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## UNIT 10 GANDHI'S VIEWS ON LIBERALISM AND CONSTITUTIONALISM

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### 10.1 INTRODUCTION

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As a political thinker, the articulation of the political discourses of Mahatma Gandhi appears to be unconventional. Adopting a rational and critical perspective in viewing the dominant ideological formulations of his times, Gandhi set on to scrutinise the theoretical propositions of such ideologies on the basis of his own understanding and convictions on the diverse issues of life. Given the punch line of the Gandhian thought and action as nothing but an incessant quest for truth, it was obvious for Gandhi to be receptive to all sorts of ideologies, customs, traditions and ways of life in order to look for an iota of truth in them that he could imbibe. However, such received ideas and ideologies were put on ruthless scrutiny on the criterion evolved by Gandhi on the basis of his own convictions rooted in his experiences. Thus, as Bhikhu Parekh points out, rootedness and openness are the two central ideas that may be taken as critical in grasping the views of Gandhi on numerous ideologies and systems of life in the world. And, in order to express his appreciation for the two, Gandhi famously declared that his house was protected by walls, but its windows were open to allow winds from all directions to blow through it and to enable him to breathe fresh air at his own pace and in his own way (Parekh, 1999, p.26) The political thought of Gandhi, therefore, appears to be product of a complex process of dialectics between rootedness and openness.

#### Aims and Objectives

After reading this Unit, you would be able to understand

- The meaning of the concepts Liberalism and Constitutionalism
- Gandhi's views on Liberalism and Constitutionalism

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## 10.2 UNDERSTANDING LIBERALISM AND CONSTITUTIONALISM

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In analysing Gandhi's views on liberalism and constitutionalism, the theoretical framework of rootedness and openness, as evolved by Bhikhu Parekh, appears to be quite useful. It represents the two broad spectrums in which the Gandhian thought on basic postulates of the ideology of liberalism and constitutionalism was articulated. However, this cannot be said to be true in case of other prominent political ideologies on which the views of Mahatma have been articulated in other sections of the book. For instance, the Gandhian views on fascism could not be articulated in the format of rootedness and openness given the absence of a direct exposure of Gandhi to the theory and practice of the ideology of fascism. But in case of liberalism and constitutionalism, the format of rootedness and openness applies to a great extent because the life and times of Gandhi was spent, more or less, in the colonial ambience which was conditioned primarily, if not totally, by the perspectives of liberalism and constitutionalism as understood and practised in the parent colonial country i.e. Britain. Hence, while the run of liberalism and constitutionalism appeared to have provided the perspective of openness, Gandhi's own experiences and childhood baptismation in the traditional Hindu religious and moral philosophy provided the perspective of rootedness in the evolution of the Gandhian thought. Therefore, in course of the evolution of his thought, Gandhi did not outrightly reject the ideals and values of liberalism and constitutionalism as alien and unworthy of emulation. Rather, he allowed the permeation of the core components of liberalism and constitutionalism in his thought process that were put to critical scrutiny by Gandhi on the basis of his own understanding of the values and ideals forming core of these ideologies. Eventually, therefore, what emerged out of the churning taking place in the mind of Gandhi may arguably be taken to be his views on liberalism and constitutionalism. This Unit attempts to elucidate the views of Gandhi on the dominant and interrelated ideologies of liberalism and constitutionalism as explained in the numerous writings and speeches of the Mahatma.

As a thinker, Gandhi's thought process was influenced by a number of factors ranging from his early religious upbringing, views of the thinkers and authors such as John Ruskin, Henry David Thoreau and Leo Tolstoy to his experiences of life both in South Africa and India. At the same time, he was also greatly influenced by the basic precepts of Christianity including the self-suffering of Jesus Christ, in addition to the views and ideas of a great number of thinkers, both Indian as well as foreign. However, before allowing these influences to mould his mind and heart to greater depth, Gandhi put the foundational aspects of these influences to critical scrutiny and evaluated the utility of such ideas in his quest for truth. Hence, the basic premises around which the intellectual discourses and explorations of Gandhi revolved appeared to be his search for truth. Whatsoever he found to be helpful in sustaining and furthering his unending search for truth, he adopted that to make it an inalienable part of his thought process irrespective of its source or ideological overtones. Gandhi's thought process, therefore, it may be argued, was moulded by his passion for experiments with truth in which he received, examined, modified and eventually accepted numerous heterogeneous ideas and principles provided it helped in his pursuit of seeking truth at any and all costs.

