

# Mahatma Gandhi's Autobiographical Narration of the Law

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Mahatma Gandhi (1869–1948) is back in the limelight. Helped not least by the many activities on his 150<sup>th</sup> anniversary in 2018, he is celebrated as a global icon of peaceful resistance and a politics without violence, but also as a major figure in the construction of Indian identity even today. Trained as a lawyer, he developed his life's philosophy and politics in the colonial and postcolonial geographic triangle formed by India, Britain and South Africa. The full complexity of this setup between East and West, tradition and modernity, and many further dilemmas to boot, is illustrated in the hesitant and ultimately highly sophisticated narrative of his autobiography. This text testifies to his life-long struggle to learn, understand and make use of or 'practice' the law; but his autobiographical narration and his concept of the law are also caught up in the (post)colonial East-West divide. The narrative thus has an unparadigmatic and uneasy fit with either side, a circumstance that might also lend the text its greatest interest today. This essay will discuss experiences with the law as Gandhi presents them in his autobiography.

## *1. Gandhi's Unease with Genre*

From a narratological point of view, autobiographies are characterized by the fact that the narrator professes his identity with the author who is the subject of the narration; that is, the narrator narrates his or her own life. In Genette's terms, autobiography is the 'highest degree' of a homodiegetic narration, namely the autodiegetic; Stanzel calls the texttype "autobiographical first-person narration" and Cohn "self-narration" (Löschnigg 2019, 104). Autobiography sounds, at first glance, as the most unproblematic and straightforward case of narration, since what could potentially be closer and better known to the storyteller than the narrator her- or himself? And who could be better placed to tell that story as the narrating self? Troubles start, however, with the problem that, as Martin Löschnigg puts it, "there are no textual criteria which allow the reader to distinguish between 'fictional autobiography' of the *David Copperfield* (1849/50) type and the autobiography of a really existing (historical) person." Even Löschnigg's suggestion to use the paratextual "onomastic (non-)identity of author and narrator" (104) as a kind of fictionality/factuality criterion is not fool-proof: (non-)identity may be just as much a part of the fictional setup as

are asseverations that a particular text is “the true story of” – a phrase which readers of eighteenth-century novels will be particularly familiar with. Much of this modality management between reality and fiction, of the big grey area in between and of the postmodern dissolution of the binary differentiation, happens in the writers’ and readers’ minds, as Philippe Lejeune has formalized it in the legal image of the “autobiographic pact” (Philippe Lejeune 1989).

Similarly, Monika Fludernik’s (1996) description of the development of narrative is a caution against any intuitive simplification of autobiography’s narrative setup, when she points out:

First-person narrative of course relates back to narratives of personal experience, a model from oral storytelling that has developed into autobiographical proportions. Autobiography itself is actually a fairly late development, long preceded by the third-person form of the *Life*. This is not surprising, after all, since people may easily tell of their adventures, their particular experiences at one point or another, but to write one’s own life requires a sustained Augustinian effort to construct from the random succession of remembered scenes (the material of narratives of personal experience) that well-structured tale with teleological shape. *Other* people’s lives, paradoxically, are knowable and tellable much more easily, and therefore surface as a genre soon after prose takes over. (Fludernik 1996, 47)

Although Fludernik’s underlying historical teleology from less to more well-structured narration is debatable, her point against any assumption of a privileged access to, and easier narration of, the subject presented in autobiographies is valid. This is why Fludernik’s own narratological approach centred on the concept of “experientiality” has become widely accepted as a more viable approach to autobiographical narration (Löschnigg 2019, 106), as she assigns a “crucial role” to consciousness, which “both mediates narrativity and constitutes one of its signifiers” (Fludernik 1996, 374). As Martin Löschnigg has it, further recent narratological research on autobiography has foregrounded “the selective dynamics of memory” involved in the autobiographical narrative as well as its epistemological function. It is seen either from a constructivist angle as constituting an identity which, outside of the narrative, would not exist (Jerome Bruner and others), or, following Paul Ricoeur and Alasdair MacIntyre, as mirroring of an experience which in and of itself is already narratively structured.<sup>1</sup> With these complications in mind, it is unsurprising that scholarly interest in autobiography has risen in the recent context of postmodernism and poststructuralism with whose central issues and conundrums it seems to resonate particularly well.<sup>2</sup>

When he set out to write his autobiography, Gandhi was keenly aware of the narrative complexities that his venture entailed. In the introduction, Gandhi

<sup>1</sup> See Löschnigg (2019, 107).

