
UNIT 5 RIGHTS AND DUTIES

Structure

- 5.1 Introduction
 - Aims and Objectives
 - 5.2 Gandhi's Individualism
 - 5.3 Concept of Autonomy
 - 5.4 Individual and Satyagraha
 - 5.5 Satyagraha and Swaraj
 - 5.6 Rights and Duties
 - 5.7 Rights of Women
 - 5.8 Conclusion
 - 5.9 Summary
 - 5.10 Terminal Questions
- Suggested Readings

5.1 INTRODUCTION

The discourse on rights is linked with the rise of liberal individualism. The language of rights permeates and dominates all walks of modern political, social and economic life. In defining the proper relationship between the individual and the state, the philosophical defence of rights have assumed unparalleled importance in the modern political discourse exemplified in the philosophies of Rawls and Dworkin, the proponents of rights-based liberalism. The other streams including the Communitarianism do not emphasise on rights; yet individual theorists like MacIntyre and Walzer accord importance to individual rights. There is a general belief that rights secure liberty by protecting the individual against the state and other persons, even a majority, gives a person the shield against arbitrariness and tyranny. It safeguards the individual's private sphere ensuring that neither the state nor others can interfere without justification. Embedded in the concept of right is the acceptance of ideas of personal autonomy, individuality, liberty and human equality and, any denial or discrimination would have to have sufficient reasons. The concept is quintessentially anti-statist in nature, also the basis of Gandhi's perceptions and philosophy.

Aims and Objectives

After reading this Unit, you would be able to understand

- Gandhi's concept of rights and duties
- His concepts of individualism and autonomy
- Gandhi's vision of the individual's role in Satyagraha

5.2 GANDHI'S INDIVIDUALISM

Gandhi's suspicion of the modern state apparatus, his denial of the all-powerful state, his description of the state as a soulless machine and the supreme importance that he accords to the individual makes him an individualist par excellence. Iyer considers Gandhi as "one of the most revolutionary of individualists and one of the most individualistic of revolutionaries in world history". Writing in 1924, Gandhi declares that 'the individual is the one supreme consideration' and held on this belief right till the end of his life. He writes:

If the individual ceases to count, what is left of society? Individual freedom alone can make a man voluntarily surrender himself completely to the service of society. If it is wrested from him, he becomes an automaton and society is ruined. No society can possibly be built on a denial of individual freedom. It is contrary to the very nature of man. Just as a man will not grow horns or a tail, so will he not exist as a man if he has no mind of his own. In reality even those who do not believe in the liberty of the individual believe in their own.

Gandhi also does not lose sight of the fact that the individual is essentially a social being and in this sense his individualism is like that of T.H. Green. He is critical of unbridled individualism and considers it as unsuitable for social progress.

Unrestricted individualism is the law of the beast of the jungle. We have learnt to strike the mean between individual freedom and social restraint. Willing submission to social restraint for the sake of the well being of the whole society, enriches both the individual and the society of which he is a member.

Gandhi views society as an aggregate of individuals and that a society is incomplete if it does not cater to individual's self-development. The individual, for him, is not only a social person but also a moral one. Individual initiative enhances human dignity and also provides for a mechanism for resolving conflicts in a non-violent manner. He underlines the importance of common good without denying the pivotal role for the individual. He considers the individual as the bearer of moral authority vested with the moral law and duty (*dharma*) to judge the state and its laws, by the standards of truth (*satya*) and non-violence (*ahimsa*). His faith in the individual as the basis of a modern society is strengthened by his notion of relative truth.

Gandhi considers truth and God as inter-dependent and acknowledges the need to go beyond 'God is Truth' to 'Truth is God'. "In 'God is Truth', *is*, certainly does not mean 'equal to' nor does it mean, 'is truthful'. Truth is not an attribute of God, but *He is That*. *He is nothing if He is not That*. Truth in Sanskrit means *Is*. Therefore Truth is implied in *Is*. God is nothing else is. Therefore the more truthful we are, the nearer we are to God. We are only to the extent that we are truthful" (Gandhi, 1949, p.29). In view of the concept of relative truth and recognising the need for establishing some standard and that is human needs, Gandhi recommends non-violence (*ahimsa*) as truth differs from person to person and describes *satyagraha* as 'soul force'.