Before venturing to elucidate and examine Gandhi's views on liberalism and constitutionalism, it would be pertinent to discuss in brief the meaning and essence of the ideology of liberalism and constitutionalism. Conceptually, liberalism as a political philosophy refers to that stream of thought that developed in Europe in the aftermath of the breakdown of the

feudal order with the onset of a capitalist or market economy in its place. Drawing on the writings of numerous thinkers writing over many centuries, the core concern of liberalism appears to provide an intellectual justification for the capitalist society. Taking individual as the central element in the liberal social order, it seeks to limit the authority of government within the norms of positional formulations, in addition to safeguarding the basic liberties and rights of the people. The extension of the liberal argument in the political sphere led to the birth of democratic societies marked by periodic elections to elect the government through the active participation of the people. The core concerns of liberalism, despite having a number of varieties, may be taken to consist of the individual, freedom, reason, justice, toleration and diversity. Intimately interrelated with the ideology of liberalism, constitutionalism, as a philosophy, refers to a set of political values and aspirations that reflect the desire to protect liberty through the establishment of internal and external checks on government power. It is typically expressed in support for constitutional provisions that establish this goal, notably a codified constitution, a bill of rights, separation of powers, bicameralism and federalism or decentralization (Heywood, 2003, p.41) Ideologically, liberalism and constitutionalism stand in a symbiotic relationship with each other.

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### 10.3 GANDHI AND CORE CONCEPTS OF LIBERALISM AND CONSTITUTIONALISM

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Liberalism as an ideology is marked by a number of core concepts that reflect the basic values and ideals represented by it. Brought up in somewhat liberal atmosphere, it would have been natural for Gandhi to have imbibed certain liberal values and ideals. But the uniqueness of Gandhian thought process was that he did not imbibe the liberal value system without putting them to severe scrutiny in accordance with his own convictions and value system. In this process, he sometimes transcended the limits set by the liberal philosophy on certain aspects of life and modified the idea to a great extent to make that congruent with his own values and ideals. Gandhi went for only those ideas of liberalism that he found worth imbibing and modified the others to the extent needed to make that consistent with his own understanding and appreciation of those aspects of life. This section provides a brief discussion of the nature of some of these core concepts and the views of Gandhi on them.

**Individual at the Core:** The basic premise on which the entire structure of liberal ideology is constructed appears to be the idea of individual. In fact, this has been the starting point for the genesis and development of the liberal philosophy as in its opposition to the decaying feudal order, the liberals argued for the primacy of individuals in society whose interests must be protected by way of constitutional government. However, different variants of liberalism have viewed the nature and place of individuals in society differently, ranging from isolated atoms to that of the proprietor of his own person or capacities, owing nothing to society for them to further that of individuals being responsible participants in social activities and ready to partake their possessions for the welfare of the masses. Though the liberal perception of individuals as the central feature of any social formation was agreed upon by Gandhi, his idea of individuals differed from the liberal perception in two fundamental ways. One, Gandhi had firm belief in the notion that individuals, despite having an independent standing of their own in society, need to be congruent with the dynamics of social life. While they could retain their personal volitions intact in order to carry out self-purification measures, they need to be part and parcel of the social system and shoulder the responsibilities coming in its wake for the sake of the well-being of others. Two, Gandhi did not subscribe to the

view of some liberals that certain natural rights of the individuals such as the right to property should be zealously protected to its maximum length in order to provide for ample opportunities to the individuals to develop their self to the maximum possible. Gandhi was a believer in the notion of 'everyone according to his need, and to nobody according to his greed'. Gandhi, therefore, despite standing by the notion of individuals being prime component of social life, did not go too far in protecting his individual possessions even at the cost of the other individuals in society. Such an articulation of the nature of individuals in society appears to be in consonance with the Indian value system of balancing the status of individuals with the dynamics of the social needs.

