

## India's Republican Moment: Freedom in Nehru's Political Thought

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### Abstract

In the late twenties, Jawaharlal Nehru calls for India's complete independence rather than Dominion Status within the British Commonwealth. Nehru argues that India ought to be a free and democratic republic based on popular sovereignty and recognized by other states as an equally independent state. To achieve these ends, he calls for the creation of a representative and democratically elected Constituent Assembly to establish a constitution for an independent India. This paper explores the idea of the republic in Nehru's political thought at the Indian founding. The reasons for which Nehru prescribes a republic have been somewhat overlooked. First, there is historical precedent that republics have established complete independence from external (imperial) domination and individual freedom from absolute rule within the state. This republican view of freedom is influenced by Montesquieu's normative doctrine of the separation and balance of powers. Second, the idea of republic allows Nehru to deal with the princely Indian States and to assert India's unity. Finally, the creation of an Indian national identity over and above partial identities is facilitated by the notion of a democratic republic that incorporates individuals on equal footing and creates a constitutional and free system of government. Nehru therefore offers an example of how Western discourses can be appropriated and creatively redeployed to respond to local problems, and in doing so contribute new insights to larger discussions on the meaning of freedom and republicanism more broadly.

During India's struggle for freedom, Jawaharlal Nehru advocated India's complete independence and the creation of a popularly sanctioned Constituent Assembly to determine the constitution. As India was poised to create its constitution, Nehru announced its resolve to be an independent sovereign republic.<sup>1</sup> This resolve was not without controversy for it framed the type of rule and governance that India would adopt; as such, it formed the basis of the first debates in the Assembly. Nevertheless, the Objectives Resolution which stated that the constitution be framed for a sovereign Indian republic was formally passed on 22 January 1947; and the Indian constitution adopted on 26 November 1948 declared: "We, the people of India, having solemnly resolved to constitute India into a sovereign democratic republic ... adopt, enact and give to ourselves this constitution."<sup>2</sup> The principles underpinning Nehru's call for a republic were threefold. First, it opposed both monarchical and imperial rule. Second, it established the principle of popular sovereignty whereby "all power and authority ... are derived from the people;" and third it would create a state that would participate with other equal states in the international order. To Nehru, "a free India can be nothing but a republic."<sup>3</sup>

The vision that India become an independent sovereign republic has a history in Nehru's thinking and actions. He initially called for the complete military, economic and political independence of India at the Madras Congress Session in 1927 and provoked much controversy.<sup>4</sup> Even today the Indian state remains controversial for it is seen as a western

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<sup>1</sup> J. Nehru, "Aims and Objects Resolution," Constituent Assembly of India Debates (Proceedings), Vol. I, 13 December 1946 online at <http://parliamentofindia.nic.in/ls/debates/vol1p5.htm> last accessed 28 July 2016; hereafter cited as CAD.

<sup>2</sup> B. S. Rao, *The Framing of India's Constitution: Select Documents*, Vol. 8 (New Delhi: Indian Institute of Public Administration, 1967), p. 750.

<sup>3</sup> Nehru, "Aims and Objects Resolution," CAD 13 Dec. 1946; ; and see too his CAD speech of 22 January 1947 where he reiterates this.

<sup>4</sup> J. Nehru, "Resolution on Independence, 1927" in Dorothy Norman, *Nehru: The First Sixty Years*, Vol. I (London: Bodley Head, 1965), 145-146.

construct that replaced one oppressive regime with another and has not fulfilled goals of universal freedom and equality in the place of social hierarchy and political elitism.<sup>5</sup> Yet when Nehru developed his ideas, he saw the republic as the means through which to gain political and social freedom as well as equal standing between individual citizens and between equal states. He redeployed republican ideas in a new context and reshaped the contemporary significance of freedom and republicanism.

Nehru promoted India's complete independence which hinged on being able to create and adopt its own constitution on the authority of the people. The creation of an elected Constituent Assembly to draft a constitution for India was one of his early demands that informed his republicanism, and, equally, his republican convictions informed his staunch insistence that India establish such an assembly. To Nehru, the only way to found "real democratic freedom", for the Indian people to exercise their right of self-determination was "through a Constituent Assembly elected by an adult franchise".<sup>6</sup> The alternatives, he argued, were for India to remain more or less under the control of the British Parliament as a Dominion of the Commonwealth, to collapse into fascism, military dictatorship, chaos or to adopt Soviet Communism.<sup>7</sup> At the heart of his argument for a republic is the notion of popular sovereignty whereby the power and authority to rule resides in the body of the people that is actualized through the creation of a constitutional state established by the people through an elected and representative assembly. The sovereignty of the people is in the constitution.

