

Force of Lawⁱ: Deconstructing Abortion Laws with Emphasis on Female Foeticide

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Abstract: *There is an enigma surrounding the nature and application of the law. For law to proceed in tandem with the justice concerns, it is important to ensure that its possibilities are discussed within and beyond contexts, as laws serve the purpose also of building and at times, guiding, the moral consciousness of the masses. This paper seeks to engage with and explore this enigma associated in the language and functioning of the law. The attempt also is to explore the acts passed in India towards addressing the question of abortion and the problems present in the assumptions resorted to, in the very formation of the law and related bills. Through a brief exploration of this example, the author seeks to show the challenges one may encounter in addressing specific questions, of cultural and political nature, that the situation continues to pose today.*

Keywords: Enigma of Law, Deconstruction, Gender Justice, Abortion Laws, Indian Context

The Enigma of Law [This title is borrowed from VII National Seminar of Balvant Parekh Centre for General Semantics and Other Human Sciences, Vadodara which was held in collaboration with The English and Foreign Languages University, Hyderabad during 2-4 November 2015 on the theme “The Enigma of Law.”]: Introduction and Scope

Law fixes us into categories. Categorization is the primordial nature of the law and such a closure that law manifests in its rationale, codification, and being, poses potent questions to the approaches that law exercises, be it a protectionist approach or the least found corrective approach. The characterization of law aimed at fixation of bodies (here), in the name of providing identity masquerades the possibilities of finding solutions to dicey situations created by the law. On looking at it deeper, justice becomes human as it doesn't have a calculable secure metaphysical *telos*. The differential nature of body in paradox with closed nature of laws governing it, works in a violently silent or silently violent manner and puts the subject of law in *aporia* leaving us in confusion as to where we would fall in the power denomination. These are the instances when law collapses into justice or vice versa and thereby the semantic understanding of law or lawlessness is based on what's experiential and contextual and how much you take from it or go beyond it, to 'know' it. [(Foucault (1992) [1984]. The Use of Pleasure. The History of Sexuality: Volume Two. Tr. R. Hurley. Harmondsworth, Middlesex: Penguin, intro.)] (Derrida, 1989) The implications of the liberatory potential of rights, once fixed, fixated and enclosed by law, may seem to exude a shared sense of justice, equality or say, freedom, but this impervious nature of the Law to 'identify' itself with certainty and exactitude, may bring out serious issues worth pondering over. The singularity approach towards realizing justice, which, in turn is derived out of different values based on specific moral universes creates an aporetic situation: A pertinent question that it produces is, how can a 'closed' foundation of law which functions antonymously with the open nature of Justice, deliver the latter. The inherent paradox lying in the very conception of 'enforcing the law' and 'fighting for justice', shows the linguistic

ordering of the languages of law and justice failing to operate in conjunction with each other. Whether bringing about sameness of the basic characteristic features of law and justice could solve or even address this paradox is not what is argued here. Or, to say, whether any other alternative to a systemic approach that needs laws and rules to be enforced, can win justice without fighting for, is not the argument either. But unlike the blind following of constructs and conventional paradigms that the society follows and subscribes to and a sense of devotion to not just a convenient and complacent conformity to status quo, but also deriding and dismissively mutilating a challenging philosophical undertaking of something like deconstruction; looks strange, if not, regressive.

To make sense of Justice through the incorporation of deconstruction, Derrida abrogates the authority of even the law to claim the basis of its own rationality as rational and anything else as irrational to dispense justice. A detour taken in order to neither dismantle nor conform, but to philosophically engage in a discursive experiential attempt at 'knowing' or not - knowing, is possible only if the constructs and myths are considered as any other narrative existing in an equally possible space as it can non - exist. To conceptualize and imbibe this inherent *aporia*; presents the confusion, the enigma and the impossibilities or possibilities of existence of Justice, every time. This may pose another paradoxical problem to those narratives that incisively oppose theories (like deconstruction), which is to say that, if deconstruction as a post - modern 'experience' - (Foucauldian sense of the term) cannot be adjudged as a prospective theory seeking to not just threaten the existence of laws but also to extract out any possibility of justice arising out of the contextual connotations, evidences, and protracted images of simple legal pronouncement for the crime, act, or any situation; then what certain, sure, universal construct of a solution can be provided by the critics to deal with a situation calling for multiple understandings of Justice?