5.3 CONCEPT OF AUTONOMY

Gandhi's individualism is embedded in his notion of autonomy and is derived from his extensive view of power which he locates in the state, economy and society and in each individual. Within this framework he insists that everyone can and should take charge of his life. Accepting human dignity and worth as intrinsic goods, he is severe in his indictment of

colonialism and untouchability and interestingly, sees the seeds of degeneration that undermines and suppresses human dignity within Indian traditions. He emphasises that India got subjugated because of its moribund and repressive practices and stresses on the need for reforming the Indian society and in particular, Hinduism, by highlighting some of its inequities and discriminatory practices towards women, the lower castes and the untouchables. According to Gandhi, individuals make and remake their lives through their choices and action. The highest duty for Gandhi is to act morally, regardless of the consequences. The moral way to proceed is through non-violence. Since each person knows best about his moral project and the means to realise it in action, each one ought to be free from both domination and violence.

Gandhi's autonomous person is also a social person, never apart from the community to which he belongs and therefore he expects everyone to be concerned not only about their self-governance but also the autonomy of others. This, in a nutshell, is the meaning of '*swaraj*' or self-rule, a vision of India ruled by Indians with concern for the poorest, the destitute and the most vulnerable. Self-rule not only means end of British colonialism but also an end of other forms of domination such as untouchability and modernisation. '*Swaraj*', for Gandhi, is when Indians learn to rule themselves, individually and collectively. It means self-control and self-rule. Like Green, Gandhi seeks to "make life morally meaningful for all people and both viewed the community as held together not by compulsion but by the sense of a common interest or good". The individual has a soul while the state is a soulless machine "which can never be weaned from violence to which it owes its existence". The individual has the moral authority as he consistently pursues *satya* and *ahimsa* and hence his description of the individual as possessing a soul while the state is soulless. He accepts the state if it uses minimum of violence but the fear is always that the state may use too much violence against those who differ from it. His concern with the consequences of excessive centralisation of power makes him concede only a minimal role to the state. Decentralisation of power ensures greater chance for the collective pursuit of *satya* and *ahimsa*. He admits that state ownership is preferable to private ownership involving the exploitation of the masses, but in general he considers the violence of private ownership as less injurious than the violence of the state. In an enlightened anarchy 'everyone is his own ruler'. In an ideal state, there is no political power because there is no state. As this ideal is not realisable, he prefers a minimal state, like Thoreau, namely that government is best which governs the least. Gandhi limits the ambit of the state and focuses on the civil society and the role of the individual within it.

"I look upon an increase in the power of the state with the greatest fear, because, although while apparently doing good by minimizing exploitation, it does the greatest harm to mankind by destroying individuality, which lies at the root of all progress."

5.4 INDIVIDUAL AND SATYAGRAHA

According to Gandhi, as all states violate *satya* and *ahimsa*, "every citizen renders himself responsible for every act of his government. And loyalty to a capricious and corrupt state is a sin, disloyalty a virtue. Civil disobedience becomes a sacred duty when the state becomes lawless or, which is the same thing, corrupt, and a citizen who barter with such a state shares its corruption and lawlessness". Satyagraha is the moral right of every individual, a 'birthright that cannot be surrendered without losing self respect'. Gandhi describes *satyagrahi* as 'real constitutionalist' on the grounds that disobedience to evil laws is a moral duty and in disobeying and accepting punishment, he obeys a higher law. The