**Notion of Freedom:** In liberal philosophy, the next in order of priority after individual comes the idea of freedom. Given the changing nature of liberal ideology, freedom has been perceived by different liberals differently. The negative liberals conceptualised freedom in terms of absence of restraints under which the individuals were supposed to do anything and everything if they deem fit that doing so would enhance their individual developments. However, positive liberals theorised the concept of freedom in a more restricted manner by arguing for reasonable restrictions being put on the enjoyment of freedom to the extent of protecting the interests of fellow individuals and community as well. But Gandhi's conceptualisation of freedom offered an altogether new perspective drastically different from the liberal understanding. In other words, while liberals defined freedom in terms of functional independence of an individual in relation to society, Gandhi conceptualised freedom of an individual in relation to oneself. He pointed out that the enjoyment of true freedom lies in being true to oneself, living by one's own volition, obeying the commandments of one's own self and listening to the inner voice of one's own heart. It represents a thorough introspection within oneself to find out the true nature, inherent possibilities and limits of one's self and thereby deciding the course of action of one's life. Hence, Gandhi argues that freedom lies in living a life of one's own volition designed after serious thought being given to one's personality, orientations and limits within which one's forays in life can be made.

**Equality:** Having radically altered the liberal vision of freedom, Gandhi did not accept the idea of equality as defined in the liberal lexicon. To liberals, equality lies in the availability of equal opportunities and conditions of life for all under equal circumstances in which everybody would seek to choose amongst the various options available to him or her. But Gandhi found such an understanding of the concept of equality quite restraining and unreflective of the essence of true equality as needed both for the individuals as well as society. He outrightly rejected the liberals' argument that the concept of equality is comparative, contractual, competitive and individualistic. Instead, Gandhi argued for the interdependent nature of human society in which one person was seen to be dependent upon others for the fullest enjoyment of one's self given the cooperative mutuality of most of the ventures of life. To Gandhi, equality lies in the right of every individual having full access to his or her community's social, economic, political, cultural, moral and other developmental resources with a view to develop his or her potential to the full without being constrained by unavailability of such facilities. Gandhi was vehemently opposed to the abstract conceptualisation of equality as the opportunity to develop one's self in accordance with his inherent nature. He noted that equality can be realistically realised only in terms of the concrete resources available to individuals as part of his or her community life the enjoyment of which could have afforded the person avenues to develop his life in the desired direction and to the highest level. Hence, Gandhi's views on equality appear to be a break from the liberal conception which defines equality in terms of equal opportunities in abstract sense without reference to the material resources of the community.

**Rationality:** Gandhi had an argument with regard to the ideology of liberalism on the issue of rationality as well. Given the rise of liberalism in the wake of rational and critical thinking embedded in Enlightenment, rationality emerged to be the core concept of liberal philosophy calling for rational thinking permeating all aspects of life. The value of rationality was so much emphasised that it became a sort of dogma in the liberal philosophy. However, Gandhi did take the value of rationality at its face value and offered an alternative non-rationalist notion of rationality. As Bhikhu Parekh argued, “[A]lthough, he took a rather narrow view of reason, he rightly argued that it was not the only valuable or even the highest human faculty. This enabled him to cherish and champion faculties, modes of cognition, forms of knowledge and styles of reasoning and discourse that are often devalued in a narrowly positivist world-view, and to create a theoretical and moral space for traditions, intuitions, collective wisdom and feelings” (Parekh, 1997, p.118). Gandhi, thus, afforded ample space for one’s sentiments, emotions, customs, traditions and experiences of life to derive one’s rationality in contrast to the straight-jacketed idea of rationality propounded by the liberal theorists. Moreover, Gandhi’s conviction was that each culture, civilisation, religion and morality carried their own belief systems and taboos, therefore, it was natural for different people to have a varying vision of what constitutes right or wrong for that particular society. Rationality, to Gandhi, therefore, cannot be an absolute idea whose understanding can be appreciated in a positivist mode. It must be allowed to be a flexible notion whose operationalisation would depend on the particular context in which it was conceptualised depending upon the particular beliefs, traditions, cultures and value systems prevailing in that society and at that time.

