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**Duty to Disobey:
Modernism, Autonomy, and Dissidence in the Global 1930s**

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ABSTRACT

*This essay constellates a set of modernist texts to pursue a question predominantly considered the provenance of legal philosophical studies, namely, a one's obligation to obey the laws of the state that one belongs to, and its corollary concerning the subject's autonomy and their duty to disobey unjust authority. By providing examples from the Black radical tradition (Zora Neale Hurston's 1931 *Barracoon*), European antiwar pacifism (Virginia Woolf's 1938 *Three Guineas*) and South Asian anti-colonial thought (M. K. Gandhi) in the interwar years, I explore heterodox conjugations of commitment (duty, bond, fidelity, attachment etc.) and disobedience (breach, withdrawal, betrayal, insurgency etc.) to juridical authority.*

KEYWORDS: obligation, global modernism, race, colonialism, gender, civil disobedience, interwar years.

Duty to Disobey:

Modernism, Autonomy, and Dissidence in the Global 1930s

Rajgopal Saikumar

This essay constellates a set of texts that I read as modernist so as to pursue a question predominantly considered the provenance of legal philosophical studies, namely, one's obligation to obey the laws of the state that one belongs to, and its corollary concerning the subject's autonomy and their duty to disobey unjust authority. By providing examples of aesthetic autonomy as expressed in the Black radical tradition (Zora Neale Hurston's 1931 *Barracoon*), European antiwar pacifism (Virginia Woolf's 1938 *Three Guineas*) and South Asian anti-colonial thought (M. K. Gandhi) in the interwar years, I explore heterodox conjugations of commitment (duty, bond, fidelity, attachment etc.) and disobedience (breach, withdrawal, betrayal, insurgence etc.) to authority.¹ Written in the context of war, colonialism, and Jim Crow segregation, the authors of the texts I read try to recalibrate their commitments to various social formations like the state, nation, family, professions, and etc. Through these recalibrations they perform a factionalist disengagement from the state apparatus that manifests an ethical but paradoxical imperative of the 'duty to disobey'. In this context, what I read as autonomy is not some metaphysical substance, or an objective like 'liberation' that is meant to be "achieved", but the unending process of negotiating one's relationships, attachments, and detachments within the complex of the duty-disobedience matrix that constitute a society. Modernism is relevant here in the way these figures fashion forms of aesthetic autonomy as a way of responding to dilemmas of political autonomy.

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¹ Virginia Woolf, "Three Guineas," in *A Room of One's Own and Three Guineas*, (ed.) Morag Shiach (NY: Oxford University Press, 2008) (hereinafter, *Three Guineas*); Zora Neale Hurston. *Barracoon: The Story of the Last "Black Cargo"* Ed. Deborah G. Plant (NY: Amistad, 2018) (hereinafter, *Barracoon*). M. K. Gandhi, *Hind Swaraj and Other Writings*, ed. Anthony J. Parel, (Cambridge: Cambridge University Press, 1997) (1909) (hereinafter, *Hind Swaraj*); For all other works by Gandhi, I refer to *The Collected Works of Mahatma Gandhi*. <https://www.gandhiashramsevagram.org/gandhi-literature/collected-works-of-mahatma-gandhi-volume-1-to-98.php> (last accessed 15 June, 2021)

I deliberately work with the phrase ‘duty to disobey’ to step back from more fully theorized concepts like conscientious objection and civil disobedience.² As Erin Pineda has argued, philosophers of liberalism have tended to distill civil disobedience to a single example of the American ‘civil rights movement,’ which is itself reduced to serve as a paradigmatic representation of their theories.³ Pineda writes: “The ‘civil rights movement’ in these narratives, refers not to a complex decades-long assemblage of *movements*, but to a movement in the singular, defined by a clear trajectory from denial to fulfillment, from the aberrant national sin of racial segregation to its ultimate redemption and peaceful overcoming.”⁴ This narrative of the paradigmatic civil disobedient (Selma, Birmingham, Montgomery etc.) is then used as a disciplining tool to chastise contemporary movements for being ‘uncivil’ in their decorum.⁵ John Rawls’s 1969 essay *The Justification of Civil Disobedience*, which set the terms for future discussions, insisted that disobedient action was justified in exceptional cases but “within the limits of fidelity to the law.”⁶ The disobedient act had to appeal to the public conscience, be civil, decorous, peaceful, directed at the specific law in question, and that the transgressor accept the punishment imposed by law. Peter Singer compares Rawls’s ‘well-ordered society’ to a good piece of machinery and his reducing of civil disobedience to a machine-lubricant: “there may occasionally be a little friction, and so lubrication will then be necessary, but the basic design needs no alteration.”⁷

² For a standard liberal formulation, *See, Civil Disobedience in Focus* ed. Hugo Adam Bedau (London: Routledge, 1991); for more recent works on the topic, Candice Delmas, *A Duty to Resist: When Disobedience Should be Uncivil*, (NY: Oxford University Press, 2018); Kimberley Brownlee, *Conscience and Conviction: The Case for Civil Disobedience* (NY: Oxford University Press, 2012); for standard works on literature and civil disobedience, *See, Civil Disobedience in Literature*, (ed.) Harold Bloom & Blake Hobby (Bloom’s Literary Criticism, 2010). A widely cited work in the American tradition of civil disobedience since the civil rights era, *See, Howard Zinn, Disobedience and Democracy* (New York, Random House, 1968); The paradox of duty and disobedience in civil disobedience is articulated differently in Lewis Perry’s longer American history of civil disobedience from the late-eighteenth century pre-revolutionary era to the civil rights era, *Civil Disobedience: An American Tradition* (Yale University Press, 2013). Perry argues that the tradition originated when personal conscience was challenged by the power of the state and institutions, resulting in a paradoxical feeling of wanting to respect the law and its institutions yet being unable to acquiesce in or ignore immoralities in the law and its institutions.

³ Erin Pineda, *Seeing Like an Activist: Civil Disobedience and the Civil Rights Movement* (NY: Oxford University Press, 2021)

⁴ ID at 2

⁵ One could date this intellectual deradicalization to the 1961 American Philosophical Association Symposium titled ‘Political Obligation and Civil Disobedience.’ *See, Richard A. Wasserstrom, Hugo A. Bedau, and Stuart M. Brown, Jr., ‘Symposium: Political Obligation and Civil Disobedience,’ in, Journal of Philosophy, 58 (1961), 641–665;*

⁶ The article was republished in, John Rawls, *A Theory of Justice*, (Cambridge, Harvard University Press, revised ed. 1999 [1971])

⁷ Peter Singer, “Disobedience as a Plea for Reconsideration,” in, *Civil Disobedience in Focus*, (ed.) Hugo A. Bedau (London: Routledge, 1991) 125

But turning to texts in the literary-humanities presents us with a different tradition of enacting disobedience—which is not centrally civic, or in contravention of laws. I show that important anti-colonial and pacifist writers, thinkers, and leaders of the 1930s viewed obligation differently: as a withdrawal into autonomous zones of practice so as to recalibrate one’s commitments in ways by which these commitments, ultimately, accord with shared ideals, norms, and notions of the good. Rejecting conceptions of political obligation as flowing from legal-rationalist bureaucratic apparatuses of state, or those justified based on nationalistic affiliations, these figures I read present legal obligation as arising from within associative relationships such as family, friends, neighbors, co-workers etc. In doing so, they acknowledge multiple sources of normativity. Instead of ‘appealing to public conscience’, they present the prejudices that pervade the public sphere and treat injustices as a problem of democratic deficit rather than law reform. In the texts I read, their expression of disobedience is not loud and declaratory but quiet, inward, and sublated. A crisis of conscience makes them withdraw into heterotopic spaces of exit, where they recalibrate their commitments, and then return to the political sphere of dialogue and participation.⁸ These spaces of withdrawal are more literary than literal, involving practices of textual intimacies, such as reading and writing, often in a solitude.

