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## UNIT 13 DUTIES

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### 13.1 INTRODUCTION

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Gandhi, who was well acquainted with the Western concepts of rights and duties as well as the Indian texts and other non-European works, evolves a theory of co-relationship of rights and duties emphasising more on the latter and less on the former. In this context we should remember that whereas socialism, democracy and duties have roots in antiquity, individual rights and identity is of recent origin. Gandhi, as a moderniser of tradition and with his consciousness that he is operating in a society with a history of more than four thousand years, tried to situate his concepts within this Indian setting.

In the traditional Hindu polity, even the King had to fulfil his duties towards his subjects in order to command their obedience. Gandhi uses the idiom of duties and its performance as the basis for securing rights. As a moderniser, he never lost sight of his traditional roots and that reform of the ancient Indian society would have to use traditional ideas and established idioms to communicate new ideas and values of individuality, social justice and equity. At the same time, he also had to confront an imperial power that had for generations inflicted wounds in self-esteem on his fellow citizens and the need to instil courage and strength among Indians to acquire a sense of national coherence. An activist theoretician, described aptly by Bondurant (1967) his framework of enquiry is essentially non-deterministic in nature<sup>1</sup> and at most times, his writings, often the result of thinking aloud in public were set to solve the immediate problems at hand.

#### Aims and Objectives

After reading this Unit, you would be able to understand

- Gandhi's concept of duty
- His interlinking of duty and social service
- The concept of duty of disobedience to attain swaraj.

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## 13.2 MEANING OF DUTY

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Gandhi's distinctiveness lies in his stress on duties as the basis of one's rights. It is with the performance of one's duty that one can enjoy real rights. It is within the framework of duties that rights can be understood, as rights to be deserved and preserved as rights are derived from duties which are performed well. Gandhi borrows the concept of duty from the idea of dispassionate action as advocated by the *Bhagavad Gita* that enjoins that an action performed with a degree of detachment would set the individual free from the anxiety of its future consequences. Non-attachment means to do what one ought to do without offering inducements or threats or theological sanctions. It does not mean lack of clarity about the ends one desires to achieve. Gandhi declares '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'. Reflecting on the *Gita*, the gospel of action, in 1925, he writes:

The true source of rights is duty. If we all discharge our duties, right will not be far to seek. If leaving duties unperformed we run after rights, they escape us like a will-o'-wisp. The more we pursue them, the farther will they fly. The same teaching has been embodied by Krishna in the immortal words: 'Action alone is thine- Leave thou the fruit severely alone'. Action is duty: fruit is the right...No people have risen who thought only of rights. Only those did so who thought of duties. Out of the performance of duties flow rights, and those that knew and performed their duties came naturally by the rights. He who thinks not of the rights gets it, and he who thinks of it loses it. That is the rule of conduct which I would like to place before you.

Gandhi stresses on the corresponding duty while championing the cause of equal right of every person to the necessities of life. Writing in 1931, he remarks:

Every man has an equal right to the necessities of life even as birds and beasts have. And since every right carries with it a corresponding duty and the corresponding remedy for resisting any attack upon it, it is merely a matter of finding out the corresponding duties and remedies to vindicate the elementary fundamental equality. The corresponding duty is to labour with my limbs and the corresponding remedy is to non-cooperate with him who deprive me of the fruit of my labour.

Gandhi's insistence on duties as a way to realise right forms the core of his political theory, an argument from which he never deviated. In 1939 he states:

Rights accrue automatically to him who performs his duties. In fact the right to perform one's duties is the only right that is worth living and dying for. It covers all legitimate rights. All the rest is grab under one guise or another and contains in it the seeds of *himsa*.

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## 13.3 DUTY AND SOCIAL SERVICE

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Gandhi's theory of rights emphasises on social service rather than the notion of self-regarding and assertive individual. Rights, for Gandhi, are rights to pursue and realise values. It is not merely the absence of restraints but the freedom to achieve by overcoming obstacles and by assuming obligations of cooperative kind. Pursuance of duty is civilised conduct. He constantly reminds his readers and followers that good conduct is the meaning of civilisation in *Gujarati* and therefore, there is an intrinsic link between civilisation and virtue.

