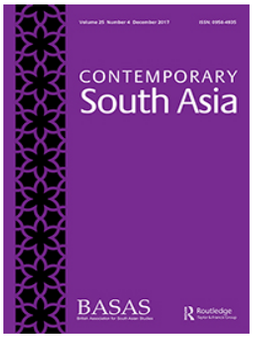

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Can the sovereign gift? Gandhi's *Maryada* and the moral law

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How does one surrender oneself to the law without subordinating oneself to the State? Where might the source of such a law be: this law that fearlessly transcends—and, when moral emergency or military exigency beckons, calculatedly destroys—the very authority that embodies and maintains it? Could there be such a sovereign law that defies itself, a law that is constituted not by its alignment along but instead by its opposition to the will of sovereign power? That is to say, an oppositional law, marked simultaneously by its spiritual suppleness and incurable vengeance. Is not this embrace of uncertainty in the very shadow of an unforgiving and punitive certitude – that is in Indian traditions given the name of dharma – an aporia? An aporia that sees kings capitulate and lose empires by the throw of a dice in one instant of absolute surrender to the law, and sacrifice brothers to reclaim the lost empire and honour in another moment of equally absolute subordination.

Ajay Skaria's *Unconditional Equality* is one of the most captivating accounts of this problem in Indian political and religious traditions as they are reconfigured during the nationalist struggle for self-determination. The powerful accomplishment of this book lies in its formulation of the problem of equality in a language that stays most truthful to Gandhi, until the very end. Skaria eschews long-standing worries about Gandhi's commitment to normative conceptions and preconceptions of equality (or otherwise), bravely letting the reader decide whether the answer to that question matters in the end if there are moral and political resources in Gandhi that make a truthful and egalitarian politics possible (with or against Gandhi's conscious will). If such an equality reveals itself against his will, all the better. There is no forcing of hand in *Unconditional Equality*, only careful pauses on words that speak of pause, cessation, seizure, and *tharaav* as justice (this reticence being perhaps the most un-Gandhian of Skaria's gestures). Throughout, one encounters a scrupulous search for moments—these are moments at once of profound illumination and dizzying naïveté—where Gandhi stumbles upon the glaring inequality around him and, struggling to reconcile its violence with his profound commitment to nonviolent politics, lays bare the limits of humanist empathy and restitutive egalitarianism that nationalists of his time find easy comfort in. For Skaria, what this nationalist inheritance of the secular,

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humanist grammar of equality reveals about Gandhi and how it judges him today are much less important than what Gandhi today reveals about equality as such.

It is this fidelity to Gandhi that, early in *Unconditional Equality*, takes the form of two defining insistences that Skaria excavates from Gandhi's complex meditations on faith: the insistence, firstly, that there can be 'no politics without religion', (xiv) and, secondly, that this introduction of religion to political life should not worry secularists as long as everyone believes that there is a 'religion that stays in all religions' (vii). As Skaria concedes, he is puzzled by these insistences, and in following the rhythms of this puzzle, he mines in Gandhi not so much a settlement on the question of religion—let alone an agreeable religious politics—as much as he discovers in Gandhi the resources for a 'religion of the question' (vii). Which is to say, an obligation to ask, a faith anchored in doubt, uncertainty, even fallibility. This is perhaps why he begins not by proclaiming the finality of Gandhi's moral and sacrificial precepts but by cutting through to the heart of this aporia, one that he brilliantly calls 'surrender without subordination' (1). Condensed in such a politics of surrender to the other (master, enemy, sovereign, God, and even the unequal), Skaria argues, is Gandhi's commitment to an 'unconditional equality.'

Is there indeed a religion that stays in all religions? This question is not simple, reducible to a matter of setting up an abstract equality—*samaanta* or *sambhava*—between religions. The question, as Ambedkar formulates it in the 1930s, is whether every religion can give itself over equally to equality. Is there an equality that stays in all religions equally, with equal freedom and equal dignity? Here, equality is not of mere life. If anything, true equality is perhaps to be found always only at war, in the 'right of insurrection' (Ambedkar 1941, 328), among warriors alone. Instead, this equality is to be wrested back in the freedom to think as equal—the gift of giving oneself over fearlessly to thinking equality with another—that constitutes the 'essence' of every human and nonhuman being, and without which one remains equal to the other, one remains alive, in mere name. It is, in this sense, driven by the conviction that there is no institution of society in India, that Ambedkar's conception of freedom inscribes the problem of justice—an inappropriable and indestructible heteronomy—at the heart of India's struggle for political autonomy. But let us return to the turn of the century, where Skaria first finds Gandhi 'stumbling on theological secularism' (31).