Such a praxis, as a refusal of obligation, happens away from sites of publicity, like buses, streets, and courtrooms, and remapped in alcoves of withdrawal, such as the room (Woolf), Ashram (Gandhi) and Africatown (Kossola in *Barracoon*). But then there is the stage of recalibration and return: after his retreat into the Ashram, Gandhi returned to politics with his Dandi March (Salt Satyagraha, 1930), an event that was extremely public and mediatized globally, while Kossola’s narrative, saturated with his melancholic interiority, enters public circulation- although only in the twenty-first century- in Zora Neale Hurston’s ethnographic-memoir.

This movement, from dissonance/conscience to the retreat into the quiet/interior comportment and back to public circulation and participation, is inflected by modernist practices. By modernist

⁸ A recent work that makes similar arguments but from a different perspective and with other justifications, See, Bonnie Honig, *A Feminist Theory of Refusal*, (Cambridge, MA: Harvard University Press, 2021)

practice I am generally referring to three distinct uses: (a) in my reading of Virginia Woolf, it is a modernism understood as a social grouping and quasi-institutional formation, such as the Bloomsbury group, (b) in my reading of Zora Neale Hurston, modernism is the linguistic experiments in representing interiorities, and (c) in Gandhi, modernism is an interpretive practice and attitudinal orientation towards modernity.

Narrativizing the Question:

A dominant understanding of the law is that it is normative; that it has the authority to claim content-independent obligations to obey its directives. The law, by the very fact that it is the law, is a reason to obey, regardless of the substantive correctness of specific laws. Whether such obligation actually exist is contested on moral, political, and empirical grounds. Philosophers provide arguments ranging from agent-centered theories (consent, tacit consent, fair-play), natural duty (Rawls), deference (Philip Soper), associative obligations (Ronald Dworkin) etc. But what the law-and-humanities can bring to this question is a socio-historically entrenched approach that enriches these otherwise abstract (but provincializable) debates with thick and particular descriptions. If one reads H. L. A. Hart's *The Concept of Law* more discursively, one might find an invitation to pursue such law-and-humanities inflected methods to bear upon these jurisprudential topics. Consider how Hart introduces 'ordinary language' philosophers like Austin, Ryle, and Wittgenstein into jurisprudence. Turning away from 'definitions' of words as having referents in empirically observable reality, Hart suggests that the meaning of legal concepts like 'rights' and 'duty' must be inferred by placing them in their ordinary context, within a sentence, and examining their characteristic use within the legal system. Referring to J. L. Austin and Wittgenstein, he writes, "None the less both were inspired by the recognition of the great variety of types of human discourse and meaningful communication, and with this recognition there went a conviction that long-standing philosophical perplexities could often be resolved not by the deployment of some general theory but by sensitive piecemeal discrimination and characterization of the different ways, some reflecting different forms of human life, in which human language is used."⁹ But, for reasons

⁹ H. L. A. Hart Introduction, *Essays in Jurisprudence and Philosophy* (Oxford: Clarendon Press, 1983) 2

Peter Fitzpatrick elsewhere explains, Hart goes on to limit his use-oriented philosophy to the “official world” of those involved in law-making, law-identifying and law-executing operations as opposed to the ‘mass of the population’ or the ‘ordinary citizen’ who Hart sees as being ignorant and inadequate.¹⁰ But, might one read into Hart the heteroglossic profusion of human discourses of the law, bringing back the chaotic and competitive pluralities of the ordinary citizen who necessarily comes with a wide set of normative commitments like religion, philosophy, friendship, profession, and etc. whose demands may be in conflict with the demands of law?

Another point of opening for the law-and-humanities in *The Concept of Law* is the section where Hart criticizes John Austin’s definition law by invoking the example of the gunman. Disputing Austin’s definition of the law as ‘the command of the sovereign backed by sanctions,’ Hart argues that the problem with this definition is that it does not account for the internal perspective in the operation of rules:

“His view will be like the view of one who, having observed the working of a traffic signal in a busy street for some time, limits himself to saying that when the light turns red there is a high probability that the traffic will stop. He treats the light merely as a natural sign that people will behave in certain ways, as clouds are a sign that rain will come. In so doing he will miss out a whole dimension of the social life of those whom he is watching, since for them the red light is not merely a sign that others will stop: they look upon it as signal for them to stop and so a reason for stopping in conformity to rules which make stopping when the light is red a standard behavior and an obligation. To mention this is to bring into account the way in which the group regards its own behavior. it is to refer to the internal aspect of rules seen from their internal point of view.”¹¹

¹⁰ Peter Fitzpatrick, *The Mythology of Modern Law* (NY: Routledge, 1992) 191

¹¹ H. L. A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 2nd ed., 1994)(1961) 90

This internal perspective invites the literary critic, with their keen sense of narratology and point of view, to speak to what it means to inhabit a world constituted by systems of law--what pressure one experiences on seeing the light turn red, and the somatically affective signal that pushes the driver to step on the breaks. Yet, as Fitzpatrick shows, Hart foreclosing this sociological explanation and pivots away into a speculative history of a hypothetical Rex as the original law-maker and goes on to limit the internal perspective to that of the 'official'.

Robin West in a seminal essay 'Jurisprudence as Narrative' has shown how legal theory heavily relies on narrative form, and that it deserves to be understood as an aesthetic object.¹² It is evident that the problematic of legal obligation is amendable to narrative treatment and analysis: consider classical texts involving Socrates drinking the hemlock, a tragic Antigone facing Creon, and Arjuna's existential breakdown in the *Bhagavad Gita*. It is necessary to bring in narrative, standpoint, experience, interiority, affect, and historicism more fully into the debates. For instance, in the 1930s, African Americans in the United States, pacifists in Europe, and Indians in the British Empire had no choice but to obey the laws of the state to which they belonged. It is here that one might find articulations of legal obligation (from figures such as Du Bois, Ambedkar, Gandhi, C. L. R. James and others) that are historically situated and philosophically sophisticated. One might find in them what Brian Tamanaha calls a "realistic jurisprudence"¹³ that, unlike natural law and analytical jurisprudence, presents a more holistic vision of law as entrenched in and evolving with society.

Frederick Schauer glosses Hart's 'internal point of view' as follows: whenever we are inside a rule system, we have obligations created by that system. Inside a game of chess, I have an obligation to follow its rules; while when inside the rule system of Victorian etiquette, we are under an etiquettal obligation to follow the rules that the practice establishes. Legal obligation is a species of this genus: "If one accepts – internalizes, or takes as a guide to action – the system, then that system can create

¹² Robin West, "Jurisprudence as Narrative: An Aesthetic Analysis of Modern Legal Theory," 60 *N.Y. U. L. Rev.* 145-211 (1985) at 146

¹³ By showing the limitations of natural law and analytical jurisprudence's narrow, abstract, ahistorical and detached approach to jurisprudence, Tamanaha clears the ground for what he calls realistic theories of law that are present a holistic vision of law within society and evolving in connection with social, cultural, economic, political and technological factors. Brian Tamanaha, *A Realistic Theory of Law*, (Cambridge: Cambridge University Press, 2017)

obligations for those who accept...To be inside a system of norms is to have the ability to take actions, have reasons, make statements, offer criticism, and reach judgments *from* and not about the norms of that system.”¹⁴

From the perspective of a minor jurisprudence,¹⁵ one might ask what it means to accept and inhabit an ‘internal point of view.’ If a minor jurisprudence describes any species of legal knowledge that has escaped the ‘phantom of a sovereign and unitary law,’ then to inhabit the minor is to inhabit dissonance. Dissonance is what I am calling the disconnection that is experienced when juridical insistence is at odds with one’s ideals, principles, goals, and desires. This is unlike the hegemonic subject of law for whom its demands are in sync with their personal judgments, goals, and ideals. Richard Wright writes in *Black Boy* (1945), “Negroes had never been allowed to catch the full spirit of Western Civilization...that they lived somehow in it but were not of it.”¹⁶ Here the insider and outsider distinction tends to blur. When Wright claims that African Americans were *in* western civilization but not *of* it, he is pointing at this in-between position where authority is imposed upon them but is not authorized by them. It is the experience of dissonance that renders the law thoroughly and pervasively political.