According to Gandhi, rights are not created by the state; the state only recognises rights. A right is created not by any group but by the individual. Accepting the moral worth of every person, Gandhi rejects ascribed properties such as gender, class, birth, caste, education or nationality that can justify unequal treatment and disqualify some as moral agents. He supports the right of everyone to make the choice as they desire. He is concerned, according to Terchek, with how people are treated and with individual choices and capacity to make choices are affected by institutional practices and asymmetrical distribution of power.

Writing in *Young India* on 27<sup>th</sup> December 1930 Gandhi observes, “rights accrue automatically to him who duly performs his duties” thus underlining the greater importance and priority of duty over rights and the fact that a citizen is morally obliged to fulfil duties as a member of a given segment of society. However, he does not rigidly link rights with rank and order as it is clear from his rejection of the ills of the caste system, namely the inequities and human indignities. He defends the caste system as a functional division of labour: the four castes of *Brahmin*, *Kshatriya*, *Vaishya* and *Shudra* and their respective occupations- that of imparting knowledge, defending the defenceless, engaging in trade and farming and performing service through physical labour as four universal occupations. However, he rejects the caste system from the standpoint of modern ideal of human equality and considers equality of status as being crucial for the establishment of a universal community of free persons.

As a firm believer in the first principles of democratic equality and his idolisation of the British constitution for providing equality and justice to all, Gandhi could not accept its serious violations when it involved Indians in South Africa. When he arrived in India he was struck by the intolerable inequalities within the Indian society. He seeks to undermine the rigidities that had crept into the caste system through measures like inter dining and inter (community) marriage. Caste was never the basis of his ashrams. His relentless campaign against untouchability<sup>2</sup> is a testimony to his efforts to reorganise the institutions of his own society. Recalling his own experiences of the bitter humiliation of discrimination in South Africa, he forges tools to fight against social injustices. He does not hesitate in rejecting scriptural sanction of untouchability which he described as a ‘sinful institution’ and considers the *Harijan* (untouchable) as capable of exercising responsible functions as the *Brahmin*. The revolutionary character of Gandhi’s thought becomes clear when he rejects birth and ascribed properties as a determining factor and on his insistence that everyone earn their own bread labour. Accepting human dignity and worth as intrinsic goods, he is severe in his indictment of practices that are demeaning, humiliating and unequal and thus accepts the core idea of right based individualism.

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### **13.4 DUTY OF DISOBEDIENCE (SATYAGRAHA)**

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When Gandhi speaks of the supremacy of the individual he stresses on the fact that the individual has a soul, unlike the state which is soulless, and is vested with the moral authority to pursue *satya* and *ahimsa*<sup>3</sup>. Like Kant, he considers the individual alone as a moral person. The individual has the duty to judge the state and its laws by standards of *dharma* (moral law) that encompasses *satya* and *ahimsa*, and if need be, to challenge and even disobey the state, as all states violate *satya* and *ahimsa*. The individual citizen has the responsibility to uphold *satya* and practise *ahimsa* which cannot be relinquished or abdicated.

Gandhi points out that if a state is corrupt and many of its laws are positively inhuman, if its administrators are capricious and if its government is exploitative, then “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. Like Thoreau, he does not consider the government to be important in the day to day activities of the individual, as both believed that all states, including the democratic ones, are the embodiment of force and physical strength, concerned with functions related to law and order, and protection of property. Laws, policies and associations are essentially coercive, stifling and hindering individuality and spontaneity. Gandhi insists on the need to look at political work within the framework of social and moral progress, as power resides in the people and not in legislative assemblies. He dismisses disparagingly power politics, and like Huxley, desires politics that would enable people to improve their lot. Thoreau tries to assert the continued relevance of the right of resistance to the citizen’s responsibility in any state. Thoreau insists that individual has a duty to not lend support to an unjust government, as the individual’s status as a human being is morally and logically prior to, and always more meaningful than, his role as a member of society or a citizen of any state. Gandhi differs from Thoreau and argues more like Green by invoking the idea of *sarvodaya* as he is convinced that individual conscience, if genuine, would culminate in conduct that would arouse and appeal to the conscience of others. His emphasis on *ahimsa* as a means of realising *satya* makes him insist that resistance to injustice, properly conducted could not lead to general anarchy<sup>4</sup>.