The state of the question

By the early 1900s, Gandhi has established himself as a master of neologisms. Many of these, he insists, are best left untranslated. *Satyagraha*, which he coins in 1907, turns out to be one of his profoundest creations, a word through which he ingeniously supplants the pacifism invoked by the term 'passive resistance' and introduces the notion of force or firmness (*agraha*) in India's struggle against the empire. Despite the growing popularity of the term 'civil disobedience,' Gandhi continues to favor the more forceful term 'civil resistance.' 'Civil resistance is a complete substitute for violence,' he declares in 1934. 'Through it everyone has to achieve his own *swaraj*. This weapon has given spirit and new strength to the masses' (Gandhi 1934a). At other moments, this 'spirit' appears to constitute not a people in its abstract unity—which might become the foundation of its constituent power—but across a matrix of social relationships grounded in their ineradicable difference. 'The effort today is at tolerance. The effort is to see how the orthodox Hindu, while remaining staunchly Hindu, can respect and sincerely wish prosperity to an orthodox Muslim,' Gandhi submits. 'True, this attempt is altogether new, but its spirit is there at the roots of Hindu *dharma*' (Gandhi 1921). The radicality of his faith in a 'religion that stays in

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all religions,' memorably formulated in his 1909 masterwork *Hind Swaraj*, is matched only by Gandhi's breathtaking obedience to the root and spirit of the laws, then: this root and spirit he calls *dharma*. Gandhi's exemplary reworking of the relation between *dharma* and the law takes the form two decades later of an intriguing declaration. There is before everything else, he posits, an 'equality of spirit without which no other equality is possible' (Gandhi 1934b).

This figure of the 'spirit,' which is inscribed at the heart of Gandhi's scrupulous ontology of force (although one appreciates Skaria's hesitation toward any ontology), becomes the pivot of Gandhi's relationship to the spirit of the law as such. Spirit is not simply a cognate of the religious or the transcendental for Gandhi. Rather, it is an immanence of mood, a feeling, a *place* of thought, or as he puts it (in yet another metaphor of force drawn from natural physics), a 'high tide' of convictions that persuade the subject to obey the *dharma* even in the shadow of death (Gandhi 1908). Spirit is also a rhetorical, performative, and lexical turn often enacted in full public view, one that obscures at once Gandhi's greatest proximity to, and his adamant disavowal of, the State in his politics. For all its tangible affinities with asceticism, renunciation, and sacrifice—epochal words that appear in his writings and speeches consistently if in often irreconcilable translations, such as *tyag*, *tapascharya*, *yajna*, and *yugadharma*—Gandhi's conception of the spiritual remains resolutely attuned to the logic, law, and apparatus of the State, if not the 'police' itself (albeit not always a modern, physical, uniformed, and racist one). Along with this potent disavowal of kinship with the law that marks satyagraha, there is the related problem of sacrifice, the thread along which Gandhi's conception of the 'self' gathers its most unresolved tangles. 'I must reduce myself to zero,' he writes in his *Autobiography*. For, *ahimsa*, he argues, 'is the farthest limit of humility (Gandhi 1929).

Skaria examines Gandhi's unforgiving spiritual experiments and injunctions—each involving the dissolution of this self—at the extremities of their meaning and legitimacy, offering probing readings of satyagrahic investment in such figures as the *vaishya* or the prostitute, on the one hand, and the *yodhha* or the warrior, on the other. His claim that these figures are, for Gandhi, at once incommensurably unequal in the virtues they possess (and virtues they lay to waste in an unequal exchange of their bodies) and yet immeasurably equal in what they might exemplify in their very openness to giving away their bodies to others (beyond the limits of the law) is possibly the most provocative opening that *Unconditional Equality* makes at the intersection of moral theory and political realism.