<sup>2</sup> The most comprehensive scholarly consideration of autobiography to date has now been presented in De Gruyter’s three-volume *Handbook of Autobiography/Autofiction* (2019) edited by Martina Wagner-Egelhaaf.

reports doubts about his writing an autobiography as advanced by one of his friends who had asked him:

Writing an autobiography is a practice peculiar to the West. I know of nobody in the East having written one, except among those who have come under Western influence. And what will you write? Supposing you reject tomorrow the things you hold as principles today [...], is it not likely that the men who shape their conduct on the authority of your word, spoken or written, may be misled? (2018, 44–45)

This identification of autobiography as a specifically Western tradition is still underwritten in Georges Gusdorf's classic article "Conditions and Limits of Autobiography," first published in French in 1956, when he wrote with special reference to Gandhi:

First of all it is necessary to point out that the genre of autobiography seems limited in time and space: it has not always existed, nor does it exist everywhere. [...] it would seem that autobiography is not to be found outside of our cultural area; one would say that it expresses a concern peculiar to Western man [sic!], a concern that has been of good use in his systematic conquest of the universe and that he has communicated to men [sic!] of other cultures; but those men will thereby have been annexed by a sort of intellectual colonizing to a mentality that was not of their own. When Gandhi tells his own story, he is using Western means to defend the East. [...] the concern which seems natural to us, to turn back on one's own past, to recollect one's own life in order to narrate it, is not at all universal. It asserts itself only in recent centuries and only on a small part of the map of the world. (1980 [1956], 28–29)

I have provided this extensive quotation, as Gusdorf's text is, of course, in itself a richly layered historical document which would merit, but cannot be given, extensive comment here, sandwiched as it is between an awakening postcolonial attitude on the one hand and what could be called a meta-colonial and gender-insensitive approach on the other. It is now received wisdom that, historically speaking, both Gandhi's friend and Gusdorf were patently wrong. As the respective surveys in vol. 2 of the De Gruyter *Handbook* amply document,<sup>3</sup> autobiographic writing has globally been a wide-spread practice of great historical depth. It is by no means restricted to the West, but manifests itself in most other parts of the world. Angelika Malinar (2019a) is surely right in specifically summarizing the Indian situation as follows:

Autobiographical writing in India has a considerable classical and medieval as well as colonial modern past, and the trajectories linking it with the literature in the post-colonial period still need to be explored in greater detail. (982)

When taking up the doubts of his friend regarding the wisdom of his choice of genre, Gandhi probably did not have an awareness of the wider literary historical background; he will repeatedly confess in his life story that his upbringing had not made him a widely-read man to start with. But when we consider that he was writing in Gujarati, as Gandhi did, the innovative impact of the

<sup>3</sup> See the surveys for Asia and Africa in vol. 2 of the *Handbook*.

genre stands out. In his introduction to his edition of the *Autobiography* (2018), Tridip Suhrud points out that Gandhi had few precedents. The first of only two earlier autobiographies in Gujarati identified by Suhrud appeared in 1866 and composed by the journalist and historian Narmadashanker Lalshanker Dave (1833–1886). Dave explicitly states that, by means of his publication, he hoped “to institute the practice of writing autobiography which does not exist among us” (quoted in Suhrud 2018, 15), an intention Suhrud cast within a wider “impulse to modernize the literary culture” in mid- to late-nineteenth-century India.

Leaving aside for a moment the question of Gandhi’s generic innovativeness, we also need to take into account his own justification in answer to his friend’s doubts. He first of all seems to sidestep the issue when he writes: “But it is not my purpose to attempt a real autobiography (*ātmakathā*),” or, in Suhrud’s translation, “But, do I intend to write an autobiography?” (45). Gandhi then explains: “I simply want to tell the story (*kathā*) of my numerous experiments with truth, and as my life consists of nothing but those experiments, it is true that the story will take the shape of an autobiography (*jīvanvṛttānt*).” (45) It has to be noted that the word Gandhi uses here in the first sentence in Gujarati is *ātmakathā*, “the story of a soul,” as Suhrud points out, and that he contrasts it with *jīvanvṛttānt*, “chronicle of life or autobiography,” regretting that this distinction gets blurred by the undifferentiated rendering of both terms as “autobiography” in the translation (17). The two terms are connected, as Malinar observes, by the concept of *kathā*, story; the text is the story of his experiments with truth with an emphasis on “a certain sequence and connectedness of the narrated events” (Malinar 2019b, 1710). This emphasis is further confirmed by Suhrud’s observation that it is only the English title “An Autobiography or The Story of My Experiments with Truth” that puts the autobiography first, whereas the Gujarati original starts with the “Experiments” and has “An Autobiography” at the end of the title, thus originally foregrounding the story line of the experiments and adding the generic marker as a kind of afterthought.