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<sup>5</sup> P. Chatterjee, "The Moment of Arrival: Nehru and the Passive Revolution," in *Nationalist Thought and the Colonial World: A Derivative Discourse?* in *The Partha Chatterjee Omnibus* (New Delhi: OUP, 1999), pp. 131-166.

<sup>6</sup> J. Nehru, "The Constituent Assembly, 8 March 1940", in *The Unity of India: Collected Writings 1937-1940* (New York: The John Day Company Inc., 1942), pp. 370-372, pp. 370-371.

<sup>7</sup> Nehru, "The Constituent Assembly, 8 March 1940", p. 370.

When Nehru presented his resolution on the objects and aims of the Indian constitution, he expressed regret that the Constituent Assembly was not exactly what many Indians had wanted, that it was limited and had conditions placed upon it by the British Government. In short it was not the independent body that had been hoped for. Moreover, the Indian princely states and the Muslim League did not attend the Assembly. Nevertheless, Nehru presented the object that India be a republic. This idea was contentious for it was felt that the notion of republican rule and popular sovereignty would further alienate the Indian princely states. Nehru argued that the people of these states be given the suffrage to determine their rule, whether they wanted to be part of the Indian republic as a republic or under the rule of the prince. This suffrage and the notion of republic were seen as contradicting the rule and *raison d'être* of the maharaja and it was feared that these states would not join the Indian Union. A republic entailed a specific type of governance that repudiated the rule of a single person and placed sovereignty in the body of the people.<sup>8</sup> Nehru made clear that he opposed, in modern times, antiquated autocratic princely rule: “the idea of the sovereignty of the people, which is enshrined in this Resolution, does not commend itself to certain rulers of Indian States. That is a surprising objection.... It is a scandalous thing for any man to say, however highly placed he may be, that he is here by special divine dispensation to rule over human beings today. This is a thing which is an intolerable presumption on any man’s part, and it is a thing which this House will never allow and will repudiate if it is put before it.”<sup>9</sup> However, in the Objectives Resolution, he does make clear that if by popular suffrage the people chose to maintain the rule of the prince and to be part of the Indian Union as such this would be acceptable.<sup>10</sup>

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<sup>8</sup> Nehru, “Aims and Objects Resolution,” CAD 22 January 1947.

<sup>9</sup> Nehru, CAD 22 January 1947.

<sup>10</sup> Nehru, CAD 13 December 1946 and 22 January 1947.

The other worry was that as a republic, India would not be part of the British Commonwealth of Nations. Nehru counters this on two points. First, simply being a republic did not bar membership to the Commonwealth as the Irish Republic was part of the Commonwealth. Second, international order was being constituted anew in the aftermath of the war. The creation of the United Nations and the acquisition of independence of many colonized states meant that India had a significant role to play in this new order, which was not merely as part of the British Commonwealth. Nehru situated India as part of a world order of equal independent states that would cooperate in the pursuit of peace. He realized that spheres and blocks of influence were beginning to structure the post-war world order. Yet he maintained that India's foreign policy should be "to remain independent and free of all of these blocks and that it [India] wants to cooperate on equal terms with all countries." Furthermore, he considered that India had a responsibility to the world to demonstrate leadership, to promote the freedom, progress and welfare of mankind both in Asia and across the world.<sup>11</sup>

Nehru's vision of an Indian republic promoted a free type of governance, popular sovereignty along with social and economic rights and significant role in the world. To achieve these goals India had to constitute itself as an independent state through an elected assembly. The Constituent Assembly is an integral part of Nehru's republicanism. Therefore examination of Nehru's republicanism in his pre-independence writings and speeches contributes a deeper understanding of his thinking as expressed in the Constituent Assembly Debates and why he proposed that India be a sovereign independent republic.

In mainstream scholarship, republicanism is understood as a theory centred on the values of virtue, egalitarian participation and the freedom from domination. There has been a growing shift to consider republicanism as freedom from domination analytically and to

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<sup>11</sup> Nehru, CAD 22 January 1947.

remove it from historical roots. Although most studies situate republicanism in historical context, these do not go beyond the transatlantic tradition and the determining moments of the American and French revolutions.<sup>12</sup> Yet Nehru's thought takes republicanism beyond these moments and into the twentieth-century. In contrast to the analytical understanding of republicanism, Nehru puts republican theory into practice. He firmly roots republicanism in both time and place and readapts both its form and idiom to the specific moment. Nehru reiterates virtue and freedom. He recognizes that through active participation in resisting imperial and princely domination along with the willingness to sacrifice oneself in order to gain self-determination (*swaraj*) individuals acquired both a civic spirit and national identity. In addition, through resistance to a dominatory power, individuals would feel their freedom and eventually realize it through the institutions of a free republican India. Yet Nehru's republicanism did not end here; he envisaged its practice through state institutions including the separation and balance of powers, law and the peaceful coexistence of equal republics. In effect, Nehru brings the theoretical and practical elements of republicanism together and furthers our understanding of republics in history and in our world.