This provocation brings us to the figure of the *harijan*, a name that constitutes what I elsewhere call Gandhi's 'apotheosis of the unequal' (Kumar 2015). The name carries, in Gandhi's own words, immense 'force,' and it is as difficult to find justice in this name as it is to do justice to it. Suffice it to note that Skaria believes the *harijan* is symptomatic of Gandhi's conservatism. I believe the *harijan* is constitutive of Gandhi's rigorous cultivation of vacillation and vigilant undecidability, without which satyagraha itself might cease to be. At the 'extreme limit of [Skaria's] forgiveness' toward Gandhi, one indeed wonders if the political investment in ascetic sacrifice and aggravated atonement (and words that Gandhi frequently deploys to invoke and activate this politics, such as, for instance, *vrat*, or less innocuously, *prayaschitta*) carry for Skaria the ineradicable violence of their long prehistory, one that renders them morally fragile if not forever empty. Does their punitive vengeance (linguistic and structural), backed at once by the unforgiving force of law and the fanatic lawlessness of the majority, contaminate Gandhi's 'religion of resistance,' if not altogether make him an exponent of what Skaria calls 'anticolonial racism?' (41).

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I am certain what is truthfully 'anticolonial' cannot—must *not*—be 'racist' (even if it has historically tended to, under certain conditions, embrace a police logic). I am also certain that the unilateral force and unforgiving violence of words—and *vaishya* or *harijan* are not merely words; they are Gandhi's names for unforgivable transgression and debt—mean something for Skaria. Yet, I believe he takes an easy way out of these impasses when he says, to take one example, 'because Gandhi's god is not sovereign, this god cannot forgive' (274–275). Is it precisely not in nonsovereignty, in an unconditional relinquishment of autonomy in which the self or soul opens up to the other in a moment of radical heteronomy, that forgiveness becomes possible? Is not forgiveness precisely a giving up of the right to convict, renouncing the power to hold to account, deciding to relinquish the economy of vengeance that marks sovereign power? At such moments, one is tempted to ask: is there something of sovereignty left behind in satyagraha itself, which makes it so unforgiving toward those whose battles and sacrifices it deems unequal beyond measure?

Gandhi's *Discourses on the Gita* begins with an axiomatic cessation of ground to this unforgiving logic of obedience and office: obedience not under force, let us note, but as a nexus of voluntary observances and duties, in which the subject must decide to obey the figure of the sovereign—even if this juridical figure has no determinate center—willingly. Arjuna's resistance against the duty to kill his brothers, Gandhi insists, must remind the satyagrahi not of the fraternal violence—*stasis*—that the will to state unleashes but instead of the warrior's hesitation against the moral law that assigns him, by his very birth, the work of war. His vacillation from *Kshatriyadharma* is an act of uncivil disobedience, in other words, contaminated by his temptation to make a decision that goes against the morals of obedience to his office. What the satyagrahi must *not* emulate from Arjuna is this momentary usurpation—and this Gandhi does not say—of the right of *decision*, which belongs to the order of the moral law alone and to which alone must the satyagrahi surrender. In his formidable commentaries on the *Gita*, which are absolutely silent on the State, this extreme fidelity to office passes away unmarked, as if its presence can be wished away simply by not speaking of it, as if the profound decisionism that constitutes satyagraha can be made to disappear behind mere critiques of state violence.

Mastery and measure

If Gandhi is critical of the State, which, as Skaria rightly reminds us, he often unequivocally is, then his immersion in the *Gita* is also indicative of his profound attraction to those moral psychologies, mentalities, judgments, and decisions for which the State—and the war at the center of the *Gita* itself—is but a cipher. In this silence, in this apophatic element of the unsaid and the unsayable, which constitutes the power of the sovereign decision *as such*, lies the greatest emancipatory potential of satyagraha (and its most reactionary vacillation). Skaria's archeology of this paradoxical Gandhian decisionism—one that both holds office and obeys those it commands—finds powerful expression in the term 'radical conservatism.' At its heart is not Gandhi's unambiguous search for abstract equality but a truthful striving or *sadhana* for mastery instead. The least that can be said of this radical conservatism is that it attempts to conceptualize a politics in which decision and obedience, autonomy and hierarchy, thrive together in the political actor, and, more crucially, Gandhi hoped, thrive equally in everyone. But the consequences of such a politics were to remain tragically unequal, unjust, and unknown.