**Rights and Duties:** The concepts of right and duty also underwent subtle transformations at the hands of Gandhi in the course of their articulation. Undoubtedly, the idea of right has been a cardinal principle of liberal philosophy as it was this notion based upon which the whole body of thought arguing for limits on the power of state in the middle ages was called for by the early liberal philosophers. The notions such as natural right to life, liberty and property, apart from the slogan of liberty, equality and fraternity emerged to be the war cry of liberals in their opposition to the feudal order prevailing in Europe in the medieval times. Though over the years, the idea of ‘right’ underwent various reformulations, its centrality as the core concern of liberalism still remains intact. But in Gandhi’s view, the liberal notion of right is faulty even after its moderation at the hands of the positive liberals. To Gandhi, right cannot be understood in absolute and isolated terms. Despite giving due weightage to the right as the core possession of the human beings, he argued for the balancing of rights with the concomitant duties that need to be an alienable part of the discourses on right. He argued that right can be enjoyed in a socially meaningful and responsible manner only if it is packaged along with the idea of duty. Indeed, it was the submission of Gandhi that right need not be desired but deserved by the individuals in which case it would be enjoyed by him or her in a socially useful manner. He refuted the tendency amongst certain people to crave for right without being ready to shoulder the concomitant duty coming with it. To Gandhi, such a lop-sided view of the idea of right would put unmitigated pressure on social relations as a result of which the fine balance of social interactions amongst various people could be disturbed.

On the issue of toleration also, there appears to be discord between the standard liberal view and the views of Gandhi. Keeping in view the centrality of toleration as the key element of liberal philosophy, at times, liberalism has been defined as a political ideology in which there appear infinite possibilities of resolving competing conflicts amongst various sections of society in an amicable and tolerant manner. In other words, unlike Marxism that

believes in the irreconcilability of class interests in society as articulated in terms of the interests of workers and capitalists, liberals believe that there are no competing interests in society that cannot be reconciled. They argue for the toleration of interests of each other even to the extent of compromising on the basic amenities of others. But Gandhi's appreciation of the liberal concept of toleration was limited only to the extent of its acceptance of peaceful methods of settling disputes in society. Gandhi did not favour the essence of the liberal concept of toleration as he noticed that such an understanding was maligned by an iota of bargaining and adjustment even without convincing one's mind and heart of the virtue of such a deal. Alternatively, Gandhi suggested that the idea of toleration should be elevated to the level of goodwill amongst the competing parties so that once they agree to surrender some part of their belongings for the sake of peace and order, they need not repent for that in their mind or heart. To Gandhi, toleration should not be accepted in terms of some kind of deal struck to arrive at some conclusion through which though peace is maintained, but both the parties remain unsatisfied. Such a status would sooner or later result in the re-emergence of the dispute. Hence, Gandhi argues for the conversion of the idea of toleration into the positive value of goodwill in which both the interests are accommodative of each other's wishes in a cordial manner having a lasting solution for the problem.

**Concept of Justice:** Like liberalism, Gandhi was also a firm believer in the value of justice as an ideal for civilised life. But he was apprehensive that the liberal overemphasis on the ideal had converted the operational part of the concept into a legalistic, competitive, dogmatic and narrowly redistributive notion of jurisprudence. Thus, instead of becoming a virtue whose operationalisation should have been at the level of inculcation of sense of justice amongst the common people, it has turned out to be merely a legalistic idea whose administration has become domain of the judicial system of a country. Gandhi was very clear that the concept of justice must be elevated to the level of a moral virtue whose proper realisation must be at the level of ingraining in the minds of the people the value of respect and responsibility for each other. Gandhi did not believe that justice in society can be established through the mechanism of state apparatus as it would be too ephemeral and superficial to have lasting and deep impact in the minds of the people. Such a notion of justice would in fact become a game of one-upmanship given the competitive nature of the idea. In such a scenario, the availability of justice would become a privilege of the lawyers who would decide as to what side of justice needs to be given to the party. In other words, the lawyers with their exclusive right to argue the cases in the court of laws would decide as to what justice was and what was not. Hence, Gandhi presented the alternative of conceptualising justice in terms of a notion whose vitality would be grounded in the larger values of human fellowship and solidarity as reflected in their daily behaviour of life.