“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” (Gandhi, 1951). This duty becomes a prerogative and seen in the context of his philosophy of conflict “the technique of *satyagraha* assures the acquisition of right” (Bondurant 1967, pp.171-2). Gandhi points out that there are no rules that tell us how, where and who can carry out civil disobedience. Nor are there rules that tell us which laws foster untruth. Only experience can guide a person and that requires time and knowledge of facts.

A truly democratic state deserves the loyalty of its citizens. *Satyagraha*<sup>5</sup> is the moral right of every individual, a “birthright that cannot be surrendered without losing self respect” (Ibid, 155). It is an inherent right of being human and cannot be extended to include violent revolt. Gandhi describes a *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. According to Gandhi, cooperation with a just government is a duty and non-cooperation with an unjust government is equally a duty.

To put down civil disobedience is to imprison conscience. Civil disobedience can only lead to strength and purity (Ibid, 174).

It is the inherent right of a subject to refuse or assist a government that will not listen to him (*Young India*, July 1926).

Gandhi also accepts that the majority could be wrong and stresses on the fact that an individual, at all times, must have the power to veto over state action. Reiterating Antigone<sup>6</sup>, he points out a citizen must have the right to judge the state on the basis on higher law. Like Socrates<sup>7</sup>, according to Gandhi, a citizen must willingly accept the consequences of challenging the laws of the state. This is all the more necessary, as

modern day states, including representative democracies augment greater power and violence and ignore truth. Like Locke and Jefferson, Gandhi 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 that 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. His belief in the notion of relative truth<sup>8</sup>, the basis of *satyagraha* reinforces his faith in the individual. *Satyagraha* for Gandhi is based on a profound respect for law and is resorted to non-violently and publicly<sup>9</sup>. The *Satyagrahi* willingly accepts full penalties<sup>10</sup>, including obeying cheerfully the rigours of jail discipline, as resistance has to be respectful, civil and restrained undertaken by law abiding citizens. 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<sup>11</sup>. *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 and does not seek mercy and in the process brings out the best in the opponent. Gandhi says, "Civil disobedience is a terrifying synonym for suffering. But it is better often to understand the terrible nature of a thing if people will truly appreciate its benignant counter-part. Disobedience is a right that belongs to every human being, and it becomes a sacred duty when it springs from civility, or, which is the same thing, love.... The condition of this terrible resistance...is possible of fulfilment only by a long course of self purification and suffering". Through self-suffering rather than inflicting on the opponent, truth is vindicated. As a citizen it is his duty to suffer the consequences of his conscientious disobedience to the laws of the state. Civil disobedience must appear civil to one's opponent, demonstrating that there is no intention to harm the opponent.

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 (Iyer, 1973, p.278).

Gandhi's perceptions were determined by the British colonial traditions and the faith he had in the British love of justice, rule of law and fair play, mainly because of the British constitutional practice of equality before law, not only of the British citizens, but for all. He idolises the British constitution because it guarantees both individual freedom and racial equality. Until the Jallianwallah Bagh massacre of 1919, he was a loyalist of the Empire and was convinced that helping the Empire would qualify for *swarajya*, i.e. self-rule for

Indians. His understanding of the British history and character leads him to the use of the technique of *Satyagraha*. 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<sup>12</sup>. Gandhi describes *satyagraha* as the act of the brave and the fearless<sup>13</sup> and through it, “Gandhi turned the moral tables on the English definition of courage by suggesting that aggression was the path to mastery of those without self-control, non violent resistance the path of those with control” (Rudolph & Rudolph, 1967, p.185).