But what does Gandhi’s statement imply? First of all, this can, of course, be seen as a strategic move to assuage the apprehensions of a friend with evident traditionalist and anti-Western leanings. When we look more closely at the history of the genre of autobiography and what it had come to stand for in the Indian context at the time, Gandhi is also making a more sophisticated point which reveals his high sensitivity to generic meaning, to what Hayden White would call (after Louis Hjelmslev) the content of the form. Gandhi’s subsequent apologetics show his keen awareness of the potential misconstrual that his autobiography might be read as an exercise in self-aggrandisement. This is why he emphasizes that it is not his politics and achievements he wants to narrate, but his spiritual quest:

If the experiments are really spiritual, then there can be no room for self-praise. They only add to my humility. [...] What I want to achieve – what I have been striving and pining to achieve these thirty years – is self-realization, to see God face to face, to attain *moksha* [fn.: “freedom from birth and death”]. (2018, 45–46)

This is also why Gandhi distances himself from the title Mahatma which he had been assigned by that time: “Often the title [Mahatma] has deeply pained me; and there is not a moment I can recall when it may be said to have tickled me” (45). He does not write as the “Great Soul” or, in the European equivalent, “Saint” (Mahatma), but as a seeker after truth and his text is the story of this search.

How then does Gandhi describe this search? He integrates the motif of a spiritual quest for truth which he identifies with God (47), within a modern, scientific research narrative. The aim is *moksha*, a concept which unites the kenotic paradox of complete dissolution of the self with its fulfilment and plenitude. The way to reach this goal, which is yet unachieved at the time of writing the autobiography, is a serial narrative of scientific experiments of the self. With his spiritual quest motif, Gandhi harks back to an earlier tradition of autobiographies in the line of Augustine’s *Confessiones*; in the Islamic tradition, to Muḥammad al-Ghazālī’s eleventh/twelfth-century *Deliverance from Error and Attachment to the Lord of Might and Majesty*; or to later similar narratives like John Bunyan’s *Pilgrim’s Progress*. In these spiritual texts the focus was not on the individuality and personality of the narrated subject, but on the progressive insight into and recognition of the divine. Gandhi claims that the “passion for truth was innate in me” (66) and the narrative is, as Philipp Holden (2008) describes it, not so much the “‘development,’ characteristic of modern autobiography, in which the self is formed through interaction with the world,” but of “what Weintraub calls ‘unfolding’ in which the life is seen as developing according to an overall principle” (75).<sup>4</sup>

In this sense, Gandhi does not step out of the long tradition of autobiographical writing, but is deeply immersed in its early, spiritual variant. As Bhattacharjee (2018) comments: “The spirit that Gandhi borrows from his Christian /Western predecessors is that truth is very much the higher-order or master narrative that *orders* the narrative of the self/soul.” Except that the predecessors of such spiritual autobiography are by no means only Western or Christian, Bhattacharjee is right in identifying a master narrative coming from this older autobiographical tradition. And it is this master narrative that holds together the other, modern side of the story to be found in his concept of a series of experiments with truth. Here Gandhi resorts to the principle of modern science as he understood it, casting his life as a series of experiments based on testing and falsifying concepts, strategies and theories – in his case, the one grand master theory of the pursuit of Truth:

<sup>4</sup> His Weintraub quotation is from: Weintraub (1975, 830, 832).