The three texts I read provide present this dissonant orientation towards state institutions. They deploy techniques of aesthetic autonomy to work through dilemmas of political obligation, thus recalibrating a stance of political autonomy viz-a-viz demands of the state. In part one, I consider Virginia Woolf’s argument in *Three Guineas* (1938) that as a woman she owed no obligation to the British war effort against fascism. She envisions a secretive ‘Society of Outsiders’ as a way of contracting out of the political society of her country, and withdraw into a Society of Women, an experimental,

¹⁴ Frederick Schauer, *The Force of Law*, (Cambridge, MA: Harvard University Press, 2015) 34

¹⁵ Minor Jurisprudence describes any species of legal knowledge that has escaped the “phantom of a sovereign and unitary law.” Christopher Tomlins draws out two modes of engagement with minor jurisprudence: One, associated with Peter Goodrich, is a plural, subversive and subaltern jurisprudence arising from the “rebels, critics, marginals, aliens, women and outsiders.” In this register, minor jurisprudence is a challenge to the law of the masters, it is disruptive, antagonistic, and historically anti-foundational. The other register, associated with Panu Minkkinen, attempts to be more than critique and anti-foundationalism. Instead, it is initiatory of new foundational perspectives. Peter Goodrich, *Law In The Courts of Love: Literature and Other Minor Jurisprudences* (Routledge; 1996); Panu Minkkinen, *Thinking Without Desire: A First Philosophy of Law* (Hart Publishing, 1999); Shaun McVeigh, “Afterword: Office and the Conduct of the Minor Jurisprudent,” in 5 *U. C. Irvine L. Rev.* 499 (2015); Christopher Tomlins, “Foreword, “Law As...” III- Glossolalia: Towards a Minor (Historical Jurisprudence,” in 5 *U.C. Irvine L. Rev.* 239 (2015)

¹⁶ Richard Wright, *Black Boy: A Record of Childhood and Youth* (NY: Harper, 2009 [1945])

autonomous private sphere. Part two is an analysis of Zora Neal Hurston's ethnography-memoir *Barracoon* (1931). I show how Hurston's anarchist-inflected imagination is impressed upon our reading of Kossula, an formerly enslaved person, who was kidnapped from West Africa as an eighteen-year-old. In his post-Emancipation life in 'Africatown in Alabama,' I read for his peculiar dis-identification with citizenship in the United States. In part 3, I turn to how Gandhi's civil disobedience movement (Dandi March, 1930) was influenced by his readings of the *Bhagavad Gita* and his practices of spiritual askesis in the Ashram.

Part 1: Virginia Woolf Society of Outsiders

The strangeness of Europe in the 1930s lay in its anxious anticipation of a total war.¹⁷ A total war blurs distinction between battlegrounds and home fronts, combatants and civilians, and entire populations are biopolitically conscripted. For a pacifist to opt out of total war becomes a near impossible move. Writing in 1939 the philosopher C. E. M. Joad grapples with the imbrication of economy and war that aggravate the difficulty of delineating pacifist action: "There is thus no clear-cut line between work which assists carrying on of the war and work which does not. Short of heroic measures, you *cannot contract out of the community to which you belong*"¹⁸ (emphasis added.) The resulting zones of indistinction raised dilemmas about the fidelity that political subjects owe in war. If political obligation is derived from consent, why is 'contracting out' not an option? When taking sides becomes an imperative, what does it mean to acknowledge no obligations? Simone Weil referred to war as an 'overwhelming force' that deforms us and turns us into an object.¹⁹ Can one carve out a space of autonomy in the face of such force? These are the sort of themes that Virginia Woolf takes up in her 1938 political essay *Three Guineas*. Addressed to a barrister and written in epistolary form, Woolf asks whether British women have an obligation to support the British war effort against fascism. Her response is a no. They in fact have a

¹⁷ Paul K. Saint-Amour, *Tense Future: Modernism, Total War, Encyclopedic Form* (NY: Oxford University Press, 2015)

¹⁸ C. E. Joad, "The Duty of a Pacifist," *The Atlantic Monthly*, November-1939, 692 pp. 689-694

¹⁹ Simone Weil and Mary Mc Carthy, "The Iliad, or The Poem of Force," *Chicago Review*, Vol. 18, No. 2 (1965) 5-30

duty to reject any allegiance based on patriotic and nationalist sentiment. The argument is that if women have been historically excluded from the civil society, which is the site of democratic process, and democratic participation is a necessary condition to ground political obligation in modern states, then women deserve to be exempted from laws that substantially burden them because they have not been allowed to participate in the process. Realizing the anarchist consequences of such a claim, Woolf posits a ‘Society of Outsiders’ as an experiment in such opting-out: “We, remaining outside, will experiment not with public means in public but with private means in private.”²⁰ Being an outsider becomes a resource; being left out of the public sphere enables an active withdrawal into the private space as one of experimentation.

The Society of Outsiders is an attempt at imagining political autonomy as an exit from the obligations of war, but its ideological predecessor is in a conception of aesthetic autonomy. Autonomy here is not a naively hyperbolic claim of some inherent and freestanding quality of the artwork. Aesthetic autonomy is a relationally, historically and a politically shaped category.²¹ As in the figure of the ‘room’ in Woolf’s *Room of One’s Own* (1929), “intellectual freedom depends upon material things.” What women lack and most need is “five hundred a year and a room of one’s own.” These are the necessary conditions that enable the ‘power to contemplate,’ create and express, to be a writer in the world. The work of carving out a space for aesthetic autonomy happens under specific socio-economic conditions.

The other experiment in aesthetic autonomy is Hogarth Press. As Woolf wrote to David Garnett on the publication of “The Mark on the Wall”: “it’s very amusing to try with these short things, and the greatest mercy to be able to do what one likes – no editors, no publishers, and only people to read who more or less like that sort of thing.”²² Aesthetic autonomy here is understood in terms of what Pierre Bourdieu in *The Rules of Art* calls a ‘field of restricted production.’²³ Hogarth Press is such an

²⁰ *Three Guineas*, 321

²¹ Recent books that recuperate aesthetic autonomy, See, Andrew Goldstone, *Fictions of Autonomy: Modernism from Wilde to de Man*, (NY: Oxford University Press, 2013); Lisa Siraganian, *Modernism’s Other Work: The Art Object’s Political Life*, (NY: Oxford University Press, 2012); Nicholas Brown, *Autonomy: The Social Ontology of Art Under Capitalism*, (Durham: Duke University Press, 2019);

²² Virginia Woolf, *The Question of Things Happening: The Letters of Virginia Woolf 1912-1922* ed. Nigel Nicholson, (London: Chatto & Windus, 1976) 167

²³ Pierre Bourdieu, *The Rules of Art: Genesis and Structure of the Literary Field*, trans. Susan Emanuel, (Palo Alto: Stanford University Press, 1996)

institutionalized space of artistic work and production, it is a 'position' that is 'conquered' by particular writers who self-consciously and deliberately institute for themselves autonomous alternatives to other fields that constitute the economic, political, and socio-cultural world. In *Three Guineas*, where the question is how one imagines *contracting out* of the sovereign's imposition of a duty to participate in the war, one might read Woolf as 'applying' to dilemmas of political obligation practices of aesthetic autonomy developed not just formally in her novels, and theoretically in *Room of One's Own*, but institutionally, as a restricted field of production in the Hogarth Press.