Gandhi was appreciative of the liberal notion of citizenship as it entailed a distinct space for the people of a country with accompanying rights and duties in public sphere of their existence. However, Gandhi did not agree with the narrow and lop-sided understanding of the idea of citizenship in the liberal scholarship. He pointed out that the two fundamental flaws with the liberal idea of citizenship are its restrictive connotation and overemphasis on political dimension. In other words, Gandhi was apprehensive of the fact that a narrow definition of the idea of citizenship might create an unwarranted differentiation amongst the different people living in a country. The issue of others would become so prominent in the militant sections of society that the social cohesion might be in danger. Instead of having a legal notion of citizenship, Gandhi stood for social citizenship in a country in order to give each citizen ample opportunity to participate in the socio-economic and political processes of community life. Similarly, Gandhi was also not comfortable with the understanding of the

concept of citizenship in predominantly political sense as that would have jeopardised the basic essence of the concept of citizenship. Therefore, Gandhi suggested that conceptually the idea of citizenship need to be grounded in the holistic comprehension of the life of people encompassing not only political domain in terms of participation in political processes but also over-spilling in other domains of life as well. Such domains would necessarily consist of the personal virtues like self-discipline, social responsibilities such as concern for others, and moral dimensions like not only caring for the well-being of self but also understanding the needs and aspirations of other people as well.

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## 10.4 CONSTITUTIONALISM

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Besides the core value systems of liberalism, the views of Gandhi on various dimensions of constitutionalism also deserve proper attention. Undoubtedly, Gandhi was a believer in the liberal democratic constitutional system of government rooted in the active participation of the common people in the affairs of the state. But Gandhi, in his long though indirect experiences of the working of the British democratic system and its key components such as Parliament, was convinced of the numerous fallacies dogging the system. For instance, Gandhi was fiercely opposed to the conversion of constitutional government in a kind of ritual in which the periodic elections would produce a body which might have been unrepresentative of the views of the people. To Gandhi, such kinds of governments would have become democratic only in name as the absence of active participation of people in the political processes would devoid such a government the much desired legitimacy and would not reach out to the pulse of the common people. Thus, Gandhi was opposed to reducing the idea of constitutional government into a mere formality without substantive representation of the opinion of the people in the electoral process. Moreover, Gandhi also did not support notion of the British parliamentary system that the body is supreme to take any decision concerning any matter of British society and its people. Gandhi had famously branded the British parliament as nothing more than a prostitute who was ever ready to serve different masters depending on the exigencies of time. Thus, Gandhi was opposing the technical incarnation of the British parliament as he thought that being representative body of the British people, the parliament must also carry the moral weight of safeguarding both the material and moral interests of its electors. Alternatively, Gandhi wished the British parliament to act as the conscience-keeper of the masses in Britain.

The Gandhian conception of the idea of constitutionalism appeared to go beyond the instrumental value of the concept to provide it an ethical and moral value in order to become the vehicle of an orderly and public-spirited government in the true sense of the term. Gandhi never accepted the narrow understanding of the concept of constitutionalism as a form of government governed by the provisions of a constitution. To him, such kind of ideas did not differentiate between totalitarian and democratic forms of government as a constitution could exist in both the systems. In fact, in present times, no country in the world could have been found to be functioning without having some sort of legal document which might have been described as its constitution. Hence, reducing constitutionalism to mere existence of a constitution was a kind of mockery of the whole idea of constitutionalism for Gandhi. Taking a broader view of the idea of constitutionalism, Gandhi, therefore, argued for conceptualising constitutionalism in such a way that it truly reflects the basic ethos and essence of constitutionalism in letter and spirit. Such a conception of constitutionalism would have been possible only in case of focusing upon two critical components of the notion. One, the technical aspects of constitutionalism such as a codified constitution, a bill of rights, separation of powers, bicameral nature of legislature, decentralisation of powers, proper