Far be it from me to claim any degree of perfection for these experiments. I claim for them nothing more than does a scientist who, though he conducts his experiments with the utmost accuracy, forethought and minuteness, never claims any finality about his conclusions, but keeps an open mind regarding them. (Gandhi 2018, 47)

And for this purpose he chose the genre of autobiography:

If I had only to discuss academic principles, I should clearly not attempt an autobiography. But my purpose [is] to give an account of various practical applications of these principles [...]. These will of course include experiments with non-violence, celibacy and other principles of conduct believed to be distinct from truth. But for me, truth is the sovereign principle, which includes numerous other principles. This truth is not only [...] the relative truth of our conception, but the Absolute Truth, the Eternal Principle, that is God. (47)

This is in a nutshell why Gandhi needs autonarration for his experiments: they are not purely academic or intellectual, not *in vitro*, but *in vita* so to speak. Gandhi here implements a basic narrative transformation, as described by Paul Ricoeur (1983–1985), when the abstract, timeless principle of truth is pulled into time and given human shape and experience through autobiographical narrative: “time becomes human time to the extent that it is organized after the manner of a narrative; narrative, in turn, is meaningful to the extent that it portrays the features of temporal experience” (I, 3).

Returning now to the question in how far Gandhi was innovative in his choice of genre, the answer is complex and could be summarized roughly as follows. Yes, he was innovative in taking up autobiography as a genre that was associated with modernity and Western culture by most of his contemporaries at the time. He had become acquainted with this genre through Western literature, since much of his initial studies, even of classic Indian texts, was through Western texts and translations. And no, he did not re-invent the genre or side-step its conventions as such, but reanimated an older model, harking back to well-established traditions going back to St. Augustine or Muḥammad al-Ghazālī. This model foregrounded not the individual as such but an idea, ideal or concept after which the individual was shown to be striving. The success of this narrative and of the autobiographer’s life did not consist in the aim of creating a self-assured, distinctive individuality, but of being subservient to that higher principle, culminating in a emptying out of individuality towards that higher realm. Here, the individual does not construct, but deconstruct or ‘de-narrate’ its individuality; paradoxically she finds plenitude in the dissolution and integration into the higher ideal. Nor does Gandhi’s autobiography follow the Bildungsroman pattern in which he, as the Mahatma, would authoritatively show the way, or at least one way, leading to perfection. This, he maintains, he cannot do as he does not feel he has reached that perfection himself. Modestly, though sincerely and accurately, he wants to present his own experiments in trying to achieve his spiritual aim, how to move towards it. The autobiography’s main narrative attraction lies in the overriding master narrative of a quest

for Truth which is, however, realised in the narrative practice in a chronologically ordered series of experiments.

## 2. *The Legal Narrative in the Autobiography*

As we have seen, Gandhi's quest for truth on the formal side needs the narrative of his experiments with truth to be converted into human time; arguably the same conversion is necessary on the content side. Gandhi does not answer the question "What is Truth" in the abstract – in fact he does not even claim to have found an abstract answer to the question. His approach is exploratory and discursive. In parallel with the translation of an abstract concept into a narrative, he uses his life's 'experiments' in various fields as a matter of content, as the material in which his explorations of truth have taken shape. Truth becomes the abstract principle which needs to be converted into narrative to become part of the human sphere and to be made accessible to human experience. Gandhi explicitly excludes politics from the focus of his autobiography, stating that "My experiments in the political field are now known, not only to India, but to a certain extent to the 'civilized' world. For me, they have not much value" (45). Instead, for him personally more importantly, the fields in which he has explored the enactment of the truth principle in his life were "non-violence, celibacy and other principles" (47). However, what Gandhi does not explicitly refer to, and what has remained almost inexplicably unnoticed by commentators on his autobiography, is his views on and practice of the law. This is all the more surprising since the law is one of the most important and pervasive themes of Gandhi's entire narrative, both on a theoretical as well as practical or experiential level. This legal thread in the autobiography will be unfurled in my essay.