Three Guineas is framed as an epistolary exchange between Woolf and a middle-aged barrister representing a peace-society. The epistolarity is used ironically, as the letters and missives that parody the writs, pleas, petitions and plaints of the lawyer.²⁴ The epistles become a modality of counter-office. The barrister asks Woolf, "How in your opinion are we to prevent war?", expecting her support in the form of joining his peace society, signing manifestoes and petitions, and contributing money to the cause. He expects her to 'participate' in the political discourse of peace-making. Woolf's response however is oblique. Instead of participation by women of her class, she calls for a dissociation. In an obliqueness that characterizes the entire work, Woolf spends much of the essay discussing not war, humanitarianism and international relations, but a wide variety of seemingly unrelated topics such as colleges, libraries, churches, architectures, and sartorial matters. After a lot of bargaining and negotiating with the barrister, Woolf decides to send one guinea to rebuilding colleges for women, a second guinea to a society that aids professional employment of women, and a third guinea to the barrister's peace society: "...but the three guineas, you will observe, though given to three different treasuries are all

²⁴ On the face of it, the epistolary form has an autonomous structure: whereas *A Room of One's Own* is framed as public lecture to an audience of women, *Three Guineas* is composed as a private conversation between two individuals, standing apart from the world at large. From its opening, *Three Guineas* puts the stability of the relationship between the sender and the receiver of the letter into question: "In the first place let us draw what all letter-writers instinctively draw, a sketch of the person to whom the letter is addressed...It is now that the first difficulty of communication between us appears. Let us rapidly indicate the reason."²⁴ The narrative spirals outward, involving more and more characters as Woolf introduces other standpoints by caricaturing and ventriloquizing stock figures such as the "honorary treasurer" of a society seeking subscribers for donations; or parodying letter templates such as "a letter asking for subscription to the society for helping daughters of educated men to obtain employment in professions"; play-acting dramatic characters like bargaining with "...a woman considering donating money to a college dictating the terms of her charity". From the private structure of the epistolary the narrative gradually expands, introducing several standpoints, enunciating other points of view. And moving from the private to the social, it concludes with a seemingly public-facing declarative announcements like, "...as a woman, I have no country. As a woman, I want no country."

given to the same cause, for the causes are the same and inseparable.”²⁵ This is a remarkable argument. Unlike the dominant intellectual trends of her times, Woolf’s pacifism is not based on Christian values, spiritualized humanisms, a universalized liberal conscience, or idealisms of love and compassion. Instead, she links three seemingly disparate issues: education, profession, and war. Broadly put, promoting women’s education will help them enter professions; entering professions will ensure a basic living standard necessary to cultivate an autonomous point of view that will help them step back from war, and eventually, persuade others to follow.

In *Three Guineas*, Woolf presents us with two sets of photographs: war photographs and office photographs. The war photographs are described but not reproduced in the book. These are photographs mostly from the Spanish civil war, that describe human suffering and vulnerability, dead bodies and ruined houses. But Woolf’s argument for pacifism is not based on evoking a humanist response from these images. The second set of photographs – which I call the Office Photographs – are actually reproduced in the book. They are a set of five black-and-white portraits of influential British patriarchs reigning in their civic and public offices spanning Government, Justice, Religion and Empire: former Prime Minister (and Chancellor of Cambridge University) Stanley Baldwin; Lord Chief Justice Gordon Hewart; Boer War hero and founder of Boy Scouts, Robert Baden Powell; and the State trumpeters of the Household Cavalry:

“There they go, our brothers who have been educated at public schools and universities, mounting those steps, passing in and out of those doors, ascending those pulpits, preaching, teaching, administering justice, practicing medicine, transacting business, making money. It is a solemn sight always—a procession, like a caravan crossing a desert. Great-grandfathers, grandfathers, fathers, uncles—they all went that way, wearing their gowns, wearing their wigs, some with ribbons across their breasts, others without. One was a bishop. Another a judge. One was an admiral. Another a

²⁵ *Three Guineas*, 367.

general. One was a professor. Another a doctor...It is a solemn sight, this procession, a sight that has often caused us...to ask ourselves certain questions.”²⁶

They are uniformed, in full ceremonial attire, wearing their personal distinction of medals, ribbons, badges, hoods, gowns and honors. They exude authority, their insignia signal the majesty of their *Dignitas*. If the former set of war photographs is meant to wake us up to the nakedness of force and violence, then the latter set of photographs veils the violence, and dazzles us into obedience. What *Three Guineas* hints at is a relationship between sovereignty (that decides on war) and the office (civil institutions where political participation and obligations are played out). A relationship in which the sovereign invests its energies into the office, and the office sustains, aids and props up sovereignty.

In this context, the Society of Outsiders becomes a counter-office of disobedience. Whereas the text begins by teasing and satirizing the ‘calling’ of the officers, civil servants and the professional-class, towards the end of the text, the Society of Outsiders appropriates this language of norms, duties, oaths and vows. Woolf declares it the Outsider’s duty to not forget “that ridicule, obscurity and censure” when being seduced by fame and praise; the duty to reject badges, orders, degrees, and honors; to not bind themselves by oaths and ceremonies; and in the event of war to refuse to make munitions or nurse the wounded, “but to maintain an attitude of complete indifference.” Refusing badges, orders and honors is a peculiar route to political autonomy involving certain quasi-institutionalized mode of self-effacement. In its aesthetics of neutrality, of refusing to take sides, it rejects the symbolism, insignia, the emblems and majesty of the gowns, wigs, ribbons and medals described in the office photographs. This is similar to the ‘room’ as the site of autonomy, which in its plainness and minimalism evokes an aesthetics of flatness. One is reminded of Roland Barthes writing on neutrality as an ethical stance: “I propose that the desire for the Neutral is desire for- first, suspension of orders, laws, summons, arrogances, terrorisms, puttings on notice, the will-to-possess- then, by way of deepening, refusal of

²⁶ ID 240-241

pure discourse of opposition. Suspension of narcissism: no longer to be afraid of images: to dissolve one's own image."²⁷

Part 2: Zora Neale Hurston's diasporic autonomy in *Barracoon*

Like Woolf's *Society of Outsiders* repurposing an aesthetic practice of autonomy to answer a political question, Zora Neale Hurston deploys Afro-modernist strategies in her ethnographic/memoir *Barracoon* (1931/2018) to articulate the political autonomy of dissident citizenship in a Jim Crow modernity. *Barracoon* is Hurston's ethnography of Kossula, the last known survivor of the Middle Passage. Born circa 1841 in the town of Bante, home to the Isha community of the Yoruba people, Kossula was eighteen-years old when, with one hundred and fifteen others, he was kidnapped and sold to a wealthy plantation owner in Mobile, Alabama. With guidance from the anthropologist Franz Boas, Hurston spent two months interviewing Kossula in the summer of 1928. In these interviews, that eventually became her manuscript *Barracoon: The Story of the Last Black Cargo*, Kossula talks about his youth in West Africa, the kidnapping and slaughter of his community by the Dahomey army, his sale and passage across the Atlantic in the slave ship *Clotilda*, and his enslavement in an American plantation, and his subsequent life as a freedman. After the Civil War, Kossula and the other *Clotilda* Africans yearned to return home but found it practically unviable. Instead, they came together to construct an Africatown in Mobile, Alabama.

Recorded chronologically, Kossula's story describes his post-Emancipation life where a non-official Reconstruction becomes the work of 're-humanization.'²⁸ He and fellow formerly enslaved persons from Africa saved money, bought land, rebuilt their lives and families, shared dreams of their lost homes and their visions for a future. The scale of this narrative is epic, ranging from Africa to the Americas, dealing with family, parenting, death and mourning, but also the civil war, convict labor,

²⁷ Roland Barthes, *The Neutral*, trans. Rosalind E. Krauss and Denis Hollier (NY: Columbia University Press, 2005) 12-13.

²⁸ For more on 're-humanization' in the work of Sylvia Wynter. See, Carole Boyce Davies, "From Masquerade to Maskerade: Caribbean Cultural Resistance and the Rehumanizing Project" in, *Sylvia Wynter: On Being Human as Praxis*, (ed.) Katherine McKittrick, (Durham, Duke University Press, 2015)

Freedmen's politics and struggles to overcome the degradations of Jim Crow American South. The inventiveness of *Barracoon* lies in its reflexive blending of social-scientific disciplinary practices and a modernist attention to narrative, interiority and linguistic experiments. If on the one hand Hurston is intervening in social science debates on retentionism versus assimilationism amongst African Americans (concerning the extent to which African culture is present amongst African Americans),²⁹ on the other hand she focalizes on Kossula's inner life, his speech and his silence. Neither fully a retentionist nor an assimilationist, Hurston is interested in narrating what Sylvia Wynter calls a 'metamorphosis' that captures how enslaved persons 'in the new landscape reinvented themselves as natives in a new world.'³⁰ She doesn't just give us a comparative social history but expertly individuates a conscience, showing Kossula's exceptionalism in his quotidian existence. His resilience is constructive, jurisgenerative and autochthonous.