Nehru considered himself both republican and socialist; in the late twenties he presided over the short-lived Republican Congress that sought to promote Indian independence as a republic.<sup>13</sup> But it was in the early thirties, whilst in prison, that he composed his *Glimpses of*

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<sup>12</sup> J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 2003, second edition); Q. Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998); P. Pettit, *Republicanism: A Theory of Freedom and Government*. (Oxford: Clarendon Press, 1997); B. Bailyn, *The Ideological Origins of the American Revolution*, (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1967); G. S. Wood, *The Creation of the American Republic 1776-1787* (London: The University of North Carolina Press, 1998, second edition).

<sup>13</sup> J. Nehru, *An Autobiography*. London: Penguin, 2004, pp. 1-50; Nehru, "Presidential Address at the First Session of the Republican Congress," 28 Dec. 1927 in S. Gopal (ed.), *Selected Works of Jawaharlal Nehru*, First Series, Vol. 3 (New Delhi: Orient Longman, 1972), pp. 7-8; hereafter, *SWJN* (1); Norman, pp.139-146.

*World History* and consolidated his understanding of republicanism. In this work, he examines various republican foundings both in history and across the world, ranging from ancient Rome to the United States to Spain, China and Syria. His writings are informed by a vast range of thinkers from all over the world including republican thinkers such as Montesquieu and Rousseau.<sup>14</sup> In presenting a republican reading of Nehru's political thought, this study examines some of the philosophical sources of his ideas and considers how concepts from various times and places merge to create a powerful restatement of republican theory.

Nehru is a difficult thinker to situate within a single philosophical school. Most interpretations emphasize the liberalism and radicalism in his socialist outlook.<sup>15</sup> Few studies look at the republican aspects of his thought. Some legal works do examine the constitutional aspects of the Indian republic,<sup>16</sup> but those go only so far and do not consider Nehru's ideas in light of a history of republicanism. There is indeed a lack of theoretical analysis of republicanism in Indian political thought. Equally, if one looks at the Cambridge School, not only does their understanding of republican ideas focus on the history of political thought, but, further, if one assesses most studies of republicanism, they culminate in the American and French revolutions and do not extend beyond the nineteenth-century.<sup>17</sup> This paper

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<sup>14</sup> Nehru, *Glimpses of World History* (London: Penguin, 2004) pp. 392-393.

<sup>15</sup> J. Brown, *Nehru: A Political Life*, (New Haven: Yale University Press, 2003); S. Khilnani, *The Idea of India*. (London: Hamish Hamilton, 1998); R. C. Pillai, "The Political Thought of Jawaharlal Nehru" in K. L. Deutsch, et. al. eds. *Political Thought in Modern India*, (London: Sage Publications, 1986), pp. 260-274; B. Zachariah. *Nehru*. (London: Routledge, 2004).

<sup>16</sup> G. Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford: Clarendon Press, 1966); S. Sen, *The Constitution of India: Popular Sovereignty and Democratic Transformations* (Oxford: Oxford University Press, 2010).

<sup>17</sup> I use Cambridge School of historians to refer mainly to J. G. A. Pocock and Q. Skinner who advance the predominant view of republicanism.

analyses the republican foundations of the world's largest and most successful postcolonial democracy.<sup>18</sup>

Five components comprise Nehru's republicanism. First, he conceptualizes the republic as an independent entity opposed to external domination or imperialism. He draws on the American experience of founding a free and independent republic. He describes this as political republicanism and associates it with the establishment of a constitution that allows the state to be self-governing. Second, he advances the idea that republics oppose arbitrary and absolute power. The French revolution provides an instance of a people who not only eradicated absolute monarchy, but also created a new type of state based on the power and authority of the people and established equality amongst all citizens. Nehru refers to this as social republicanism by which the creation of a state by contract through a Constituent Assembly provides for the equality of contracting parties and for new social relations between individuals mediated by laws rather than relations of dependence and hierarchy according to the goodwill of the ruler. In the case of India, the challenge was not only to throw off the yoke of imperialism, but also to reform and integrate into the republic the independent Indian States ruled by autocratic princes. Nehru argues that the individual subjects of these principalities should be given the choice to determine whether to join the Indian republic or to remain under princely rule. Third, the republic had to promote unity against growing communalism, social and gender inequality. A popularly legitimated Constituent Assembly, equal citizenship and secularism were meant to address these issues.<sup>19</sup> Fourth, Nehru promotes a territorially integral republic, which would incorporate the princely states for reasons of security and complete political and military independence from any

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<sup>18</sup> Khilnani, *The Idea of India* and R. Guha, *India After Gandhi: The History of the World's Largest Democracy*, (London: MacMillan, 2007).