Gandhi's father was, as his father before him, chief minister of the district Porbandar on the Kathiawar peninsula on the coast of today's Gujarat. Gandhi was born in Porbandar in 1869. His father later became Prime Minister in Rajkot and then in Wankaner (two other Gujarat principalities). As Gandhi reports, his father was also a "member of the Rajasthanik Court", which, he continues, "is now extinct, but in those days, it was a very influential body for settling disputes between the chiefs and their fellow clansmen" (54). The practice of law and political office clearly had been running in the Gandhi family for several generations. His father's engagement was with the kind of law and jurisdiction which relied on local traditions and practices. After his father's early death in 1884, a Brahmin friend of the family advised Gandhi that he should go to England for his studies. His father had intended for him to follow in his political footsteps, which the Brahmin doubted could be achieved by local education at the present time. Gandhi's original preference

for the medical profession was opposed, as he relates, by both the Brahmin and his elder brother. The reasons for that opposition came from their wish to see Gandhi make his way to high office, and because his father would not have liked someone from their caste, the Vaishnavas, to have anything “to do with dissection of dead bodies.” “Father intended you for the bar” (101), was his brother’s summary conclusion, which young Gandhi dutifully obeyed, and here his legal career began.

From his family home, Gandhi set out to Porbandar to meet his uncle, who had followed his father as chief minister there. That uncle agreed neither with the brahmin’s nor with the brother’s arguments for the law and strictly argued against the young Gandhi’s plans to become a lawyer. The autobiography quotes the uncle’s remonstrance:

When I meet these big barristers, I see no difference between their life and that of Europeans. They know no scruples regarding food. Cigars are never out of their mouths. They dress as shamelessly as Englishmen. All that would not be in keeping with our family tradition. (102–103)

In short, Gandhi’s “going to England [...] was in his opinion an irreligious act” (103). This early doubt about the moral integrity of the legal profession and, from hindsight in the wider framework of his experiments in and pursuit of truth, was to remain with Gandhi throughout much of his early career as a lawyer; his troubled reflections about the law form a main theme in his autobiography. It should be noted, however, that the uncle’s warnings did not affect the law as such. The law which Gandhi was to study in England prevailed, at least in the higher courts, during the British Raj in India. The uncle had no issue with British law but was apprehensive concerning the immoral Westernization he observes to go hand in hand with the legal profession at the time.

And indeed, Westernization is also what irked Gandhi most during his stay in England, as he outlines in Pt I, ch.15, entitled “Playing the English Gentleman” (119–124). He describes how well-meaning friends tried to persuade him to eat meat and how he attempted to “become polished,” which included new and expensive sets of ‘English’ clothes, and “to take lessons in dancing, French and elocution” (122). Despite these influences, Gandhi never wavered from his strict vegetarianism and in fact found in that predilection a way of getting into contact with a part of British society which was critical of the standard British way of life in other respects as well. His other attempts at social adaptation which he had entered on to make up for his vegetarian ‘crotchet’, as it seemed to his friends, were short-lived: “This infatuation must have lasted about three months. The punctiliousness in dress persisted for years” (124). He quickly saw that such practices of “mimicry,” in the terms Homi Bhabha (1994, 86 and *passim*), would still not put him on an equal standing with his English peers, and he decided to devote himself to what he had come for: the study of the law.

When Gandhi describes his legal training in England, there is no criticism of the legal system he was to master. His (probably justified) lack of enthusiasm is directed at the legal training as such, which can already be seen by its delayed place in his autobiographical narrative. In Pt. I, ch.12 he describes his departure to England “for being called to the bar” (107), but it is only in Pt. I, ch.24, “Called? – But Then?”, that he finally gets round to addressing his legal studies. His report is worth quoting at some length:

There were two conditions which had to be fulfilled before a student was formally called to the bar: ‘keeping terms’ equivalent to about three years; and passing examinations. ‘Keeping terms’ meant eating one’s terms, i.e. attending at least six out of about twenty-four dinners in term. [...] The curriculum of study was easy, barristers being humorously known as ‘dinner barristers’. Everyone knew that the examinations had practically no value. In my time there were two, one in Roman Law and the other in Common Law. There were regular textbooks prescribed for these examinations which could be taken in compartments, but scarcely anyone read them. [...] Question papers were easy and examiners were generous. The percentage of passes in the Roman Law examination used to be 95 to 99 and those in the final examinations 75 or even more. (163–165)

These exams, Gandhi concludes, “could not be felt as a difficulty. But I succeeded in turning them into one” (166). Far from lowering his standards to the easy life of an English law student, he set out on a course of further readings, notably Roman Law, and that in Latin, which he had started to study in earnest at the University of London. He read “Broom’s Common Law,” “Snell’s Equity,” “White and Tudor’s Leading Cases,” “Williams’ and Edward’s Real Property” and “Goodeve’s Personal Property.” Gandhi was called to the bar in June 1891, enrolled in the High Court and immediately after took the next ship home. The surprising fact regarding this first phase of Gandhi’s encounter with the law is that there is not a single word of criticism or even further reflection on the concept and underlying philosophy of the British law. The exclusive focus of Gandhi’s autobiographical attention here is on the cultural context and on the quality of the course of studies of that legal entity.