Kossula in *Barracoon* is the figure standing for a refusal of political obligation. His refusal is not loud and declaratory but lodged in the folds of his lonely conscience that prevents the sublation of Black reason into a nationalizing 'American' identity. But he doesn't just represent refusal, resistance, and fugitivity. His alienation from the 'official' public sphere enables a constitution of a separate sphere of care and affection represented by Africatown in Alabama. The expression of autochthony can be observed by tracing the calibration of obligations and detachments to different social networks like city, government, judiciary, police, markets, housing and matrimonial relations.

Hurston claims to have transcribed the phonetics of Kossula's speech,³¹ incorporating his oral inflections and mannerisms. As an anthropologist, she sees his language as carrying clues of a

²⁹ Social scientists in the 1930s were heavily invested in the debates on retention and assimilation. Retentionists like Franz Boas, Du Bois, Carter Woodson, Melville Herskovits believed that African cultural traditions were not only present but influential in African American family, church, music, during and after Emancipation. Assimilationists like Robert E. Park, Gunnar Myrdal believed that the Middle Passage and experience of slavery erased their pre-slavery rendering them into a blank slate; while Howard University social scientists like Franklin Frazier and Abraham Harris argued that black and white cultures were essentially the same, and the greater presence of social pathologies such as broken families, crime, poverty, disease among blacks were all due to racial discrimination. Gershenhorn, Jerry. *Melville J. Herskovits and the Racial Politics of Knowledge* (Lincoln: University of Nebraska Press, 2004); Morris, Aldon. *The Scholar Denied: W. E. B. Du Bois and the Birth of Modern Sociology*. (Berkeley: University of California Press, 2015)

³⁰ Sylvia Wynter, *Black Metamorphosis* (unpublished man., n.d.) p. 44

³¹ In a letter dated 3rd May 1927, Franz Boas, on reviewing a batch of Hurston's material, reminded her "to focus not so much on the content, but rather to the form of diction, movements, and so on...The methods of dancing, habitual movement in telling tales, or in ordinary conversation; all this is material that would be essentially new." (Ward, 308). As

metamorphosis, in how the past is transmitted, transformed and reinvented. The modernist move lies in consolidating this ‘natural’ speech into a literary language. As Deborah G. Plant puts it, “Sentences follow his syntactical rhythms and maintain his idiomatic expressions and repetitive phrases. Hurston’s methods respect Kossola’s own storytelling sensibility; it is one that is ‘rooted in African soil.’”³² When Hurston submitted her manuscript to Viking Press in January 1931, the publisher asked her to rewrite it “...in language rather than dialect.”³³ Hurston refused and the work remained unpublished until 2018. This refusal to write in ‘standardized’ English lies at the center of debates on interwar American modernism. Canonical modernists like Eliot, Pound, and Stein, as Michael North has argued, strategically deployed ‘dialect mimicry’ of Black speech so as to be perceived as nonconformists breaking away from their (white) artistic forefathers by embracing the black other.³⁴ African American modernism emerges in tension with these developments in the representation of race and culture. In ‘*Criteria of Negro Art*’ (1926), W. E. B. Du Bois argued that ‘all art is propaganda and ever must be’, and therefore representations of Blackness served the socio-political purpose of promoting dignity, self-respect, and equality. Alain Locke objected to this by suggesting that art is in fact “rooted in self-expression”, and in similar vein Langston Hughes writes in ‘*The Negro Artist and the Racial Mountain*’ (1928): “We younger Negro artists who create now intend to express our individual dark-skinned selves without fear or shame.” In this context, Hurston’s *How It Feels to Be Colored Me* (1928) reads like a disobedient disaffection from the literary movement especially in the way she refuses propaganda as well as the notion of racial authenticity: “I do not always feel colored,” “At certain times I have no race, I am *me*.” Whereas the Anglo-American modernist practice of ‘black ventriloquism’ was often a reactionary modernism romanticizing primitiveness, interwar African American modernism was less concerned with

per Boas, contents of culture adapt to surrounding people, but mannerisms are often retained. “For instance, when you compare Negro singing and the singing of white people, it is not so much the musical notation that is different but rather the manner of rendition.” Hurston took this advice seriously throughout her career (while she diverged on others.) Cynthia Ward, “Truth, Lies, Mules and Men: Through the ‘Spyglass of Anthropology’ and What Zora Saw There.” *The Western Journal of Black Studies*, 36. 4 (2012) 301-313

³² *Barracoon*, XXIII

³³ *Barracoon*, XXI

³⁴ Michael North, *The Dialect of Modernism: Race, Language and Twentieth-Century Literature*, (NY: Oxford University Press, 1994)

a break from modernity than with a decolonial modernity.³⁵ Instead, as Miriam Thaggert argues, it “is characterized by heightened attention to and experimentation with visual and verbal techniques for narrating and representing blackness.”³⁶

American modernism is also characterized by the interracial and institutional ties that link Harlem Renaissance to the more canonical Anglo-American modernists. As Sieglinde Lemke has shown, for scholars like George Hutchinson, this collaborative interracial intertwinement (involving publishers, awards, honors and patronage) was productive and crucial to Black cultural self-assertiveness, while others like Harold Cruse and Nathan Huggins bemoan this ‘interracialism’ as the black artist’s dependence on white hegemony.³⁷ Cruse in *The Crisis of the Negro Intellectual* (1967) proclaimed that “integration led to cultural negation,” and that the New Negroes failed to attain autonomy and failed to institutionalize their cultural movement so as to truly transform politics, economics and culture in a lasting way.³⁸ Examining Zora Neale Hurston, both these arguments seem plausible. A lot of Hurston’s ethnographic fieldwork was funded by the wealthy and generous patronage of Charlotte Mason. As Valerie Boyd shows in her biography, this relationship was both confining and liberating.³⁹ It was Mason who funded Hurston’s travels, but this also put Hurston under a precarious contractual relationship. Hurston had to hide a lot of her research because the contract restricted publication without Mason’s consent. Even ‘How It Feels to Be Colored Me’ outraged Mason because it was apparently in violation of the terms of the agreement. Therefore, when the publisher demanded that Hurston write in standard English rather than dialect, her refusal raises questions of representation, authenticity, nativism, white-patronage, and autonomy. The crucial point is how Hurston’s modernist use of dialect as difference is then deployed to respond to a political question of participatory politics, citizenship and political obligation.

³⁵ On Hurston’s modernism and its relationship with modernity, *See*, Brian Carr, Tova Cooper, “Zora Neale Hurston and Modernism at the Critical Limit,” *Modern Fiction Studies*, (Vol. 48, No.2, 2002) 285-313

³⁶ Miriam Thaggert, *Images of Black Modernism: Verbal and Visual Strategies of the Harlem Renaissance*, (University of Massachusetts Press, 2010) 3-4.

³⁷ Sieglinde Lemke, *Primitivist Modernism: Black Culture and the origins of Transatlantic Modernism*, (NY: Oxford University Press, 1998)

³⁸ ID at 17, 18.

³⁹ Valerie Boyd, *Wrapped in Rainbows: The Life of Zora Neale Hurston*, (NY: Simon & Schuster, 2003)

When the Civil War ended in 1865, the *Clotilda* Africans tried to return to their homes in West Africa. But when they found no viable way back, they remained in Alabama and tried to make a home out of it. Traces of this resignation appear throughout this story of metamorphosis and reconstruction, especially when Kossula utters the enigmatic phrase, “Derefore we join ourselves together to live.” This resignation permeates the forging of an ensemble; a sociality supplemented by a shared memory of displacement. It is a will-to-live not as sovereigns, but together, responsibly; autonomy is always about a relationship with *someone else*. Kossula and his fellow *Clotilda* Africans elected a leader, judges, made laws and instituted self-governance. This is an autochthonous reconstruction, an expression of co-responsibility that binds them together, a process of worlding other worlds. Denied voting rights in Alabama, this secessionist assemblage represents not the lawlessness of the fugitive but instead, following Robert Cover, what one might characterize as the too-muchness of normativity.⁴⁰ They build houses, erect a church, and a long table shed for picnics. In effect they constitute a counter-public.⁴¹