functioning of the doctrine of checks and balances and efficient functioning of various organs of government must be in place in order to avoid any kind of misbalance in the proper functioning of the constitutionally ordained bodies and institutions. Two, and more importantly to Gandhi, the theory of constitutionalism must be operationalised in such a form that the various institutions of government should feel morally motivated to remain within limits in discharging their duties and the norms of constitutionalism be embedded as a high moral order in society. Thus, to Gandhi, the theory and practice of constitutionalism could never be evaluated in terms of technicalities of the matter. Rather, it needs to be assessed keeping in mind the operational dynamics in which the moral force behind the proper functioning of various institutions and organs of government need to be emphasised.

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## 10.5 AN OVERVIEW

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In conclusion, an exploration in Gandhi's views on liberalism and constitutionalism appears to be a study in examining and retrofitting the moral foundations behind the legalistic orientations in the key concepts of the ideology. Given the upbringing of Gandhi in the liberal political order as prevailed in Britain, it was natural for Gandhi to have a first hand experience of the theory as well as practice of the ideology of liberalism and constitutionalism. However Gandhi's religious and moralistic influences, as evident in most of his formulations, could not reconcile with the predominantly legalistic overtones in the main body of liberal philosophy. Therefore, the main thrust of Gandhi's views on liberalism and constitutionalism have been nothing more than a critique of the theory for lacking a moral vision behind its key concepts on the one hand, and refurbishing its fundamental foundations with moral justification, on the other. But such an assertion may appear superficial if one looks at the basic dichotomy behind the understanding of liberalism by Gandhi and by the proponents of the theory itself. Historically, the rise and growth of liberal political philosophy in Europe was preceded by the dismantling of the decaying feudal economic order and its gradual replacement by the incipient capitalism. It was realised at that time that capitalism might not be able to be a viable economic order in place of feudalism unless it was not backed by intellectual explanations of its numerous operational principles. Thus, it was in this background that liberalism emerged as a solid philosophy to intellectually explain and justify the fundamental tenets of the capitalist system. Thus, it was obvious that liberalism found itself more as a philosophy of capitalist class to protect their class interests rather than aiming at bringing about a moral regeneration amongst the masses. As a result, the basic concepts of liberalism looked more like providing a legalistic, contractual, competitive, bargaining and serving class interests. Even the sense of accommodation in the doctrines of liberalism was prevalent only that much which was needed to keep the socio-economic and political order intact without putting it at risk of greater and sudden upheavals. Such one sided and seemingly self-driven postulates of liberalism could not convince Gandhi who was a moralist to the hilt and who gave predominance to ethical foundations of a theory over and above its legalistic or mechanical components.

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## 10.6 SUMMARY

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Gandhi provided some sort of improvisation in the theory of liberalism keeping in view the moralist imperatives of the ideology. But it must be pointed out that Gandhi's brush with liberalism did not end just there. He also tried to detect the problem of over-abstraction in many key components of the theory of liberalism. For instance, the notion of justice as articulated in the domain of liberal theory appeared quite over-abstracted to Gandhi. He



found that the whole idea of justice was philosophised in such a way that its operationalisation could not be brought on the ground and the presence or absence of just order in society was assessed with reference to its existence either in the court of law or in the structuring of institutions of governance in a country. Hence, Gandhi criticised such an abstract notion of justice and called for the operation of justice in terms of deep rooting it in larger values of human fellowship and solidarity. Gandhi tried to enrich the ideology of liberalism and constitutionalism by imbuing them with ethical and moral perspectives.

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## 10.7 TERMINAL QUESTIONS

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1. What do you understand by Liberalism and Constitutionalism?
2. Write a note on Gandhi's views on Constitutionalism.
3. Write short notes on :
  - (a) Concept of Justice
  - (b) Notion of Freedom

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## SUGGESTED READINGS

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