This focus remains unchanged on his return to India, where he found that, despite all his very serious readings during his time in London, “It was easy to be called, but it was difficult to practice at the bar. I had read the laws, but not learnt how to practice law” (167). Trying to set up a legal practice in Bombay, he not only noticed that he did not know anything about Indian law (which he began to study), whether “Hindu or Mahomedan Law” (91): “This is how I began life. I found the barrister’s profession a bad job – much show and little knowledge” (184). At this job he failed dramatically: when taking on a minor defence job in Court he could not find it in his heart to cross-examine the plaintiff’s witnesses and had to leave the court in complete embarrassment and shame. He fled from Bombay back to Rajkot, where his brother gave him some legal office work, and he even considered abandoning the law completely

and becoming a school teacher of English. It is quite possible that this failed barrister who was too diffident for the clamorous life at the bar and felt too principled to enforce the elbow-room he would have needed in an increasingly competitive field, would never have risen to prominence. What jerked Gandhi out of the dismal situation he encountered during in the two years after his return to India in 1891 was a chance opportunity that opened up to him in 1893 to go to South Africa and help with a lawsuit of an Indian firm there. Thus, his failing legal career jumpstarted his trajectory towards his mission as a political leader and national icon by means of what first appeared as a low-profile, run-of-the-mill, temporary lawyer's job abroad. He had, to take up his own words, "read the laws" in Britain and India, but he only "learnt how to practice the law" in South Africa. What was the reason for this climactic turnaround?

To be more specific the turnaround came in two stages. A first step was taken through Gandhi's development of a mature attitude towards the law through his own legal practice in South Africa and his experiences there. This began with Gandhi's continuing struggle for his own way of truth and honesty against the impression, instilled in him early on during his studies in England, that "the lawyer's profession was a liar's profession" (561). Gandhi's counterstrategy was to stick to truth and honesty no matter what were the strategic requirements of a case: "I warned every new client at the outset that he should not expect me to take up a false case or to coach the witnesses" (562). He goes on to tell about his experience in a particularly complicated trial in South Africa, where his clients had made a mistake in a contentious accounting and Gandhi as junior counsel got his way to persuade the senior counsel and the clients to own up to that mistake in front of the Court. Gandhi presented the case and they won to Gandhi's huge relief:

I was delighted. So were my client and senior counsel; and I was confirmed in my conviction that it was not impossible to practice law without compromising truth. (566)

Still, he was not entirely at ease, as he immediately adds a cautionary remark: "Let the reader, however, remember that even truthfulness in the practice of the profession cannot cure it of the fundamental defect that vitiates it" (566). That inbuilt defect of the law was, in Gandhi's view, systemic, as he writes earlier in the autobiography:

I became disgusted with the profession. As lawyers the counsel on both sides were bound to take up points of law in support of their own clients. I also saw for the first time that the winning party never recovers all the costs incurred. (237)

Gandhi's conclusion was that the current practice of the law as a confrontation of two factions where he as lawyer was serving one of the sides for exorbitant remuneration (and possibly against his own moral judgement) could not satisfy

him. In fact, he only discovers his true vocation as a lawyer in a case where he succeeds in bypassing legal procedure and bringing about an out of court settlement:

My joy was boundless. I had learnt the true practice of law. I had learnt to find out the better side of human nature and to enter men's hearts. I realized that the true function of a lawyer was to unite parties riven asunder. (238)

His time in South Africa thus turned out to be a period of experience and maturation in his personal understanding of the law:

The year's stay in Pretoria was a most valuable experience in my life. Here it was that I had opportunities of learning public work and acquired some measure of my capacity for it. Here it was that the religious spirit within me became a living force, and here too I acquired a true knowledge of legal practice. Here I learnt the things that a junior barrister learns in a senior barrister's chamber, and here I also gained confidence that I should not after all fail as a lawyer. (234)

In sum, the first stage of Gandhi's legal maturation meant that he was able to integrate his principle of truth in his legal practice. Where he had so far felt deep unease towards a profession whose essence he saw, both in Britain and in India, as a typically disingenuous court proceeding between two opponents where he was to take sides as a lawyer for the party who paid him, and not in accordance with truth, principle or justice. His policy of rejecting all cases where he felt that he would support an unjust cause and of throwing aside strategic subterfuges and lies even in court, could be seen as an impediment by some of his clients, but it allowed him to make peace with his work in the legal profession.