On 12 March 1902, Kossula was knocked off by a speeding train while crossing the railway track despite hollering at it to stop. He was advised to hire a lawyer and sue the railroad company. At issue was negligence. If segregation of public spaces is an ordering of senses, then Kossula was rendered invisible by indifference. Clarke, the lawyer, agreed to represent him in court while Kossula himself was allowed no say in the process. The judge acknowledged that the train was irresponsible in not blowing a whistle while crossing the crowded streets of a city and passed an order in favor of Kossula granting him six hundred and fifty dollars in damages for the injury. The story doesn’t end here because Clarke siphoned the money and Kossula never saw a penny of it. Two years later Clarke died of a fever, ironically on a train to New York. Soon after, Kossula lost his son David to another train accident. Once again, he was asked to sue the railroad company, but Kossula had resigned himself to the failures of the law: “Whut for? We doan know de white folks law. Dey say dey doan pay you when dey hurtee you. De court say dey got to pay you de money. But dey ain’ done it.”⁴² By the end of the decade Kossula had

⁴⁰ Robert Cover, *The Supreme Court, 1982 Term – Foreword: Nomos and Narrative*, 97 *Harv. L. Rev.* 4, 34 (1983)

⁴¹ Michael Warner, *Publics and Counter-Publics* (Brooklyn: Zone Books, 2002)

⁴² Barracoon, 84.

lost a son to a train accident, one son was shot by a sheriff with impunity, another son died of an illness, and eventually his wife died of grief. Kossula was left devastated, lonely, and helpless. Hurston tries to capture that singularity. She finds a hidden melancholy, lodged as a silence, a waiting. In exquisite pathos she writes, “The only man on earth who has in his heart the memory of his African home; the horrors of a slave raid; the barracoon; the Lenten tones of slavery; and who has sixty-seven years of freedom in a foreign land behind him. How does one sleep with such memories beneath the pillow?”⁴³ His resignation and disobedience understood here as a withdrawal from the official public sphere of democracy into the autochthony of Africatown is a deliberate disavowal. If the civil rights narrative is one where disobedience is expressed in buses, trains, and courtrooms, then here it is displaced and sublated into an inward comportment of intransigence.

Resignation permeates his dissonance for another reason: immediately after the Civil War Kossula tried to go back to West Africa but wasn't able to. This is- as David Hume famously argued- the exit-problem that calls the bluff on consent theories of obligation. For residence to count as a ground for political obligation, the choice to emigrate must be real and possible. Neither has Kossula received the minimum benefits for fair play justifications to kick in. Like Woolf's marginalized subjects, Kossula too does not feel like he owes a duty of reciprocity or cooperation. If one reads Kossula's withdrawal into Africatown as a withdrawal of consent, then Africatown is the exit-plan. For Kossula, sources of normativity are multiple ('jurisgenerativity') and sovereignty is not permeable. In the 19th century American literary-political tradition, Kossula's refusal is an interesting contrast to Henry David Thoreau and to Herman Melville's *Bartleby* (1853) as channeling Thoreau's 'On the Duty of Civil Disobedience' (1849). *Bartleby's* inert and passive 'no' as a resistance to copying so as to write for oneself in whatever form. Or Thoreau's practice of civil disobedience as deeply connected to the excursions into nature, as in *Walden* where the walking and huckleberrying stimulates democratic praxis.⁴⁴

⁴³ Zora Neale Hurston. *Barracoon: The Story of the Last "Black Cargo"* Ed. Deborah G. Plant (NY: Amistad, 2018) 16.

⁴⁴ Shannon L. Mariotti, *Thoreau's Democratic Withdrawal: Alienation, Participation, and Modernity* (Madison: University of Wisconsin Press, 2010)

But there is an important difference between Thoreau and Kossula. Dana Villa persuasively argues that Thoreau is part of a tradition he calls ‘Socratic citizenship.’⁴⁵ This is a western practice of individual moral conscience reflecting from a self-imposed distance on the official public life, customs, and practices of the polis. Unlike Antigone, who represents a conservative piety towards custom and religious law, Socrates stands for an individual moral judgment. What Kossula shares with this tradition is the self-distancing from the polis so as to be capable of judging, as opposed to a reifying and routine ‘participation.’ But Kossula’s metamorphosis is also different: it forms part of a collective project of renewal and reconstruction arising from that radical genealogy of marronage that is specific to modern American plantation societies. The separatist retreat of Afro-Caribbean marronage as practice of freedom opens up alternative avenues for thinking of citizenship over and above Dana Villa’s Socratic citizenship in its individualistic inflection.⁴⁶

Part 3: Gandhi’s Ashram

In the introduction to this essay, I had suggested that a certain liberal philosophical conception of civil disobedience has, in justifying and popularizing it, also tamed it to docility. As in John Rawls’s 1969 essay *The Justification of Civil Disobedience* that set the terms for future discussion, civility becomes the keyword in the term ‘civil disobedience,’ expressing fidelity to institutions as necessary and appealing to a public sense of justice its aim. Rawls argued that there are strong reasons for political obligation in ‘well-ordered societies.’⁴⁷ But when gravely unjust laws persist, one could direct civil disobedient action against the particular law in question and as a last resort option, but remain, as Rawls phrases it, “within the limits of fidelity to the law.” Thoreau, Gandhi, and King are offered as paradigmatic practitioners. Their nonviolent methods, use of moral persuasion, and submission to arrest and punishment are taken as evidence of respect for legal authority and as recognition of a moral obligation to obey. Considering

⁴⁵ Dana Villa, *Socratic Citizenship*, (Princeton: Princeton University Press, 2002) 41-56

⁴⁶ Neil Roberts, *Freedom as Marronage* (Chicago: University of Chicago Press, 2015)

⁴⁷ Rawls, “Duty and Obligation,” in, *A Theory of Justice*, (Cambridge: Belknap Press, 1971) 363-382

Gandhi more closely makes it clear that his practice of Satyagraha departs from this liberal-political conception of civil disobedience.⁴⁸ One needs to de-suture Gandhi's practice of civil disobedience from these established analytical frameworks and relocate it in its particular historical scene.

Unlike theories of state that justify political obligation on grounds of individual and collective security, Gandhi does not accord normative primacy to the need for security and pit it against a 'state of nature.' In *Hind Swaraj*, he argues that human history as propounded by the professional class of experts takes note only of events of violence: "the doings of kings and emperors and the wars of the world."⁴⁹ But what this history doesn't capture is the peace, love, and cooperation that has kept life going across the ages: "History does not and cannot take note of this fact... Two brothers quarrel; one of them repents and reawakens the love that was lying dormant in him; the two again begin to live in peace; nobody takes note of this. But, if the two brothers... take up arms... their doing would be immediately notice din the press, they would be the talk of their neighbors, and would probably go down in history... Soul-force [satyagraha] is not noted in history"⁵⁰ Gandhi is less concerned with democracy as an institutional practice of formal elections, representative bodies, and individual rights; rather, as Uday Mehta puts it, "Gandhi's endorsement of democracy was very much in a lower key. It was nestled in the everyday and commonplace materials of social life, which for him supplied the conditions of moral action, and not the elevated gravity of the political, which as he disparagingly said always had "larger purposes."⁵¹ It is in this minor key, in apprehending the extraordinary in the ordinary, that he articulates ideas of democracy as self-rule, transparency, accountability, and inclusiveness. *Ahimsa* (nonviolence) here is a 'neighborliness' that involves a practice of friendship (*mitrata*), trust and cooperation that sustains social justice and equality.⁵² Gandhi preferred to use the vernacular term

⁴⁸ David Lyons on Martin Luther King Jr., and A. J. Simmons on Henry David Thoreau show how these figures depart from John Rawls's theoretical justifications. David Lyons, Moral Judgment, Historical Reality, and Civil Disobedience, *Phil. & Public Affairs*, (Vol. 27(1), 1996) 31-49; A. J. Simmons, Disobedience and Its Objects, *Boston University Law Review*, (Vol. 90, 2010) 1805 – 1831.

⁴⁹ *Hind Swaraj*, 89

⁵⁰ ID at 90.

