the establishment and had to be called off because of the COVID-19 pandemic.

The tragedy of both these protests is not that they did not result in substantial policy changes but that they gave to the establishment an opportunity to thwart peaceful protests, if necessary, through high-handed means. A classic example of a protest being broken up through high-handed measures is how protests carried out by champion women wrestlers were dealt with a few months ago. The protest by these wrestlers was against the inaction of the government to take appropriate steps against a member of Parliament against whom serious allegations of sexual harassment were made. The cause was *prima facie* genuine, as is evident from the fact that a charge-sheet was subsequently filed against that Parliament member. However, the disturbing aspect of the protest was that the establishment broke it up through police action, and to make matters worse, First Information Reports or FIRs were filed against these wrestlers.

Objections to peaceful protests have sometimes been taken to another level by the establishment and in some instances, even disagreement with government policy or dissent has led to criminal action against individuals. There are instances where an expression of dissent on social media, generally by well-meaning citizens has led to a crackdown, on occasions leading to arrest. While Gandhiji and several participants in the freedom struggle were imprisoned on multiple occasions for protesting against the British Raj, what are we to make of the arrest of citizens of our country who peacefully protest against government policies? I wonder what Gandhiji would be thinking of this strange turn of events.

### **Constitutional morality**

Constitutional morality, one of the great expectations and values that members of the Constituent Assembly pinned their hopes on has, with respect, been thrown out of the window. This is at two levels: First, by the conduct of some governors of the state and then at the level of the duly elected speaker of the legislative assembly.

Today, half a dozen States have experienced or are experiencing friction between the Governor and the State Government. This is primarily in the matter of the Governor of the State declining to grant assent to Bills passed by the State Legislature. It is not as if only one or two Bills are pending assent and only for a couple of days - we are confronted with a situation where a large number of Bills are pending for several months and in some cases for a few years. The issue of constitutional morality comes in when a question is

asked: Why is the Governor not giving his or her assent to the Bills duly passed by the State Legislature? Is the Governor of a State some sort of super Legislature? Is there some reasonable time within which assent is required to be given or the Bill returned to the State Legislature for reconsideration? The Constitution is silent on this and this silence in the Constitution is being exploited, so to speak.

Constitutional morality requires the Governor to act according to the Constitution and decide whether to grant assent to the Bill or to return it to the State Legislature for reconsideration. No time limit has been prescribed for taking this decision. However, some governors seem to believe that in the absence of any time limit prescribed by the Constitution, they can take months to make a decision. This view is totally incorrect. On multiple occasions, the Supreme Court has said that when time is not prescribed for performing an act, it must be performed within a reasonable time. One expects the Governor to be reasonable and therefore take a decision on the Bill within a reasonable time. Even though reasonable time is not defined, by no stretch of the imagination, it can be said that several months, if not years, would be reasonable time.

The recalcitrance of some Governors appears to be for political reasons, which is very unfortunate since the Governor is expected to be an elder statesman and above party politics. However, by injecting politics into the governor's functions, responsibilities and duties, the incumbent of the office not only demeans the office but also tends to demean his or her persona.

Withholding assent to a Bill for an indefinite period is not only a failure of some Governors, but there is also an instance of the Governor of a particular State declining to act upon a recommendation by the State Government to nominate members to the Legislative Council. In this case, the Cabinet's nominations were not acted upon for a couple of years. Is this in keeping with constitutional morality? If such conduct of the Governor of a State is allowed to go unchecked, a time may come when the Governor declines to administer the oath of office to a duly elected Chief Minister or Minister of a State. One can only imagine the consequences of such a situation arising which, given the present circumstances, does not appear to be beyond imagination.

In a few instances, another constitutional functionary showing a lack of constitutional morality is the Speaker of the Legislative Assembly. There are instances where petitions for disqualification of an elected member of the Legislative Assembly have remained pending with the Speaker under the anti-defection law, that is, the 10<sup>th</sup> schedule of the Constitution, for months together without being acted upon. On at least one occasion, this has compelled the Supreme Court to require the Speaker to decide within a reasonable period but to no avail. In a case pertaining to the State of Manipur, the Supreme Court was compelled to pass an injunctive order restraining an elected member from entering the Legislative Assembly until the Speaker decides on the anti-defection petition filed against him. Failure of the Speaker to act upon the decision of the Supreme Court, further compelled the Supreme Court to issue a follow-up direction making it clear that the member ceases to

be a Minister in the Cabinet of the State Government. While the political executive may criticise this as judicial overreach or judicial activism, the fact is that in the absence of the Speaker acting in consonance with constitutional morality, the Supreme Court has little or no option but to issue appropriate directions requiring adherence to the Constitution of India.

Unfortunately, the issue is live even today and we have a case pending in the Supreme Court in relation to the Speaker of the Maharashtra Legislative Assembly who, it appears has not taken a decision on the petitions for disqualification of some members of the Legislative Assembly within a reasonable time. Since the inaction of the Speaker is the subject matter of adjudication before the Supreme Court, it is not advisable to say anything more on the subject, except that constitutional morality, a recurrent theme advanced by Dr. Ambedkar seems to have been forgotten.

### **Conclusion**

To conclude, has the Constitution of India failed us or are we failing the Constitution of India? I find it necessary to answer this question in the words of Dr. Ambedkar and Dr. Rajendra Prasad when they spoke in the Constituent Assembly. I repeat their words in the context of constitutional morality which seems to have been ignored by some high constitutional functionaries.

Dr. Ambedkar had this to say on 25 November, 1949: "I feel, however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. The working of a Constitution does not depend wholly upon the nature of the Constitution. The Constitution can provide only the organs of State such as the Legislature, the Executive and the Judiciary. The factors on which the working of those organs of the State depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics."

Dr. Rajendra Prasad had this to say on 26 November, 1949: "Whatever the Constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. It is a trite saying that a country can have only the Government it deserves. Our Constitution has provision in it which appear to some to be objectionable from one point or another. .... If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country. .... We have communal differences, caste differences, language differences, provincial differences and so forth. It requires men of strong character, men of vision, men who will not sacrifice the interests of the country at large for the sake of smaller groups and areas and who will rise over the prejudices which are born of these differences. We can only hope that the country will throw up such men in abundance."

Seventy years later, we need to introspect and ask, whether the Constitution of India has failed us or whether we have been complicit in

closing the gates of power to men and women of strong character, men and women of vision, men and women who can rise above petty prejudices.

Please also introspect on the consequences of rejecting the basic structure doctrine, rejecting all the good work over the years in constructing the Constitution of the people, for the people and by the people, unreasonably limiting our fundamental freedoms and ignoring constitutional morality. Please also recall the principles that Gandhiji laid down for us to follow and I am confident you will not find it difficult to answer some of the questions framed earlier. Jai Hind.

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#### **Examples**

Books: Edward W. Said, *Orientalism* (London: Routledge & Kegan Paul, 1978), p.23.

Articles: Ramashray Roy, "Parameters of Participation", *Gandhi Marg*, 12, 3(October-December 1990), p.276.

Chapters within Books: Pearl S. Buck, "A Way of Living", in S. Radhakrishnan, ed., *Mahatma Gandhi: Essays and Reflections* (Bombay: Jaico Publishing House, 1956), p.51.

Internet Citations: Apart from name of author and article, include also the URL and date of download. For example: [www.un.org](http://www.un.org) accessed on 10 May 2006.

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