After having touched upon the need to recognize why deconstruction stands significant and potent as a method of

looking at law, it becomes necessary to enter into that discourse on the law - justice interplay in the background of rights. Extensive accounts have been written profoundly on the justice concerns related to laws dealing with the subject of corporeality. Be it, death penalty, reproductive rights, rights governing one's sexuality, idea of euthanasia, the excesses of the very characteristic feature of laws in the Indian constitution regarding these issues generate debate on the concept of rights. Basing the relation between law and justice, if any, on the conceptual understanding of rights and of violence is what is sought to be undertaken here, with special emphasis on the conceptualization of a certain law. Such applications of the law are found in various entities that exist as the source of legitimacy governing people's conscience, the Constitution in India, being one such entity. The Constitution employs the language of the law, which may provide a nebulous picture in most of its provisions; but the multiplicity of meanings and the use of social morality as a parameter to interpret the constitution, makes it a valuable document. The document renegotiates with variety of streams and keeps recreating narratives. (Cowen, 1960) With the purpose of keeping the document flexible and established on principles of liberty; we had the inclusion of Fundamental rights. Even though rights - based talks have been skewed and limited to addressing justice concerns, it has never been incorporated with the intention of debilitating the masses into a category of citizens, without emphasis on the typical differences in the characteristic nature of every citizen from the other. The establishment of the constitution on the foundations of Fundamental Rights makes it possible for one to comprehend that the rationale was to base it on the bedrock of liberty, equality and fraternity, while also challenging the dominant perceptions of these values. That explains the presence of Individual rights and Community rights which in mainstream theoretical language of the law, get represented as identities. Further, the provisions for constitutional amendments and its limitations mentioned in the constitution, create many incarnates of power, that are constantly in flux, thereby constructing means that can ensure accountability. Here, in the context of understanding the purpose and functioning of the laws on abortion, one needs to bear in mind the legitimate grounds within which these discourses and narratives are located. An understanding of the contextual composition of legitimate order in the society, will provide one an anchor to understand, what do the laws on abortion seek to cater to, and what do they conveniently miss out on. Especially with a burgeoning rise of the abortion rights getting repealed in the courts of law, with respect to the latest judgement that was passed in the United States, by its Supreme Court while striking down and capsizing the Roe v Wade case and eliminating all constitutional protection to the activity of Abortion, it becomes really pertinent to revisit certain problems with the way abortion laws have been conceptualized within the Indian context.

What underlies any conception of law? In order to address this general question, one needs to extend one's thoughts in to not only the rationale behind laws but also the process of law - making. The mainstream understanding of law caters to 'looking' at body as a natural and physical object within which the self is located and 'sex' is a phenomenon existing prior to all the discourses concerning the self, simply

distinguishable from other kinds of human interactions. [Refer Judith Butler, Gender Trouble: Feminism and the Subversion of Identity for a detailed reading of how the bifurcation and distinctions between sex, gender and desire are created and projected in a certain manner so as to ensure that the fundamental assumptions on which these constructions are made sustain by getting identified and attributed as the 'natural'. This fundamental assumption is what Butler questions]. The law looks at body as an object that has to identify itself as something; be it healthy - disabled, male - female, and the like. The meanings of *body* and the *self* acquire meaning precisely through an interplay of contexts, a dynamicity that is sustained at the hands of the horological and the chronometric dimensions of a certain rule or set of rules. Thus, the law presents to us paradoxes which appear as a matter of interpretation in every context. This contextual analysis, then makes it challenging and also open to multiple possibilities on how to apply the law. Such an application of the law is bound to limit and leave out large portion of debates and discussions outside the scope of the legal, which also in turn allows for open limitless possibilities for all its future applications.