existence of injustice justifies political resistance and political protest is basically moral. "To put down civil disobedience is to imprison conscience. Civil disobedience can only lead to strength and purity". The state, for Gandhi, has no right to dehumanise or suppress the individual. "It is the inherent right of a subject to refuse or assist a government that will not listen to him". The individual citizen has the responsibility to uphold *satya* and practise *ahimsa* which cannot be relinquished or abdicated. Gandhi also accepts that a majority could be wrong and stresses on the fact that an individual, at all times, must have the power to veto over state action. A citizen, as stated by Antigone¹, must have the right to judge the state on the basis of higher law and like Socrates² must willingly accept the consequences of challenging the laws of the state. This is all the more necessary, according to Gandhi, as modern day states, including representative democracies augment greater power and violence and ignore truth. Like Locke and Jefferson, he believes that loyalty to a constitution and its laws need to be reviewed and affirmed once in every generation. He accepts the Lockean principle that political authority has to be judged and questioned, and, if necessary disobeyed.

Satyagraha demonstrates an intricate relationship between means and ends through a philosophy of action. In its approach to conflict, Gandhi does not seek a compromise but a synthesis, as a *satyagrahi* never yields his position which he regards as truth but he is prepared to accept the opponent's position, if it is true. By sacrificing one's position he does not make any concessions to the opponent but only to a mutually agreeable adjustment. Both parties are satisfied without either feeling triumphant or defeated as both do not compromise in course of the resolution of the conflict.

Satyagraha, for Gandhi, is based on a profound respect for law and is resorted to non-violently and publicly. The *Satyagrahi* willingly accepts full penalties, including the rigours of jail discipline as resistance is respectful and restrained, undertaken by law-abiding citizens. Gandhi insists that 'disobedience without civility, discipline, discrimination and non violence is certain destruction'. A *satyagrahi* accepts personal responsibility publicly. He must inform the concerned government official(s) about the time and place of the act, the reason(s) for protest and if possible, the law that would be disobeyed.

A *satyagrahi* cooperates not out of fear of punishment but because cooperation is essential for the common good. *Satyagraha* is resistance without any acrimony or hatred or injury to the opponent. A *satyagrahi* also suffers the consequences of resistance. As a person he owes it to himself to suffer, if necessary for his conscience and as a citizen, it is his duty to suffer the consequences of his conscientious disobedience to the laws of the state. A *satyagrahi* invites suffering upon himself and does not seek mercy. The following rules have to be followed in *satyagraha*: (1) self-reliance at all times; (2) Initiative in the hands of the *satyagrahis*; (3) Propagation of the objective, strategy and tactics of the campaign, (4) Reduction of demands to a minimum consistent with Truth, (5) Progressive advancement of the movement through steps and stages- direct action only when all other efforts to achieve an honourable settlement have been exhausted, (6) Examination of weakness within the *satyagraha* group- no sign of impatience, discouragement or breakdown of non-violent attitude, (7) Persistent search for avenues of cooperation with the adversary on honourable terms by winning over the opponent by helping him. There must be sincerity to achieve an agreement with rather than triumph over the adversary (8) Refusal to surrender essentials in negotiation and there must be no compromise on basic principles and (9) Insistence on full agreement on fundamentals before accepting a settlement.

Gandhi suggests on the need to follow these steps in a *satyagraha*: (1) Negotiation and arbitration, (2) preparation of the group for direct action- exercise in self-discipline, (3)

agitation – demonstration such as mass meetings, parades, slogan-shouting, (4) issuing of an ultimatum, (5) economic boycott and forms of strike- picketing, *dharna*, non-violent labour strike and general strike (6) non-cooperation, (7) civil disobedience, (8) usurping of the functions of government and should step 8 fail then resort to the last one, namely establishment of a parallel government by securing greatest possible cooperation from the public.