In addition to this, South Africa provided second inspiration for him beyond his private settlement with the dubious and potentially nefarious character of the legal profession. What he encountered in South Africa was a real need for the law to redress social injustice and discrimination. As a consequence, he increasingly came to see law as an important instrument in a wider, socio-political context. And whereas this social agenda had its first focus in the injustices he encountered in South Africa, it quickly transcended this geopolitical limitation. The following quotation from the autobiography shows him addressing all kinds of discrimination, including that of his Indian home culture:

Some of the classes which render us the greatest social service, but which we Hindus have chosen to regard as 'untouchables', are relegated to remote quarters of a town or a village, called in Gujarati *dhedvado* [...]. Even so in Christian Europe the Jews were once 'untouchables', and the quarters that were assigned to them had the offensive name of 'ghettoes'. In a similar way today we have become the untouchables of South Africa. (452)

While his individual course of action consisted in employing his legal training to support his countrymen in the Indian diaspora in the law courts, the public and political instrument that he developed in response was *satyagraha*. The Gu-

jarati and Hindi word which means ‘holding on to truth’ or ‘firmness in a good cause’ (see the entry in the *Oxford English Dictionary*), powerfully expressed not only a non-violent attitude, but also the readiness to suffer without any admixture of hatred or revenge. The report in his autobiography is brief, since he refers the reader to his book-length history of *Satyagraha in South Africa* (1928, esp. 302). It was during his South African years that Gandhi developed the concept. Satyagraha was the guiding principle of the resistance against racial discrimination against Indians in South Africa. Gandhi masterminded this movement, which culminated in the famous march of over 2000 Indians from Charlestown (Natal) over the border into the Transvaal. There followed a wave of imprisonment of the Satyagrahis whose numbers swamped the prisons of South Africa and could not be upheld for long. Hence Gandhi was able to strike a deal with the Union Government represented by General Smuts, which has gone down in history as the Smuts-Gandhi compromise. It brought significant relief to Indians in South Africa. Gandhi saw his mission accomplished and returned to India, taking with him the full treasure-trove of his social, legal and political experience from the diaspora.

What the first South African attempts at *satyagraha* already demonstrate, and which Gandhi’s autobiographical report of its subsequent practice in India bears out, is the further profound change implied in Gandhi’s understanding and practice of the law. First, he had discovered and then eschewed the disparity between private legal practice and what he saw as the desirable application of his truth principles. Now he reflects on the difference between the state’s (that is: British-controlled) legislative and judiciary practices and his perception of a higher justice or truth. He thus reports that, when he went to Champaran in Bihar to support the indigo farm labourers against the zamindars and planters there,<sup>5</sup> he was served a notice from the Police Superintendent to leave the region as a precaution against public disorder. Gandhi disobeyed and was duly arrested and put on trial. Here the gap between the legal authority of the state and his own concept of lawfulness is spelled out most clearly for the first time:

I have disregarded the order served upon me not for want of respect for lawful authority, but in obedience to the higher law of our being, the voice of conscience. (638)

And this tallies with his view of the trial: “According to the law, I was to be on my trial, but truly speaking Government was to be on its trial” (637). Gandhi concludes: “The country thus had its first direct object-lesson in Civil Disobedience” (468).

But the problem he now faced was to distinguish the occasions when it was acceptable to disobey the law and when it was not. His solution is summarized towards the end of the autobiography:

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<sup>5</sup> On the indigo revolts and the final abolishment of the Tinkathia system there see Mishra (1978).