Laws on Abortion in India:

With the granting of citizenship, we got disembodied under the ambit of law. This disembodied 'Self' now, takes in Body as a category. In the context of abortion, women, here, are looked at as sexed bodies. How is it, then, possible to take in women within the law as citizens? This throws open the question as to what is desirable when it comes to addressing matters of prime concern like female foeticide.

- Is sameness just or difference just?
- How shall the inclusion of gender - related injustice redressal issue become an agenda of laws? Will laws ever be able to deal with the ever - dynamic subject of the body politics? Can law provide substantive solutions, if any, to such complexities into which body politics can categorize you into?

This paper shall seek to explore in detail how the existing legal measures were concerned with these aforementioned questions:

The Medical Termination of Pregnancy Act (1971): A critical overview of the Law

The Medical Termination of Pregnancy Act (MTP) was passed in 1971 amidst parliamentary rhetoric of choice and women's rights; though clearly intended as a population control measure. A skewed sex ratio was the major reason when 'body' came under the scrutiny of law. Abortion had become an issue there was an ever - growing practice of killing of female fetuses after sex - determination. Should women be given the right to abort? If denied, it is a denial of right over one's own body. If granted, the problem of consensual activity of female foeticide becomes difficult to address, thereby legitimizing the use of right over one's body to determine the right over the foetus.

With the passing of the 'Prenatal Diagnostic Practices (Regulation and Prevention of Misuse) Act' in 1994, amongst the many criticisms that were raised against the act,

the Forum Against Sex Determination and Sex Preselection opposed it vehemently owing to ambiguities existing in the practice of the Act. The following recommendations were made with the purpose of addressing this imprecision.

- All ultrasound equipment which can be used for sex determination should get registered, under this act.
- The future techniques of sex determination should also be brought under the ambit of this law.
- The act should not punish women, if deemed responsible for the act of abortion.

These recommendations barely sought to cover the lacunae in the practical implications of the 1994 act. Following were the inexactness involved in the recommendations proposed above:

- It becomes impossible to bring in all ultrasound equipment as registered equipment under this law because they are also used for purposes other than sex determination.
- The lack of provisions for bringing in all abortions (irrespective of the sex of the foetus) under the legal scrutiny will remain an impediment in keeping a check on the misuses of the law in future, especially with newer techniques of sex determination coming in.
- If laws desirably took 'body' as an important aspect into consideration, i. e. if law looks at the foetus as a body, will it be able to deal with the negative implications of the steps taken only to end female foeticide? This would mean condoning the murders of male fetuses.
- The individual v/s the sexed body binary brings in with it lot of complexities for the law while deciding whether it was an act of female foeticide or an individual choice of abortion. The woman as an embodied self, here, exposit a fragmented identity of that of an individual as well as a sexed body. The inclusion of the 'body' in the way law looks at the foetus, tends to substantiate the act of aborting female foetus as a forced/ consensual activity carried out by the woman to cater to the socio - cultural patriarchal norms. Such a fragmented identification of the foetus as a sexed body de - capacitates any possible avoidance of injustices occurring like female foeticide, owing to systemic conventions set down by patriarchy.
- There are multitude of reasons for carrying out abortion. The law looks at woman as an embodied self in certain cases and as a disembodied self in other cases. Such politics of embodiment causing violation of the rights of the self, becomes instrumental in remaining silent to different kinds of socio - cultural injustices meted out against women. This leaves the excesses caused by the systemic atrocities non - addressable by laws.