In 1930, Gandhi laid down a code of discipline that *satyagrahis* would have to adhere to: (1) harbour no anger but suffer the anger of the opponent, refuse to return the assaults of the opponent; (2) do not submit to any order given in anger, even though severe punishment is threatened for disobeying; (3) refrain from insults; (4) protect opponents from insult or attack, even at the risk of life; (5) do not resist arrest nor the attachment of property, unless holding property as a trustee; (6) refuse to surrender any property held in trust at the risk of life; (7) if taken prisoner, behave in any exemplary manner; (8) as a member of a *satyagraha* unit, obey the order of satyagraha leaders and resign from the unit in the event of serious disagreement and (9) do not expect guarantees for maintenance of the dependants.

For Gandhi *satyagraha* incorporates civil disobedience though it went beyond the pressure tactics associated with strikes and demonstrations to include moral, social and political reform (Dalton, 1982, p.148). *Satyagraha*, unlike civil disobedience, is resistance without acrimony or hatred or injury to the opponent. '*Satyagraha*', for him, is both a 'mode of action and a method of enquiry' (Bondurant, 1958, v). *Satya* is derived from the Sanskrit word *sat*, 'being', and means both truth and essence. For Gandhi, it means the continuous search of truth and also a means of resolving conflict by which a person comes to know himself and the process of his evolution. The idea of openness is embodied in *satyagraha*. Actions based on pre-conceived notions and marked by violence are characterised as *duragraha* and is similar to the forms of passive resistance.

Passive resistance may be offered side by side with the use of arms. *Satyagraha* and brute force, being each a negation of the other, can never go together. In passive resistance there is always present an idea of harassing the other party and there is a simultaneous readiness to undergo any hardships entailed upon us by such activity; while in *Satyagraha* there is not the remotest idea of injuring the opponent. *Satyagraha* postulates the conquest of the adversary by suffering in one's own person (Gandhi, 1928, p.179).

Satyagraha is coined during the movement of Indian resistance in South Africa to the 'Asiatic Law Amendment Ordinance' introduced into the Transvaal Legislative Council in 1906. At first, Gandhi called the movement passive resistance but realised that a new principle had crystallised as the movement unfolded. He then announced through the pages of his new newspaper, *Indian Opinion*, a prize for the best name to describe the movement. One competitor suggested '*sadagraha*' meaning firmness in a good cause. Subsequently it was changed to *satyagraha*, "a force which is born of Truth and Love or non violence"³. Iyer interprets it as following:

"Gandhi's analysis of civil disobedience conflated two separate notions –the natural right, the universal obligation of every human being to act according to his conscience in opposition, if necessary, to any external authority or restraint, and secondly, the duty of the citizen to qualify himself by obedience to the laws of the state to exercise on rare occasions his obligation to violate an unjust law or challenge an unjust system, and to accept willingly the consequences of his disobedience as determined by the legal sanctions of the state".

Gandhi's perceptions were determined by the British colonial traditions and the faith he had in the "British love of justice and fair play", mainly because of the British constitutional

practice of equality before law, not only of the British citizens, but for all. He idolised the British constitution because it guarantees both individual freedom and racial equality. Until the Jallianwala Bagh massacre, he was a loyalist of the Empire and was convinced that helping the Empire would qualify for *swarajya*, i.e. self-rule. His understanding of the British history and character led him to the use of the technique of *Satyagraha*. He opined that grievances could be redressed only if people demonstrate their willingness to suffer to get relief and cited the example of the British Suffragists for Indians in South Africa to emulate.

5.5 SATYAGRAHA AND SWARAJ

Satyagraha is inextricably linked with his notion of *swaraj* or self-rule or self-restraint. *Swaraj* would be attained through the method of *satyagraha* in which the individual through voluntary self-sacrifice and suffering achieves self-control, in other words self-discipline. For Gandhi, *swaraj* is attained when there is social unity in three major areas of the Indian society: among the untouchables and the various castes, between the Hindus and Muslims and narrowing the gap between the city and villages, the former urban, westernised and educated and the latter rural and illiterate. To be of service for the betterment of the ordinary people, an idea that Gandhi derived from Vivekananda, Tolstoy, ‘*Sermon on the Mount*’ and numerous texts and saints of the Indian tradition, is the quintessence of *swaraj*. *Swaraj* means “all around awakening-social, educational, moral, economic and political” (*Young India*, 26-8-1926, II, p.1231). Merely replacing British rulers with their Indian counterparts is Englishstan and not Hindustan, an “English rule without the Englishman, the tiger’s nature, but not the tiger” (1997, ch. IV).