For Skaria, the universalism of Gandhi's *Gita* stems from precisely this openness of satyagraha to the absolutely unknown, the resolutely uncertain, the immeasurably

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unequal, the infinitely other who makes visible one's own finitude. 'The pure exemplarity of the Gita infects it with a strange universalism,' Skaria proposes in one of the finest and most probing passages in *Unconditional Equality*. For 'in reading the *Gita*,' according to Skaria,

> what travels is not some substantive argument it makes, but that absolute equality of other faiths that makes response possible. Thus, it is not only the *Gita* that teaches pure ethics—which is also to say, pure means, surrender without subordination—and is universally available; every pure faith must do so. Every pure faith is in this sense at every moment marked by a conversion into its other. Because of this, there is never any need for conversion in a social sense from one religion to another. Such social conversion would for Gandhi recoil from the absolute equality, the conversion into another pure faith, that already rends every religion. (220–221)

The easy hand with which Skaria plays away the issue of conversion intrigues me. This is not to say that one does not sense his immense discomfort even in the most moving passages of the book. Contrast Skaria's supple distinctions, for instance, with Gandhi's own normative demarcations, where a radical inequality thrives. 'If I were a dictator, religion and State would be separate. I swear by my religion. I will die for it,' he declares (Gandhi 1946). 'But it is my personal affair. The State has nothing to do with it.' A year later he reaffirms,

> Do not mix up religion and ethics. I believe that fundamental ethics is common to all religion … [But] a society or a group, which depends partly or wholly on State aid for the existence of its religion, does not deserve or, better still, does not have any religion worth the name. (Gandhi 1947)

It is curious that a man otherwise certain that there is 'no politics without religion' would suddenly declare religion to be his 'personal affair.' This strident dismissal of minor religions (alone) that might need the state less for their private rituals and more for their basic freedom and public dignity against majoritarian violence does not simply betray the theological secularist in Gandhi. It also returns us to that singular untranslatable of Indian political thought, a word Gandhi makes extremely prolific use of: *dharma*. It is *dharma* that scaffolds, along two inseparable axes of colonial Indian politics, the making-religious of the moral law (fundamental to Gandhian satyagraha) and, simultaneously, the making-secular of liturgical sacrifice (whose limits Gandhi could not himself control, eventually losing his life to one such act).

Dharma regulates the promiscuous economy of reversibility in which tyranny and democracy, domination and self-determination, mastery and self-sacrifice are rendered inseparable in Indian juridical and religious traditions. It is a spirit—Ambedkar ([1916] 1936) might say 'ghost'—and system at once. Its power comes not from a positive enunciation of a theory of sovereignty (theological or political); instead, it comes from an apophatic enunciation of its own suppleness and nonexistence. *Dharma* is sovereign—as moral generosity or unforgiving vengeance, as political suppleness or punitive machine, as voluntary surrender or strident mastery—precisely because, on its own, it is *not.* It is not one body, not even two (the liberal secularist and the Hindutva fanatic are united here). It is not a manifest master that the subject obeys. Such an acquiescence under pressure would amount to compulsion; dharmic obedience assumes only the presence of soul, *atman*, or *bhaav*, not an external master.

So unambiguously voluntary and rooted in one's soul is this obedience to the law that it threatens to lapse into a form of voluntary servitude; so deeply compelling its inner,

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juridical voluntarism that, as Ambedkar ([1916] 1936) writes less than a decade after *Hind Swaraj*, it tends to acquire the form of a machine, a 'mechanism,' an 'infection' that from the very moment of its false 'genesis' mutates into a system. Which is to say, a *dispositif* of infinitely graded difference within the logic of calculated repetition and sameness in which sovereignty, far from being limitless and exceptional, vested neither in one body nor two, is rendered into a science of infinite detail and measure, its mastery arranged in a topography of power that seems nonchalant, barely there, almost absent, and yet is drawn with majestic and 'mathematical exactitude.' Thus, caste first and foremost as a 'system,' one that most closely resembles the apparatus of 'police power' yet leaves no boot marks, immovable walls, or 'barbed wire' (Ambedkar 1936, 74). Its borders advance, vacillate, and, when need arises, pull back. At this extremity of moral voluntarism—*maryada*—between power and powerlessness, punitive occupation and voluntary dispossession, lie its gravest decisions.