The following were the new propositions made in 2014 to bring about amendments in the existing Medical Termination of Pregnancy Act, in the Medical Termination of Pregnancy (Amendment) Bill:

The draft bill proposes to amend the 45 - year old law to allow abortion to be carried out for a foetus beyond the gestation period of twenty weeks to twenty four weeks, on special conditions of pregnancy involving substantial risks to the health of the mother or child, or if alleged by the pregnant woman to have been caused by rape. The rising incidents of sexual crimes, the urgent need to empower

women with their sexual rights and the need to bring into account the technological advancements used for pre - natal diagnosis of defects, the amendment became an a priori to broaden the scope for addressing problems created by the 1971 law. The national medical narrative, for the first time in 2008 in the Mehta case, took note of the fact that with the advent of medical technology, pre - natal diagnosis of defects had come a long way and that some defects could be revealed even after the 20 - week period. Rapid technological advancements from ultrasound to magnetic resonance imaging to high - end foetal monitoring devices taking the pre - natal diagnosis far ahead the illegal sex determination calls for reconsidering the necessity to amend laws keeping scientific advancements in mind. From the dilemmas posed by the rapidly developing technologies, it became clear how the nature of law essentially seeks to categorize, de - categorize and exclude sections of the society, especially when the character in question is looked at as an embodied self as opposed to being the disembodied citizen. (Derrida, 1989)(Butler, 1990)The larger question that one could then raise is over the challenges one faces in the cultural versus personal/individual spaces that then go on to define the political.

However violent or less violent law claims itself to be, the possibility or impossibility of justice remains suspended. It then appears enigmatic to see, how, on a contrasting level, abstractness, subjectivity, and changes have defined epistemology of law. This conflicting position and struggle experienced in this gendered perspective of analyzing laws, keeps alive the enigma, substantiates the aporia and stretches its existing dimensions to demystify the floating foundations on which law is placed, thereby keeping active the debate and the paradoxicality inherent in 'fighting' for justice. Freud's "Ego and the Id", perhaps rightly says how it is the idea that makes the body accessible as a body' instead of the body preceding and giving birth to the idea of the body. The laws, while catering to the latter principle i. e. looking at the body and providing meaningful associations of 'man' and 'woman' to it after viewing the body from socio - cultural systemic perspective; tends to invariably subscribe to the patriarchal notions of identifying 'man', 'woman' and other sexed categories with certain pre - conceived meanings. This leads us to a dead end when law, on the one hand appears promising while opening up larger possibilities with suitable amendments, of ensuring safe abortion; and on the other hand, it consolidates the patriarchal dimensions of looking at individual as sexed bodies with a priori cultural associations. Perhaps, while dealing with judicial concerns in grave matters; like female foeticide, such a juxtaposition of laws and the way state looks at individuals as sexed bodies alternatively creates a closed foundation of law, which needs to be addressed perhaps by resorting to alternative understandings of the body and the self. These aforementioned concerns should be able to provide one insight into plausible legal alternatives and guidelines in the context of abortion, for many future unknown complexities. This site shall essentially constitute and continue to mould the moral - political spaces that will weave the fabric of a democratic society.

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ⁱ Force of Law is taken from Jacques Derrida's "Force of Law: The Mystical Foundation of Authority", 1989.

Conversing With Violence: The Creative Radical Expression Of Gandhi

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Abstract: *In an attempt to critique the modern western modes of thinking and living, M K Gandhi exhibits the possibilities of becoming a Satyagrahi with a deep sense of the violence of one's times. The Satyagrahi becomes the practitioner of Ahimsa with the intent and purpose of conversing with and moving beyond the dominant spaces of violence as legitimized through the colonial legacy of the modern west. Even while Gandhi raises a strong critique against the modern western influences and structural formations his treatment of these entities do not focus on creating a bracketed conception of these entities such as state, religion/ culture, market, with fixed attributes of being violent. Conversations with violence are ongoing and perhaps should never end. It is a process that constantly defined the political, for Gandhi. Through these conversations, Gandhi aimed at creating a new language of nonviolence emerging out of a deep understanding of fragmented and widespread presence of violence in the society. I seek to present through this paper instances where Gandhi's conversations offer a glimpse of the Gandhian modes of conversing which leaves open the space for developing creative modes of expressing and finding voices in the present, through the language of nonviolence which does not necessarily stand contra violence, but collapses into it while affirming an identification of its own.*

Keywords: *Gandhi, Violence, Nonviolence, Creativity, Radical Self Determination, Gandhian Means, Moral-Political, Critique of Modernity*

"Liberty is obedience to the law which one has laid down for oneself."