By *Swaraj* I mean the government of India by the consent of the people as ascertained by the largest number of adult population, male or female, native born or domiciled, who have contributed by manual labour to the services of the state and who have taken the trouble of having registered their names as voters.... Real *Swaraj* will come not by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when it is abused. In other words, *swaraj* is to be obtained by educating the masses to a sense of their capacity to regulate and control authority (Gandhi, 1947, p.14).

Gandhi makes welfare of the masses, with fulfilment of their basic needs as basis of economic freedom, thus reflecting the inspiration that he derives from Ruskin. The India of My Dreams, as Gandhi envisioned, is the *swaraj* of the poor person. A truly non-violent state would be composed of self-governing and self-sufficient small cohesive village communities in which the majority would rule with due consideration to the rights of the minorities. It would be a participatory democracy whereby citizens have the positive freedom to “participate in the process of politics in every possible way, restricting its activities to the bare minimum,... it did not mean that the state was all-powerful, rather an intimate relationship should exist between the state and all its citizens”. *Satyagraha* is the glue that cements on one hand his ideal of enlightened anarchy and common good and on the other hand his ideals of individual autonomy and moral self-determinism. Like Thoreau, Gandhi stresses on the supremacy of the individual conscience against all claims of the state.

5.6 RIGHTS AND DUTIES

The crux of *Satyagraha*, for Gandhi, is in deciphering what one’s duty is. Gandhi speaks of rights in the context of duties and that is his distinctiveness; he considers ‘real rights as a result of performance of duty’ meaning, that all rights to be deserved and preserved as

rights is derived from duties which are performed well. Rights cannot be divorced from duties and that rights have to be exercised in the interests of all. The concept of duty, for Gandhi, is derived from the idea of dispassionate action which the *Bhagavad Gita* advocates. Unless one's action is performed with a degree of detachment one would not be free from the anxiety of its future consequences. He contends "if we are sure of the 'purity' of the means we employ, we shall be led on by the faith, before which any fear and trembling melt away". Non-attachment does not mean lack of clarity about the ends one desires to achieve. For Gandhi, the important thing is to get the people to do what they ought to do without offering inducements or threats or theological sanctions.

Interestingly, Gandhi accepts the core idea of right-based individualism, the dominant paradigm in contemporary political theory, namely human equality and moral worth of every person but rights are coalesced with the idea of duties, assigning individuals with responsibilities to lead a moral life and devote to the good of their community. He also supports the basic rights of those at the margins of society, namely women, untouchables and the vulnerable, who have been objects of domination and humiliation. According to him, Freedom is not being left alone but the freedom to cultivate love and service which he describes as the best feature of human nature. He champions equal rights for women and the right of everyone to make the choices they desire. He rejects ascriptive properties such as gender, class, birth, caste, education or nationality that can justify unequal treatment and disqualify some as moral agents.

For Gandhi any discourse of rights would have to focus on how persons are treated. He pays attention to the role of institutions or the way resources affect choices available for individuals, an aspect which most theorists on autonomy, with the exception of Raz, ignore. Another difference between Gandhi and conventional theories of autonomy is that for Gandhi, individuals are equal members of a harmonious and interdependent cosmos rather than abstracted selves. It is only through an association with others based on mutual respect and cooperation that persons become complete or achieve good. The community ought to be one that is open and tolerant of diverse conceptions of good and that its institutional practices do not hinder the pursuit of their good by ordinary persons. Gandhi considers duties as primary and considers the duty to act morally regardless of the consequences as the highest.