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### 13.5 CONCLUSION

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The English Utilitarian, Jeremy Bentham, who champions the cause of individual rights, has very little meaning in Gandhi’s philosophy of treating every individual as an end in himself which means the essence of the human being gets a fulfilment out of a larger societal cohesion and common good. It is because of this emphasis that Gandhi is often compared with T.H. Green for whom also the philosophy of common good occupied the central position. Any kind of self interested motivation of an individual action is not acceptable to Gandhi as he always looks to the individual as part of a larger whole based on the philosophy of oceanic circles. It is because of this underpinning that sacrifice assumes a pivotal importance in Gandhi’s theory of the essence of human nature and its reflection in the larger collective based on consensus. He is not interested in Rousseau’s understanding of commonality in which someone can be forced to be free, as in Gandhi, there is a flowering of the individual with his control of the senses and avoiding any link with selfishness, the individual performs the kingly duty of merging with aspirations with that of humanity. The ancient Indian political texts which emphasised the duties of the kings, in the sense, as the conventions have become part of the British Constitution; similarly Gandhi transforms this pre-modern idea of a single individual performing his duty to a world of today in which every single individual can perform the duties like the ancient Indian kings.

Gandhi considers duties and rights as inter-twined and the realisation of one without the other is not possible, as both pave the way for the fulfilment of common good. Individual freedom is of supreme importance to Gandhi but he constantly stresses that the individual is a social being and that human beings have “risen to their present status only by learning to adjust his individualism to the requirements of social progress” (*Harijan*, May 1939). 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 he understands rights with reference to duties, assigning individuals with responsibilities to lead a moral life and to devote to the good of their community. He also supports the basic rights of those at the margins of society, namely women, the untouchables and the poor, who have been objects of domination and humiliation. For him 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, ignores. 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. The emphasis on duties emanates from his quest for building a humane society and the hope that conflict(s) would be resolved non-violently through adherence to truth or *satyagraha*. Duties for Gandhi are disinterested action which is performed without much attention to the result and, just as in Kant, one which morally conforms to the order of the Universe. The complementary nature of 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 notions of individual autonomy and moral self-determinism. “When Gandhi pursued the political goal of *swaraj* (self rule) he meant to teach himself and Indians, that only those who could rule themselves in the sense of self restraint could rule themselves in the sense of controlling their political universe” (Rudolph & Rudolph, 1967, p.249).

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### 13.6 SUMMARY

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Gandhi places pivotal importance on the performance of duties as a way of realising rights. His conception of individual is that of social self with an innate moral sense and therefore with a right and duty to disobey unjust policies and laws. Gandhi is convinced that such an outlook would help to realise a harmonious society with a harmonious individual.

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### 13.7 TERMINAL QUESTIONS

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1. Explain Gandhi’s concept of duties and its relationship with Rights.
2. Why does Gandhi consider satyagraha as both a right and a duty?
3. How does Gandhi modernise Indian texts and links rights with duties?

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### SUGGESTED READINGS

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**(Endnotes)**

<sup>1</sup> Gandhi describes himself as a philosophical anarchist but he assimilates the ideas of Conservatives, Socialists, Marxists and even the liberals and 'yet none of these for, he never lost his profoundly revolutionary character' (Bondurant 1967, 3).

<sup>2</sup> The Vykom *Satyagraha* of 1924-25 was for the right of the untouchables to use the temple road.

<sup>3</sup> "Gandhi's commitment to non violence and truth (satyagraha, or 'truth force'), ... suggests how traditional ideals can be transformed for modern purposes. He self consciously rejected the fatalistic, other worldly and ritualistic orientation that some Jain and Hindu practitioners had lent them. His private struggle for competence and potency taught him to evoke their humanistic, evangelical and world mastering implications. If his commitments to non violence and satyagraha had instrumental dimensions, fitting the requirements of an unarmed nation confronting an imperial conscience capable of responding to moral appeals, he infused their practice with meanings that transcend utility and national boundaries" (Rudolph & Rudolph 1967, 158).