-Jean Jacques Rousseau

Gandhi never quite obeyed. He was the disobedient Indian. This obedience did not stem out servility. It is fundamentally different from serving. It is this servility that M K Gandhi thought of as a barren space which provided scope for an enquiry into violence. Violence, in all its callousness, has been a perennial reality that has the potential to erupt in its most visibly callous, invisibly convenient and recognizable as well as unidentified forms. Whether or not the ideal of removing conflicts from the society is even desirable to be considered a focal point in the intellectual discourse of peace and conflict studies, violence has exposit itself either as absence of peace or as a positive evidence of alienation, violation, repression, domination and the like. As much as it is an abstract concept, laden with value judgments, substantive

content of ideas, opinions, world images and events, it is still a manifestation of various entities to the point of violence becoming a fuel to their very survival and sustenance. There isn't any phase of intellectual history which hasn't been oblivious of or devoid of important reflective presence of violence in the socio-cultural, political and economic structures, forms and courses, viz a viz issues related to ideological conflicts, physical wars, conduct of diplomatic operations, the problem of order, justice, rights, conflict of interests. Right from physical wars to cultural, ideological conflicts; from visible suppressive/repressive forces to those that are not made obvious; the source and the range of infliction of violence is vast, widespread and sometimes, incomprehensible. Violence has never left anyone in any sphere. It could have embodied different forms, names and courses such as that of modernity, nationalism, nation-state, cultural-religious domination, knowledge-producing systems

and the like. Various forms of violence have traversed through and rebounded in unprecedented ways making it still the most relevant subject in social sciences. Locating violence in the socio-cultural backdrop needs its history to be looked at contextually, precisely keeping in mind that the idea of political varies for different thinkers in different contexts and in different times. The burden of the context for Gandhi, for instance, was to unburden its possibilities on this moment of 'silence' that preceded and influenced the meanings and usages of violence. As Derrida says, in *Violence and Metaphysics*, with reference to Levinas, that violence is played out in such a way that the peace of silence is also protected under the violence of speech. (Derrida, 1978)

There are various ways of delving into these questions in the context of examining the relation between society and state, keeping Gandhi as cite of such an analysis. With the purpose of comprehending the epistemological and evolutionary trajectory of violence within histories in Indian political theorizations, with accounts of suppression, *ressentiment*, moral-ethical dilemmas within modernity, this paper calls for a realization of the perils, which a rather fixed instrumentalist understanding of institutions such as state, religion and culture have produced over the years. In this light, it has become imperative to seek an understanding of human alienation; one of the most direct links and inexorable associations to violence in any form. As formless, eschatological and an incisive concept violence is, it is left out in the open to be moulded, generated into countless forms, right from interstate conflicts, wars, economic despotism, to epistemological control, thereby rendering the task of locating which of these is more violent, completely unapproachable, if not understandable. Violence here functions as a positive term that has the potential to turn into different forms and demand different kinds of actions. Gandhi perhaps understood the potential of violence more than anybody else as he chooses carefully, the dimensions where violence has the potential to thrive. Maybe he was more aware of the presence of violence used by various outfits as the ends and means; which lead him to conceptualize *Ahimsa*. This leads me to present a claim that Gandhi perhaps understood and was surer of violence more than the potential applications and use of *Ahimsa*.