Could the politics of 'surrender without subordination,' in hands less careful than Skaria's, dangerously mutate into this *dispositif* in which it is precisely vacillation that anchors the most unforgiving decisions of the oppressor? Could it mutate into an autonomy that accrues from a voluntary obedience without compulsion, from a machinicity in which the soul too is—Arendt (1963) might say, *thoughtlessly*—implicated, and which sees in surrender a gift of equality that, by its very logic, only the master ever can give? What would be such a gift that one gives the unequal without renouncing one's sovereignty? Is the recipient—let alone the gift—not forever marked by this sovereignty, this incurable inequality of the pure gift, if ever there might be one?

The untranslatable conversion

Yet, where there is *dharma*, proponents of India's civilizational exemplarity chant, there is nothing to be said of this exemplarily Indian passion for inequality at all. And this very nothingness—which raises the majestic silence of sovereign power even higher, to the realm of the unsayable—is supposed to mark the singularity of the political in India, which, it can be thus claimed without irony, is founded on the nonexistence and nonimplication of theology in it; whence the myriad figures that attach to the master figure of *dharma*, whose values and meanings do not decline but on the contrary multiply, now condensing an even more fertile duality of war and friendship (Dumézil [1948] 1988), and renamed under conditions of colonial rule and postcolonial democracy. If *Kshatriyadharma* configures the rhetorical arsenal of a war-bound and civilizational nationalism, and *Shudradharma* mobilizes, in its more revolutionary articulations, the ethics of anticaste abolitionism and insurrectionary democracy, then *maryadadharma* emerges as their flexible, seemingly antiviolent counterpoint. And it is here, in his unapologetic politicization of *maryada* as *maryadadharma*, that Gandhi establishes the authority of his political vacillations and moral rigor on the landscape of anticolonial politics. What is already a notion of social limit, border, extremity, now appears—in this coupling—as a stridently advancing line of injunction internal to the self and punitively inscribed across it, promising to resist a society's gravest inequities through a spiritualization of this self's guilt (and, in the same breath, through its capacity for self-sacrifice).

Skaria follows Gandhi faithfully in this spiritual challenge to autonomy, rendering *dharma* as religion 'for brevity's sake.' (303) This choice is everything. The problem is not that there is no better or more accurate translation of *dharma* available to political theory. The problem is that there are so many valences of *dharma*, so many potentially appropriate translations spread over classical Brahmanic and Buddhist texts and registers

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(and at their intersections), that *dharma* becomes—like *purusha*, *dispositif*, or *geschlecht*—rigorously untranslatable. Skaria intervenes powerfully here, in the fissure between the translated and the untranslatable, even if he does not say much on Gandhi's singular reworking of the relation between *dharma* and the law as such. The most intense force of *dharma*, after all, runs somewhere along the spiritual axis we call, across traditions of political thought, the moral law. In its extreme forms, *dharma* is a figure of a *conversion*: the conversion of violence to the law, the conversion of militarized violence to spiritual politics. It is a conversion so extraordinary and ineluctable, as Ambedkar writes in his unfinished *Essays on the Gita*, that it occludes in plain sight the insidiously fratricidal core—*stasis*—of the moral law itself (which is to say, *dharma* constitutes itself by concealing *itself*). If *dharma* is indeed religion, it is so only in this economy and, to use Skaria's revealing term, 'aneconomy'—even demonic excess—of militarized stasis and mystical occlusion of the law (with its concentric system of jury). Can such *dharma* be religion in the 'singular?' Or is it the sacrificial line of moral law, the line of 'armed neutrality' (Ambedkar 1936, 67) threading a nexus between exception and obedience, the sovereign and the soul?