A satyagrahi obeys the laws of society intelligently and of his own free will, because he considers it to be his sacred duty to do so. It is only when a person has thus obeyed the laws of society scrupulously that he is in a position to judge as to which particular rules are good and just and which unjust and iniquitous. Only then does the right accrue to him of the civil disobedience of certain laws in well-defined circumstances. (720)

He confesses:

My error lay in my failure to observe the necessary limitation. I had called on people to launch upon civil disobedience before they had thus qualified themselves for it[.] (720–721)

But when confrontation occurred, Gandhi describes how law and justice began to elude the Government, which he had already put on trial in the quotation above, and how justice and lawfulness are now to be associated with the resistance movement:

Thus, whilst this movement for the preservation of non-violence was making steady though slow progress on the one hand, Government's policy of lawless repression was in full career on the other, and was manifesting itself in the Punjab in all its nakedness. Leaders were put under arrest, martial law, which in other words meant no law, was proclaimed, special tribunals were set up. These tribunals were not courts of justice but instruments for carrying out the arbitrary will of an autocrat. Sentences were passed unwarranted by evidence and in flagrant violation of justice. (722)

It is with this stage of the independence movement in India that the autobiography ends: Gandhi has become a public figure and leader of the movement. This is the vantage point from which Gandhi is looking back on his life in his autobiography.

### 3. Conclusion

As Gandhi explains in the first lines of the "Introduction," he meant to set about writing his autobiography "four or five years ago" (43) but was interrupted because of the civil unrest in Bombay starting in November 1921. Gandhi was subsequently tried and imprisoned for sedition in 1922. He was urged to write his autobiography in prison but refused to do so. He was released in February 1924. He finally started on the autobiography in instalments, which he wrote for the journal *Navajivan* from November 1925 to February 1929. This was a time when Gandhi had become a public figure, had secured the support of Congress behind him and, as history shows, was ready to continue with his Satyagraha movement against British rule in India. By this time, the rule of law had been set aside by both sides: protests had turned violent, and the Amritsar/Jallianwala Bagh massacre (13 April 1919) had shown what atrocities the British were capable of. Courts were no longer dealing out justice (as Gandhi had observed in the quotation above) but merely served the interests

of the colonial power. Indian society had lost its legal framework, a common understanding and practice of the law to which all members of society could defer. This was, obviously, a disastrous state of affairs in general, but more particularly so for Gandhi the lawyer, whose life-long pre-occupation had been with the law in its philosophical, practical and experiential dimensions. As he would have argued, if the State lost its function as an anchor for the law, an alternative was urgently needed; otherwise, there was a threat of fragmentation of the law in India, and ultimately of lawlessness.

Alongside all the speeches and activities he undertook at the time, Gandhi's most sustained and reflective answer to this crisis can be found in his autobiography. It is here that he offers a new anchor-point for the law which has to be founded on Truth. Although truth is for him an ultimately religious principle, he propounded it as a highly ecumenical concept. While he professed his preference for Hindu texts, notably the *Bhagvad Gita*, he paid his respects, in his autobiography and elsewhere, to Islam and Christianity (48). By locating the faculty to decide on truth in individual conscience (329), by stating that "the essence of religion is morality" (46) and by the humble gesture of a fellow-seeker for God, not a guru,<sup>6</sup> he moreover widened his appeal far beyond a narrowly religious focus. Gandhi was thus trying to find a new orientation of the legal system and legal practice in the face of the crisis of a failing state judiciary and legislative in India.

His answer to this crisis is a personal narrative which shows his life-long struggle with and explorations of the law. This story starts with his depressive early attempts in a profession he experienced as mercenary and disingenuous, never far from the dangers of moral corruption. It proceeds on to his introduction of the principle of truth in his personal legal work, and from there builds a legal foundation for his public and political principle of Satyagraha. Satyagraha, finally, respects existing laws but allows for a critical distance to state dominance of the law when the state was seen to fail its truth principle. From this perspective, the legal narrative running through Gandhi's *Autobiography* emerges as one of its major themes. In fact, he at one point describes himself, the author, as continually faced by a court of law where the chapters he has written are under "cross-examination" (442). Gandhi's legal preoccupations in this text clearly merit more scholarly attention than they have received so far. His choice was to turn his legal concerns into the narrative of an autobiography, a genre that would appear as a modern and innovative genre to many of his readers, but which also harkened back to a long-standing literary tradition present in many parts of the world and therefore appears entirely convincing. Both the choice of genre and of the legal issues he addresses with it go a long

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<sup>6</sup> He writes in the Introduction: "I have not yet found Him [God], but I am seeing after Him" (47).

way, I would argue, to explain the book's continuing appeal and relevance today.

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