<sup>4</sup> The primacy of public peace and the danger of anarchy have been stressed from times immemorial. Democritus wants the peace-breaker, an enemy of public order be put to death. Thucydides points out that the state's welfare depends on the maintenance of the authority of laws, even though these laws may not be the best possible.

<sup>5</sup> *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 calls the movement passive resistance but realizes that a new principle had crystallized with the unfolding of the movement. He then announces in the *Indian Opinion*, a prize for the best name to describe the movement. One competitor suggests '*sadagraha*' meaning firmness in a good cause. Subsequently, it is changed to *satyagraha*, "a force which is born of Truth and Love or non violence" replacing 'passive resistance', first used by Bipin Chandra Pal (1858-1932) and the by Bal Gangadhar Tilak (1856-1920) and Aurobindo Ghosh. For Gandhi, *satyagraha* incorporates civil disobedience though it goes beyond the pressure tactics associated with strikes and demonstrations to include moral, social and political reform (Dalton 1982, 148). *Satyagraha*, unlike civil disobedience, is resistance without acrimony or hatred or injury to the opponent. It is both a 'mode of action and a method of enquiry' (Bondurant 1967, v).

<sup>6</sup> *Antigone* was torn between two loyalties, that of her religion which commands her to bury the body of her brother, while that of the state which 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.

<sup>7</sup> A general reading of the *Crito*, a dialogue written by Plato, 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. Socrates 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. They contend that if anybody who remains in the city willingly 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.

<sup>8</sup> 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. Therefore, the more truthful we are, the nearer we are to God" (Gandhi 1949, 29). In view of the concept of relative truth and

acceptance of human needs as the basic yardstick to judge actions and policies, Gandhi recommends *ahimsa*, as truth differs from person to person.

<sup>9</sup> The recent debates on civil disobedience have been within the framework that Gandhi provides. Rawls discusses civil disobedience within the framework of constitutional democracy and provides the deepest philosophical analysis on the subject till date. He defines civil disobedience as a public non violent and conscientious act which is contrary to law and which is usually done with the intention to bring about change in the policies and laws of government.

<sup>10</sup> The willing acceptance of penalties by the civil disobedient(s) to prove that a law is broken for a political reason by an allegiant citizen(s) with faith in the rule of law is found in Hobbes' writings. For Hobbes, the end of obedience is protection and that none would have the right to aid and abet another to refuse the command of the sovereign, even though all have a right of self preservation.

<sup>11</sup> See end note iv.

<sup>12</sup> It was in South Africa that Gandhi develops the philosophy and techniques of Satyagraha which he subsequently applies to British colonial rule in India. He remained a loyalist of the Empire and, setting aside anything that he had said and done before, even recruited Indian soldiers for British army during the First World War. Gandhi defends his action by remarking "There can be no friendship between the brave and the effeminate. We are regarded as a cowardly people. If we want to become free from that reproach, we should learn the use of arms. The foregoing argument will show that by enlisting in the army we help the Empire, we qualify ourselves for *Swarajya*, we learn to defend India and to a certain extent regain our lost manhood" (Gandhi 1938, 437, 445). Dalton (1982, 132) sees a similarity in the perceptions of Gandhi and early, Aurobindo, the relation of violence to manliness. Two events- the Amritsar tragedy of 1919 and the British settlement of the Khilafat question helped Gandhi to realize "for the first time, of the logical consequences of all that he had learned and taught in South Africa" (Dalton 1982, 133). C. F. Andrews, a close associate of Gandhi, observes that Amritsar "changed Gandhi from a wholehearted supporter into a pronounced opponent" (1930, 230). General Dyer's lack of remorse at perpetrating unspeakable brutality and the subsequent Report of the Hunter Committee which attempted to whitewash the event, and more shocking was the reaction of the British public which he expected would be unanimous repentance, with his belief in the English sense of justice, but instead it turned out to be one of ambivalence and even an attempt to exonerate Dyer completely (Nanda 1958, 176-180).

<sup>13</sup> Gandhi realizes the need to confront the fundamental fear of Indians as propagated by some British that Indians lack courage, are weak and morally unworthy.