5.7 RIGHTS OF WOMEN

Gandhi speaks of equal rights for women. He wanted women and men to be complimentary to one another and insists that women and men differ but their differences cannot be the basis of women's subjugation and oppression. He wanted marriage to be one of partnership between two equals. He censured women if they imitated men and appealed to women to get out of their habits of pleasing men. Writing in 1927, in an address to women in Ceylon, now Sri Lanka, Gandhi remarks:

What is it that makes a woman deck herself more than a man? I am told by feminine friends that she does so for pleasing man. Well, I tell you, if you want to play your part in the world's affairs, you must refuse to deck yourself for pleasing man. If I was born a woman, I would rise in rebellion against the pretensions on the part of man that woman is born to be his plaything.

Gandhi sees the primary tasks of a woman in being a mother and a householder. Additionally a woman, according to Gandhi, is the repository of spiritual and moral values and a teacher

to man. A woman is the embodiment of suffering and sacrifice and it is for this reason that he considers her to be the best messenger of peace and non-violence. A woman is inherently more peaceful than a man. On these grounds he recommends separate education for women and men as women would make better soldiers than men in non-violent struggles. He credits his wife Kasturba and the black women in South Africa for helping him to evolve the technique of *satyagraha*. He considers the nature of women as being conducive to non-violent *satyagraha* based on *dharma*.

...woman is the incarnation of *ahimsa*. *Ahimsa* means infinite love, which again means infinite capacity for suffering. Who but woman, the mother of man, shows this capacity in the largest measure? She shows it as she is the infant and feeds it during the nine months and derives joy in the suffering involved.... Let her transfer that love to the whole of humanity, let her forget that she ever was or can be the object of man's lust. And she will occupy her proud position by the side of man as his mother, maker and silent leader. It is given to her to teach the art of peace to the warring world thirsting for that nectar. She can become the leader in *satyagraha* which does not require the learning that books give but does require the stout heart that comes from suffering and faith.

Gandhi's credit lay in the fact that under his stewardship women participated in large numbers in the nationalist struggle. Initially, in the 1920s he confined them to their homes and made them take up the spinning-wheel. Subsequently he allowed them picket liquor shops as he knew majority of women suffered at the hands of drunkard husbands. At the peak of the civil disobedience movement in the 1930s, he allowed them to join the salt *satyagraha*. Women played an important role in many of the humanitarian works that Gandhi undertook such as helping the poor, nursing, promoting *khadi*, spinning and weaving.

5.8 CONCLUSION

The distinctiveness about Gandhi's formulation is not only the acceptance of rights as central to individual well-being but also stressing on the performance of duties. He considers the two as inter-twined and that the realisation of one without the other is not possible as both pave the way for the fulfilment of common good. The underlying assumption of Gandhi to which he remains steadfast is the idea that the individual is a social person and that the essence of individuality is social self. The emphasis on duties emanates from his quest for building a humane society and conflict(s) would be resolved non-violently through adherence to truth or *satyagraha*. Duty, for Gandhi, is disinterested action which is performed without much attention to the result and one which morally conforms to the order of the Universe. Rights and duties lead to common good which is the basis of *swaraj*- self-rule, self-restraint, self-discipline and voluntary self-sacrifice and this in turn is based in the notion of individual autonomy and moral self-determinism. Gandhi, as a philosophical anarchist, stresses on individual claims against that of the state, with the aim that the individual armed with *dharma* or the moral law is the best to judge authority, take corrective steps if necessary through acts of *satyagraha*, and bring about common good with which his good is inextricably linked.