In order to comprehend the ways and means in which violence is dealt with by Gandhi, there are few important points to be addressed: Do we, in social sciences, allow for a de-narrativized understanding of human alienation? Does it come into being with an objective rooted in narratives or does it result from a series of social actions and a systematic process of socialization over ages, which one is unable to explore, due to inhibiting circumstances or need for stability? Both these points suggest how little the concepts such as humiliation, dignity of the self and human alienation have been used as prisms that are weaved into our contextual concerns within the larger problematic of Indian political legacies. Even when these were addressed, the modular forms used to address them or based on may not have been far from modern western forms. (Chatterjee, 1991)

GANDHI'S USE OF NONVIOLENCE AS A MODE OF CREATIVE EXPRESSION

Colonized subjects are not passively produced by hegemonic projects but are active agents whose choices and discourses are of fundamental importance in the formation of their societies. Orientalism, used as a disparaging term later became the space wherein Gandhi explored the possibilities of the application of the principles of nonviolence, a language different from the violent models of the colonial modern west. "Orientalism is not only constitutive of the Orient but also of the Occident and that these images cannot be divorced from the political arenas in which they are produced" (Breckenridge, 1993). Gandhi was someone who explored the creative potential of understanding the colonized subjects as the active subjects with individual minds/ collective minds, but rational in nature. He trusted the human rationality but above that also stressed upon the preeminence of moral values for which he prescribed a certain method of practice. This practice includes nonviolence, truth (*Satya*), and commitment to self-criticism as the basis of this proposed method of uncovering his most trusted version of human rationality that will then decide the trajectory of politics. For instance, he appreciated Tagore's question of how it was not enough to lead the country towards a *Swaraj*, if the masses ended up blindly following Gandhi. This belabored emphasis on nonviolence as the basis of a narrative which was alternative to overt forms of violence, became the political legitimate standpoint for Gandhi to reflect and respond to the colonial psyche. There is a paradox of integrity (Bilgrami, 2003) as forming the fundamental binding essence of the concept of nonviolence, simultaneously with the alacrity with which there's disobedience in Gandhian thinking and actions. This paradoxical space allowed Gandhi to generate resistance without losing sense of a certain vision of the political that is merged and synthesized into the understanding of the moral. This moral, Gandhi claims, was extensively drawn from religion. "All training without the culture of the spirit was of no use, and might be even harmful". (Gandhi) Gandhi's words in his autobiography reveal an acute sense of belongingness and rootedness in religion in particular and culture at large. This goes on to render him the ability to nurture a certain kind of consciousness that allows for understanding religion as infused with culture, unlike the modern forms of religion which are packaged in singular organized entities. However rooted this vision looked, with the rootedness came the discrepancies of the times and contextual challenges which requires Gandhi to be applied differently. Gandhi turns into the method himself. The method that requires meticulous thought, committed to certain ideals down the path to *Satya*. In my reading, Gandhi seems to function beyond temporal spaces in the future as much as in the present, like the specters of Marx in communism. One of the many reasons behind the criticisms against and praises for Gandhi lies in this ability of Gandhi to create a mass following that dominated a course of political action in the nationalist struggle against the colonial rule, while simultaneously aiming to create the *Swaraj*, based on radical self determination. This critique of Gandhi is rooted in this possibility of merging his charismatic influence along with substantial modes of 'acting' and 'being' in the presence

of the colonial which Gandhi acknowledges as the perils of mass mobilization in his conversations with Rabindranath Tagore. But, this very mass mobilization creates grounds for another one that may oppose the fundamental basis of this one, which to Gandhi would be the beginning of another expression of right to self determination, if it does not lose the essence of the 'how' of the expression and the 'who' of the expression. What is being hinted at here, is that the means of expression were more important a source of legitimate action for Gandhi than anything else. It was the *Ahimsa* that made an action legitimate as if that formed enough grounds for political legitimation especially with respect to his project of critiquing modernity. As Gandhi spoke in one of the addresses, "The true sovereign act lies in dying without killing the other." (Devji, 2012) Such an understanding of the political incorporates a different version of and a vision for the Other. Within this political, nonviolence (considered as ethical means due to its ability to reduce violence) apparently seeks to open up the scope for the operation of possible conflicts, creatively. This Other places the burden of performing legitimate action on the Other, rather than on the Self. This allows for a disruption from the routine violence that places the other in a vulnerable position of no escape from the perils of all external hierarchical associations that are exploitative. This exploitation may have a different unpredictable end if coaxed with that sovereign creative space of non-action and action, all at once. This was evident in the explosive use of silence and fasting unto death in Gandhi, especially when it was employed violently against B.R. Ambedkar agreeing for the Poona Pact of 1932.