Maryadadharma is the sovereign among the many exceptions that *dharma* permits the soul. I say 'exception' not to suggest a moment of emergency or a catastrophic breach in this system (such an emergency would be the instantiation of *aapad dharma*). I say 'exception' to underscore the fact that *maryadadharma* is marshaled to police precisely its opposite: that is, the ordinary, the everyday, the quotidian rhythms of the machine that shape the self's relation to itself (and which Gandhi seeks to seize and replicate in the wheel). *Maryadadharma* is the making-juridical of everyday life. Its presence—or invocation—marks the introduction of extraordinary laws into the contingent ordinariness of life. Or as the young Ambedkar argues, it is a system through which the merely repetitive becomes infectious in a moment of absolute, willing, and generalized surrender of an entire community—in its very self-determination and autonomy—to the injunctions and machinicity of the law.

Gandhi himself prefers to render *maryada* simply (and suggestively) as 'discipline.' His *maryadadharma* is simultaneously the moral law *of* limits (disciplinary, punitive, masterly) and the institution of the limit *in* the moral law (vacillating, moving, contagious). In other words, the quotidian logic of *maryada* upholds *dharma* no more and no less than it destroys it. If there is any *maryadadharma*, it exists only because, as Gandhi notes, it can be 'abolished with impunity' (Gandhi 1925). This conserving destructiveness—or destructive conservatism—forms the heart of Skaria's painstaking deconstruction of the logic he calls, following Derrida, 'autoimmunity.' What gives pause in this remarkably creative gesture is a truth that has less to do with the indeterminate lineages of *dharma* than it has to do with that which makes its promiscuous lineage so ineradicably political: namely, its relationship to the law, including the law of genre. If Hinduism is a modern religion par excellence, one that insinuates itself seamlessly into any language of power, it is because *dharma* can be so securely walled in behind its seemingly quotidian rules and laws of genre. Genre has everything to do with inequality precisely because it has nothing to do with it.

It is worth recalling the propensities of Gandhi himself, now sounding less like the Editor of *Hind Swaraj* and more like the Reader, whose first line of resistance against *Annihilation of Caste* is that scriptures must be read in a certain 'spirit,' through obedience to a certain law, by a faithful surrender to a certain system. If there is an ontology of tyranny singular to India, one that Ambedkar brilliantly calls the 'Indian Political,' then Gandhi undoubtedly strives to remain resolutely outside of it. And yet, while he takes immense liberties with theology, his obedience to the law of genre—his surrender to the spirit of the law as such—remains fierce. Here ironically lies Ambedkar's fearless originality: in excavating,

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across a series of studies beginning in the 1940s, the mystical permanence—the genre and *dispositif* of constantly present *non-presence*—of the theologico-political in India, one whose force resides not in a visible core of liturgical authority but in a concentric sovereignty at whose heart is an absent center, an emphatic and apophatic nothing. Even though there is something deeply monotheistic about Brahmanic Hinduism (or at least traits in it of the 'positive religions'), he argues in *Philosophy of Hinduism*, at Hinduism's heart is a moral abyss and emptiness that is just not there.

An abyss marked by its own absence: this intensity of absence—or rather, emptiness of emptiness (*shunyata*)—is what Gandhi perhaps strives to mobilize through the figure of the soul, spirit, *hriday*, or simply *bhaav*, and from which ensues his politics of surrender without subordination. Skaria stretches Gandhi's experiments with *advaita* to the limit here, clearing the ground in his afterword to devote some beautiful passages on the Gandhian conception of the 'nothing.' It is in this sense of the minor—a minor that must remain *unthought* in its very fullness, *insubordinate* in its very equality, constituted by its very *emptiness*—that the formidable accomplishment of Skaria's archeology also reveals itself. For is it not the condition of being given less, the condition of giving oneself away unconditionally despite being given less, the condition of being given *the* nothing that constitutes Gandhian equality? *Unconditional Equality* marks one of the most valiant attempts yet to reclaim this unconditionality of equality—this terrifying equality that, for all its insubordination, does not even desire itself.

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