⁵¹ Uday Mehta, "Gandhi on Democracy, Politics and the Ethics of Everyday Life," *Political Thought in Action: The Bhagavad Gita and Modern India*, eds. Shrutu Kapila & Faisal Devji, (NY: Cambridge University Press, 2013) 89

⁵² This reading of ahimsa is influenced by Ajay Skaria, *Unconditional Equality: Gandhi's Religion of Resistance* (Minneapolis: University of Minnesota Press, 2016)

‘swaraj’ to talk about autonomy and emphasized the language of obligations (*dharma swadharma*), while only occasionally speaking of rights. These vernacular concepts are not ‘nativist.’ hybrid entanglements with global configurations such that *swaraj*, *swadharma* and *dharma* might be read as ‘lateral elaborations’ of their transatlantic counterparts in autonomy, conscience and obligations.⁵³ In *Hind Swaraj*, Gandhi argues that the aim of *swaraj* (autonomy) is a civilizational ethos (*sudharo*) characterized by “a mode of conduct which points out to man the path of duty. Performance of duty and observance of morality are convertible terms. To observe morality is to attain mastery over our mind and our passions.”⁵⁴ *Dharma* involves the cultivation of neighborliness (*ahimsa*/nonviolence) as the aim of *swaraj* (self-rule). In what follows, I demonstrate how Gandhi’s discourse on the *Bhagavad-Gita* in the late 1920s alters his practice of civil disobedience.

The *Chauri Chaura* incident which is now a mythical lore in Indian nationalist historiography, is an event that transformed Gandhi into the Mahatma (the Great Soul) in popular memory.⁵⁵ The story is well known. In 1920 Gandhi pushed through a radical non-cooperation program against British rule that involved boycott of British commodities and institutions, especially legal, educational, and representative institutions. The movement spread across the nation and its success was partly ensured by local Satyagrahi volunteers whose role was to guide the movement. In February 1922, when a rally turned violent, a group of people burnt down a police station at Chauri Chaura in Uttar Pradesh killing twenty-three policemen. Gandhi promptly condemned the violence and called off his All-India Non-Cooperation movement. The event led Gandhi into an introspective mode. He comes to realize the proximity of mass action and violence; that all action is necessarily pregnant with unpredictability, and once incited, violence is self-perpetuating and always on the verge of spiraling out of control. Not unlike Woolf’s Society of Outsiders and Hurston’s Kossola, Gandhi too responds to violence by turning inward, disengaging so as to recalibrate his commitments in the political sphere. Like Woolf’s room and

⁵³ Sudipta Kaviraj, “Responses to James Tully’s “Deparochializing Political Theory and Beyond” in, *The Journal of World Philosophies*, 2 (Summer, 2017) 165

⁵⁴ *Hind Swaraj*, 67

⁵⁵ Shahid Amin, *Event Metaphor Memory: Chauri Chaura, 1922-1992* (Berkeley: University of California Press, 1995)

Kossola's Africatown, Gandhi retreats into the ashram, making it his laboratory for ascetic experiments so as to refashion a satyagrahi who alone is capable of taking on civil disobedience.

The duty of the Satyagrahi is to ceaselessly work towards Swaraj. In *Hind Swaraj*, Gandhi translated the term swaraj as 'home-rule,' as in a state that enjoyed self-government. But he complicates it further by using swaraj as self-rule, referring to an inner comportment, a spiritual conduct that involved self-control and mastery over one's senses. The Chauri Chaura violence raised the problem of swaraj in this second sense of the term. How does one engage in political action with all the unpredictability that it entails? What does it mean for the Satyagrahi to engage in political action and yet retain their autonomy and integrity?

It is in this context that Gandhi returns to the *Bhagavad-Gita*, a text where the battlefield becomes the exemplary site of moral action. The *Gita* opens in the battlefield, with the army of the Pandavas facing the army of the Kauravas. It is a war within the family, a scene of fratricide, coded as a war between good and evil. On the eve of the mighty battle Arjuna is paralyzed into inaction. He doubts the morality of war and regrets his complicities in it. The moral dilemma arose from conflicting duties: on one hand was his warrior-duty (*Kshatriya Dharma*) to fight in the interest of his subjects, while on the other hand, he had a duty to abstain from killing especially his own kinsmen who had now become the 'enemy'. Gandhi reads this scene as tragic. Arjuna was mistaken in believing that he had a choice between violence and nonviolence. If Arjuna fights, he will have to kill his kinsmen; if Arjuna flees, the Pandava army will be annihilated, leading to the destruction of his people. Violence therefore is inevitable no matter how Arjuna acts. This is the tragedy and the question for Gandhi is how ought one to act and retain its moral meaning in a situation where 'choice itself has become superfluous.'⁵⁶

Spread over eighteen chapters, Krishna's ultimate aim was to persuade Arjuna to pick up arms and fight the war. He employs a speech-act, in the mode of an imperative to command Arjuna to act according to his particular obligations, but without attachment to the fruits of the action. But how does

⁵⁶ I borrow this pithy phrase from Faisal Devji, "Brothers in Arms," *The Impossible Indian: Gandhi and the Temptation of Violence* (Cambridge: Harvard University Press, 2012) 108

Gandhi, a philosopher of nonviolence, read the *Gita*, a text ultimately justifying war and violence? Gandhi is able to do so by treating the Gita not as a historical-dogmatic ‘revelation’ but as a literary work up for interpretation. The text has an autonomous existence of its own, detethered from its historical baggage. Gandhi insists that the poet himself is not conscious of all the interpretations of his composition. “The beauty of poetry is that the creation transcends the poet.”⁵⁷ This strategy allows Gandhi to “leave aside the question of violence and nonviolence...” and suggest that in fact the poem is written “to explain man’s duty in this inner strife.” Arjuna and Krishna are not historical characters but the conflicting impulses in people. “The field of battle is our body. An eternal battle is going on between the two camps and the Poet seer has vividly described it. Krishna is the Dweller within, ever whispering in a pure heart.”⁵⁸ Arjuna’s paralysis of action becomes an existential human condition in modernity: “The moral problems which confront one in this inner war are far more difficult than those of a physical war...The Gita shows how we may emerge safe from it...”⁵⁹ These interpretive moves allow Gandhi to extricate the Gita from historical-political readings such as those offered by conservative Hindutva figures like Tilak and Savarkar, and instead, treat the poem as a practical manual to examine and work through our inner dilemmas of action and conflicting obligations. He claims to have learnt techniques, or practices of self (an *askesis*) with non-attachment: “We should do no work with attachment. Attachment to good work, is that too wrong? Yes, it is. If we are attached to our goal of winning swaraj, we shall not hesitate to adopt bad means...hence, we should not be attached even to a good cause. Only then will our means remain pure and our actions too...”⁶⁰ Swaraj as mastery over self becomes an *askesis* of self-effacement and de-realization. The Satyagrahi’s practice of autonomy is a ceaseless struggle to shed the ego. The ashram becomes the site of experimentation in such *askesis* of derealization and non-attached action.

Consider how Gandhi links the violence of Chauri Chaura to the *askesis* in the Ashram: “Following the death of non-violence, we discovered the value of the spinning-wheel, as also of

⁵⁷ M. K. Gandhi, The Meaning of the Gita, *Young India*, Collected Works, VII/46 (12 Nov. 1925) 386

⁵⁸ ID at 387

⁵⁹ M. K. Gandhi, *Collected Works*, (Vol. 37: 11 Nov 1926- 1 Jan 1927) 88-89

⁶⁰ ID

brahmacharya (celibacy). Beyond the river (Sabarmati) is *bhogabhumi* (the site of passivity), while this is *karmabhumi* (site of action).⁶¹ If Chauri Chaura is the ‘death of nonviolence,’ a negation of a negation (if nonviolence is a negation of violence), then the ashram becomes the site that replaces and replenishes the self through the *ascetic* practices of spinning-wheel and celibacy (negation of desire). The spinning-wheel as a means of manufacturing handspun cloth might be a constructive program with socio-economic consequences, but Gandhi also saw, in its slow, repetitive and tactile process, a regenerative and therapeutic capacity. The gentle and quiet motion of the spinning-wheel could calm tempestuous passions: “The music of the wheel will be as balm to your soul. I believe that the yarn we spin is capable of mending the broken warp and wool of our life.”⁶² Curiously, Gandhi calls these ascetic practices of the Ashram as ‘karmabhoomi’ (site of action) and the worldly actions outside become the site of passivity. This is because his ascetic practices of spinning and celibacy attempt to cultivate non-instrumental action. If the problem with the *Chauri Chaura* massacre was the self-assertive expression of sovereign action, then as Faisal Devji argues, “Gandhi’s nonviolence finds newer arenas of withdrawal in a manner deliberately opposed to that instrumental action so beloved of politics.”⁶³