CREATICAL THINKING: CHALLENGES

'Creative' processes of thinking and expression do not lend themselves so neatly to orderly treatment, but it encourages flexibility, freedom to be open-minded, freedom from rigid categories and stereotypes. Therefore such modes of thinking and expression emphasize on very intense internal feedback before it is used to understand the external world. For instance, new political collectives have been formed of atomized disembedded individuals who got recreated into communities across times, which Etienne Balibar calls 'fictive ethnicity'. It constitutes the idea of the modern subject or the mass man; signifying the possibility of the whole in one. Gandhi's concept of the *Swaraj* encompasses the possibility of this diversity in the conception of what an individual may be like, in fragmented spaces which demands solidarity to combine with freedom. What then, are the parameters of creative expression? Is it one that allows us to either develop new methods of thinking or does it allow restricting oneself to those methods that have been passed on from generation to generation and does it mean applying safe frozen essentializations to redefine and make ones telos stronger and more concrete? Would that be considered creative? How can one *creatically* think, think over the description of descriptions/ knowledge of knowledge and words of words? (Johnson, 1991) Does the moral rational exercise of nonviolence make it any better qualitatively, especially when the purpose behind the whole exercise is perhaps much more than just justifying how my action was performed? Where do

those actions, which are followed unethically according to conventions, to dig out truth and for the sake of larger good, fall? Being bad for the greater good is backed by creativity but not ethics/morality, for Gandhi. Nonviolence would permit being bad to oneself and not others; that too subject to conditions. Gandhi permitted the use of violence under certain conditions because one couldn't hurt the other without going through pain. And nonviolence allows one to hurt oneself. It therefore becomes a tricky situation to draw limits to creative thinking and expression when the conscious 'other' uses nonviolence, which, in its usage may also at some point unify with violence inflicted upon itself (and henceforth to others, owing to others getting influenced by my struggle and participating in it for various reasons). From his active involvement in politics it was evident that perhaps this categorization of violence- non-violence as a binary doesn't hold ground, because he talks about channelizing violence towards oneself.

THEORIZING MANY GANDHIS

At a time, when such instances of religious and communal activities may go noticed, unnoticed or condoned; talking about Gandhi becomes extremely relevant. It is this turmoil that Gandhi wanted to deal with by understanding the inner spiritual; and psychological selves and trying to hone its dissenting skills every now and then. Dissent reflects the inner turmoil and the efforts taken at various levels, physical, emotional and spiritual levels to deal with a crisis. The act of dissenting was somewhat perfected and realized by Gandhi in the way in which perhaps no other thinker could ever have practised, and this happens in a collaborative effort with the various 'selves' that culminates in the task of knowing the Self, through overcoming oneself. Theorizing and practicing pose extremely difficult possibilities to the practitioner. While the nonviolence – violence binary gets questioned by the disobedient and active speaking subject, nonviolence, in the absence of otherwise overt manifestation of violence, offers ways to address the hurt. In the given times, when generations after generations of misinformation and retaliation against them are bracketed into ideological weapons under the pretext of rights, identity and justice; the flip side to that is the absence of flexibility in engaging with the method and the result of questioning. *Ahimsa* offers a possible fertile space according to Gandhi for exploring options while also simultaneously working out ways of managing this otherwise 'thoughtless' space of the masses. His critical engagement with the external opens up avenues towards realizing a spiritual essence of being which he applied in the understanding of conflict, human nature, society and institutions of power that affected man in various ways. His emphasis on the method of action makes the endeavor a space for the thinking rational mind to engage in a critical –creative reconstructive understanding of the events with morality and politics sustaining each other as inseparable forces. Such is the novelty of Gandhi's conceptualization of alternative possibilities to modernity that it was received with awe. The awe, that breaks and makes conscience in spaces that harbor various kinds of violences. Violence, here does not root itself in institutions and entities that are fixed. His management of