5.9 SUMMARY

Gandhi is unique in theorising about rights within the framework of duties. Rights cannot be divorced from duties and that rights have to be exercised in the interests of all. The concept of duty is derived from the idea of dispassionate action which the *Bhagavad Gita*

advocates. Unless one's action is performed with a degree of detachment one would not be free from the anxiety of its future consequences. Interestingly, Gandhi accepts the core idea of right-based individualism, the dominant paradigm in contemporary political theory, namely human equality and moral worth of every person but rights are coalesced with the idea of duties, assigning individuals with responsibilities to lead a moral life and devote to the good of their community. Accepting human dignity and worth as intrinsic goods, he is severe in his indictment of colonialism and untouchability and interestingly, sees the seeds of degeneration that undermines and suppresses human dignity within Indian traditions. Gandhi expects everyone to be concerned not only about their self-governance but also the autonomy of others. This, in a nutshell, is the meaning of '*swaraj*' or self-rule, a vision of India ruled by Indians with concern for the poorest, the destitute and the most vulnerable.

5.10 TERMINAL QUESTIONS

1. Explain Gandhi's concept of individual autonomy.
2. What is the role of the Individual in *Satyagraha*?
3. What is the link between *Satyagraha* and *Swaraj*?
4. Explain Gandhi's views on rights and duties.

SUGGESTED READINGS

Andrews, C.F., Mahatma Gandhi's Ideas, New York, Macmillan, 1930.

Bandyopadhyaya, J., Social and Political Thought of Gandhi, Bombay, Allied Publishers, 1969.

Bhattacharya, B., Evolution of the Political Philosophy of Gandhi, Calcutta, Calcutta Book House, 1969.

Bondurant, J. V., Conquest of Violence: Gandhian Philosophy of Conflict, Berkeley, University of California Press, 1967.

Chatterjee, M., Gandhi's Religious Thought, London, Macmillan, 1983.

Chatterjee, P., Nationalist Thought and the Colonial World: A Derivative Discourse, Delhi, Oxford University Press, 1986.

Dalton, D., India's Idea of Freedom, Gurgaon, Academic Press, 1982.

Haksar, V., "Rawls and Gandhi on Civil Disobedience" Inquiry, 19, 1976.

———, "Coercive Proposals: Rawls and Gandhi", Political Theory, 4, 1976.

Iyer, R. N., The Moral and Political Thought of Gandhi, Bombay, Oxford University Press, 1973.

Pantham, T and Deutsch, K., (ed), Political Thought in Modern India, New Delhi, Sage, 1986.

Parekh, B., Gandhi's Political Philosophy, Notre Dame, Notre Dame University Press, 1989.

Woodcock, G., Mohandas Gandhi, New York, Fontana, 1971.

(Endnotes)

Antigone is torn between two loyalties, that of her religion which commands her to bury the body of her brother while that of the state commands that his body be left unburied and unmourned, to be eaten by dogs and vultures. She obeys her conscience on the grounds that no ruler, however powerful, has the right to demand acts contrary to divinely ordained norms.

² A general reading of the *Crito*, a dialogue about the trial and death of Socrates, reveals that civil disobedience requires fulfillment of certain conditions. Its underlying assumption being the imperative obedience to the city, if one is reasonably satisfied with its laws. For Socrates, the entitlement of the state to obedience is because it confers benefits. Anticipating Locke, he argues that Athenian citizens ought to obey the laws of their city since they have freely consented to do so and obedience to the state is for three reasons: gratitude, consent and morality. He does not acknowledge any limits to an individual's duty. He does not consider the fact that person(s) accept benefits with certain assumptions and in the hope of certain reasonable expectations. If these are not fulfilled then obedience to the state is no longer tenable, though breaking or defying the law may undermine and eventually destroy the state, a proposition that is valid if the state is just. In case there are unjust laws, it is better to rectify it and make the state stronger and just. Socrates and Crito never discuss the justification of disobedience but rather the reasons for citizens' obedience to a city. Their answer is that if anybody remains in the city willingly, that demonstrates his readiness to comply with its laws. Disobedience is only permissible if vocalized by a superior authority, in that case, the latter's command overrides that of the city.

³ Passive resistance is used first by Bipin Chandra Pal (1858-1932) and became a part of the lexicon of his compatriots - Bal Gangadhar Tilak (1856-1920) and Aurobindo Ghosh - within the extremist movement.