Although the 1921 non-cooperation movement had limited success, the civil disobedience movement of 1930, the famous Salt March from Sabarmati Ashram to Dandi, proved the most successful and iconic of all of Gandhi’s campaigns.⁶⁴ Civil disobedient action in the liberal-philosophical discourse is an instrumentalist, strategic and tactical calculation to persuade the public, as a last-resort means (putting aside revolutions and violent insurgency). The disobedient action is meant to intervene in the world, ratified by plans and driven by goals. But the Satyagrahi walking out of Sabarmati ashram and marching to the coast of Dandi to make their own salt in defiance of a ‘salt tax’ is, in Gandhi’s worldview, acting within a noninstrumentalist logic. It is a moral action that is autonomous and

⁶¹ As Cited in, Faisal Devji, “Brothers in Arms,” *The Impossible Indian: Gandhi and the Temptation of Violence* (Cambridge: Harvard University Press, 2012) 98-99

⁶² Nikhil Menon, “Gandhi’s Spinning Wheel: The Charkha and Its Regenerative Effects,” *Journal of the History of Ideas*, Vol. 81, no. 4 (October 2020) 643-662

⁶³ Faisal Devji, “Brothers in Arms,” *The Impossible Indian: Gandhi and the Temptation of Violence* (Cambridge: Harvard University Press, 2012) 99

⁶⁴ Rikhil Bhavnani & Saumitra Jha, “Gandhi’s Gift: Lessons for Peaceful Reform from India’s Struggle for Democracy,” *The Economics of Peace and Security Journal* (Vol. 9(1), 2014) 76-88

nonviolent. In its noninstrumentality, it is not fleeing from the world as much as it is withdrawing from cause-and-effect rationalization that drives much of politics.⁶⁵ These actions, like disobeying unjust law, but also spinning, celibacy, and fasting, are *asketic* practices that abjure from purposefulness. As in fasting and celibacy, the means-ends distinction is collapsed, and the practices are directed to the self, as a comportment in the world, such that the act matters in itself, regardless of the past and the future. This imperative (one might even think of it in terms of a Kantian deontological categorical imperative) becomes the basis of a nonviolent action.

Conclusion:

If legal obligation is *prima-facie* content-independent obligation to obey the law because it is the law, and disobedience is justified only in exceptional cases, if ‘civil’, decorous, peaceful, and as a last-resort strategy of appealing to the public sense of justice - then what I have discussed is three exceptional instances of reorienting our approach to these foundational themes. The three global modernists texts from the interwar years express a very different, sublated, dispersed, and affective comportment of disobedience to unjust law. Bringing out prejudices pervading the consensus and gesturing at the democratic deficit legal systems suffer from, these texts present non-civil actors who are less concerned with appealing to the public sense of justice.⁶⁶ In their enactment of autonomy as a withdrawal- whether it be Woolf’s Society of Outsiders, Kossola’s Africatown or Gandhi’s Ashram- these figures represent a factionalism that is also couched in universalist values of inclusion and nonviolence. Autonomy in all three texts is tethered to responsibility; the withdrawal is more a call for realigned interdependence than an expression of independence and sovereignty. Woolf’s Society of Outsiders and, more radically, Gandhi’s Satyagraha, call for an autonomy (*swaraj*) that paradoxically requires not just a disavowal of

⁶⁵ This line of argument is more elaborately discussed elsewhere. See, Uday S. Mehta, “Gandhi on Democracy, Politics and the Ethics of Everyday Life,” in, *Political Thought in Action: The Bhagavad Gita and Modern India*, eds. Shruti Kapila & Faisal Devji, (NY: Cambridge University Press, 2013) 88-106

⁶⁶ In the United States context, at least since the 1990 case of *Employment Division v. Smith*, arguments for exemption from certain law is disingenuously deployed by Christian conservative Republican-party polemics.

mastery but an active cultivation of self-effacement. Kossola's disaffection with American citizenship is expressed not in the form of anger and resentment but as a jurisgenerative autochthony and resilience.

The three texts deploy literary-modernist approaches to respond to foundational questions of modernity: be it Woolf's Hogarth Press as an institutional-modernist practice of autonomy, Hurston's intervention in New Negro experiments in the representation of Blackness, and Gandhi's discourse on the *Bhagavad-Gita*, a treatise justifying war that he re-reads as a poetic expression of an existential inner-strife. Contemporary debates around 'global-modernism' are relevant here. Scholars of global-modernism are rethinking modernism more broadly as the literature, culture, and arts that express, register and denote modernity. As Alys Moody and Stephen Ross write in their introduction to a recent edited volume on the subject: "By linking modernism not to Western styles or Western contexts, but rather to the experience of modernity itself, scholars like [Susan Stanford] Friedman and WReC [Warwick Research Collective] can reconceive modernism as an umbrella term that harnesses multiple, divergent aesthetic responses to modernity, without according ontological or historical priority to any particular mode or location. As a result, it becomes possible to imagine an African modernism, for example, that is not derivation of its Western counterparts, but that instead constitutes its own independent response to the conditions of modernity as experienced on the African subcontinent."⁶⁷ When examining global modernism in a law-and-humanities framework, the question then is: how is law's modernity experienced in various global contexts and how is this experience registered in literature, art and culture? These are of course vast questions that this essay keeps in the background.

To conclude with a broad set of conjectures: at the heart of law's modernity is the problem of grounding political obligation. With the global spread of post-Enlightenment rationalism, capitalism and imperialism (as an interconnected phenomenon), legal obligation was no longer grounded in customary practices, tacit social interactions, divine authority etc. Rather, its grounding itself becomes the problem. In the nineteenth century, the legitimacy of law and its demand for obligation is grounded

⁶⁷ Alys Moody and Stephen J. Ross, "Global Modernism: An Introduction and Ten Theses" *Global Modernists on Modernism: An Anthology*, (London: Bloomsbury Academic, 2019) 5

on one hand, in law's scientific character, its rational organization and its formal, professionalized, bureaucratic functioning, and on the other hand, the popular acceptance of law generated by nationalist ideologies of the people, citizenship, and representative politics. In the interwar years, this grounding in scientific-rationality as well as nationalist-democracy gives way to a deeper nihilism and the law's normativity comes into question.⁶⁸ But the perspective of the minor jurists I discuss are not 'legal nihilists' who fill the gap with violence, power, or conservative values like sovereignty and populism (as in Carl Schmitt). Instead, they push to widen our understanding of autonomy, obligation, and participation so as to deepen the grounds of political obligation rather than denying it. It is in this sense that their factionalism gestures at universalizable values. In the final analysis, they provide us not with the language of anarchism but with a newer vocabulary of commitment and freedom from within particular social contexts.

⁶⁸ Walter Benjamin in *Critique of Violence* (1921) declares "something rotten in law is revealed", which is that the law is without ultimate legitimation, and that it is force and violence that ultimate holds the place of those missing foundations.⁶⁸ Freud too in *Totem and Taboo* suggests that the genesis of law is in the absence or murder of the primal father.⁶⁸ American legal realists like Jerome Frank in *Law and the Modern Mind* (1930) integrate psychoanalytic, socio-economic and political perspectives into their critique of law to suggest that "The image of the father [is] hidden away in the authority of the law..." and that legal language creates the appearance of definiteness and predictability, thereby hiding the inevitable, non-rational bias in legal decisions and processes. Walter Benjamin, "Critique of Violence" in *Reflections*, Trans. Edmund Jephcott (Schocken Books); Eric Santner, *My Own Private Germany: Daniel Paul Schreber's Secret History of Modernity* (Princeton U. P., 1996) 9-10; Sigmund Freud, *Totem and Taboo*, Trans. James Strachey (Norton & Co., 1950) (1913)