violence seeks to de-center oneself from this whole schema of political experiences while both fixing and opening up avenues for the 'other' and leaving us to figure out which of the two happens to the Other. This is how Gandhi expounds such multiple narratives of varying concerns leaving the reader and the *Satyagrahi* to uncover for oneself, one's own truth. An intense conversational style in Gandhi, while I presume still goes on, provides to us a glimpse of the 'quest' that Gandhi was relentlessly engaged in and perhaps one needs to engage in today. This wonder that one experiences in the *creational* mode of thinking, is an open space, relatively open, in comparison to the absence of luxury one experiences amidst the dominant space that constantly seeks to undermine the lesser dominant narratives of its times. The prudence of exploring the relations between *Ahmisa*, dissent and creativity lies in the intellectual freedom and openness it provides for one to gather diverse meanings from dialogues. He may be categorized as a modern or post modern thinker, but the tools he uses such as radical expressions of creativity, dissent, and nonviolent practice are all forever flexible and subjective. Just as there are multiple possible endings/beginnings to a conflict, so were there many Gandhis, and so will many Gandhis continue to exist or non-exist, one of which being the silent political Gandhi, where moral order takes any political shape when thought out as a *Satyagrahi*. The *Satyagrahi* is not a mere citizen, nor a subject of requiem within modernity, nor packaged into an ideological formation, nor identified into boundaries of thinking, yet it has the capability to encompass all experiences as the aforementioned entities. This creativity predicates from the realization of the agent as the one that is in a time-space continuum of suffering and living. In the context of religion, I quote from Bhikhu Parekh's work, 'A Very Short Introduction to Gandhi',

'Hindu concepts of *anasakti* (non-attachment) and *nishkam karma* (action without desire). His double conversion, his Christianization of an Indian concept after he had suitably Indianized the Christian concept, yielded the novel idea of an active and positive but detached and non-emotive love. Again, he took over the traditional Hindu practice of fasting as a penance, combined it with the Christian concepts of vicarious atonement and suffering love, interpreted each in the light of the other, and developed the novel idea of a 'voluntary crucifixion of the flesh'. It involved fasting undertaken by the acknowledged leader of a community to atone for the evil deeds of his followers, awaken their sense of shame and guilt, and mobilize their moral and spiritual energies for redemptive purposes. Gandhi's religious eclecticism disturbed many of his Christian and Hindu admirers, who complained that it displayed spiritual shallowness and lack of commitment and did injustice to the traditions involved. His so-called eclecticism or hybridity was really a creative synthesis, a heightened form of authenticity that sprang from his relentless search for Truth, and signified not shallowness but a sincere desire to deepen his own and hopefully other religious

traditions. It also built bridges between different religious traditions and fostered the spirit of inter-religious dialogue.' (Parekh, 2001)

This account of Gandhi's conception of the religious within the political allowed for an understanding that one did not have to 'be' to 'become'. This makes for an exercise of a creative synthesis which lacked a *telos*. This creative act found expression in an enquiry away from the rather conventional ones that has the potential to restrict the idea of the political as something that is distanced or rooted in a fixed understanding of the cultural.

Such aforementioned instances in Gandhi's thought, provides to one ample evidences to comprehend the scope Gandhi envisioned for the future of the political with its hinge in the understanding of the fleeting present. This shall perhaps keep the conversations with and within violence, an activity in process, which requires one to move beyond the more convenient instrumentalist views of life. Gandhi's enquiries have the potential to make way for a 'better' space (according to Gandhi's vision) in future where perhaps, even the realization of civil/uncivil, moral/immoral binaries collapsing into one another just as violence and non-violence do, might not unsettle or disturb one from undergoing the process of suffering for the sake of one's own dignity and self-determination.

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