<sup>19</sup> Niraja Gopal Jayal, *Citizenship and its Discontents: An Indian History*, Harvard: Harvard University Press, 2013.



external power that might gain a foothold within an internal territorial region. Fifth, from a global perspective, Nehru conceptualizes republics as non-aggressive and non-expansive and advocates that contemporary sovereign states ought to pursue cooperative relations and create an international community and institutions to further the ends of peace and security.<sup>20</sup>

## I

Nehru's call for an Indian republic was radical. In 1927 his call for the complete political, economic and military independence of India countered Congress's desire for Dominion Status in the British Commonwealth and went against the platforms of both his father, Motilal Nehru and Gandhi.<sup>21</sup> Nehru situates India's struggle for independence in a tradition of revolution and republican foundings. Not only does he look at historical moments such as the Dutch, American and French Revolutions but also he examines the creation of early twentieth-century republics in Spain, Syria and China, for example. The acquisition of Indian independence would constitute a historical moment tantamount to that of key revolutionary moments, notably the American and French. Nehru inscribes the creation of an Indian republic in a continuum of progress towards greater democracy and equality within a modern world.

In India, after many years of doubt and hesitation, and dallying with the idea of Dominion Status and the like, our National Congress declared, on the 1<sup>st</sup> January 1930, in favour of independence. Even now there are some people who seem to be afraid of the idea of independence and talk of Dominion rule in India. But history teaches us, and the examples of

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<sup>20</sup> See the discussion on the 'Objectives Resolution', 13 December 1946 - 22 January 1947.

<sup>21</sup> Norman, 168-173; Brown, pp. 86-87;

Holland and America made it clear enough that the end of such a struggle can only be independence.<sup>22</sup>

He emphasizes that an independent Indian state would have a significant role to play in the world notably in the pursuit of international peace and cooperation.<sup>23</sup> In addition, Nehru is concerned with Indian unity in terms of both incorporating the independent principalities to establish the territorial integrity of the state and creating a national identity. A democratic republic would incorporate individuals on an equal footing and would facilitate the construction of a national Indian identity over and above communal or partial identities.

Nehru's method is historical, normative and pragmatic. He depicts on events and ideas in world history to create an understanding of how the world has progressed.<sup>24</sup> He includes the rise and fall of civilizations, technological and scientific progress, as well as the exploitation of individuals and states. He is both greatly optimistic about progress and creating a better world and realistic as he recognizes the human tendency to oppress and exploit. He considers that the history of one country is connected to what has happened in other parts of the world, and therefore he draws on ideas and historical events across time and space to construct his understanding of republicanism and of India's place in the world.<sup>25</sup>

Nehru develops his understanding of republicanism in his *Glimpses of World History*, which he composed in prison between 1930 and 1933. This work is written in the form of letters to his daughter and contains as Nehru puts it "a rambling account of history for young people".

This account stretches from antiquity to the early twentieth-century and covers a unique history of world civilizations and ideas; parts of this work also form, in my reading, the

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<sup>22</sup> *Glimpses*, p.416.

<sup>23</sup> M. Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*, (Princeton: PUP, 2009), pp. 149-89; M. Bhagavan, "A New Hope: India, the United Nations and the Making of the Universal Declaration of Human Rights," *Modern Asian Studies*, 44 (2), pp. 311-347.

<sup>24</sup> Nehru, *Glimpses*, p. 7, 1107-1108.

<sup>25</sup> Nehru, *Glimpses*, p. 5

background to his later work, *Discovery of India* that seeks to establish a historical narrative for India as an idea and as a unified territorial and cultural entity, or, simply, as a unified state.<sup>26</sup> In his letters and speeches, Nehru sketches his normative views both on what an independent state might be as well as how it ought to fit into the world order of states. His understanding of history and experience both as victim of imperialism and as leader of both the independence movement and the first Indian republic constitute a pragmatic, yet normative outlook. Moreover, he understands his ideas to hold not only for the specific case of India, but he considers that the realization of freedom and equality are part of a greater scheme regarding human justice. Thus he reflects:

I talk of Asia and Europe. But they are just geographical expressions and the problems that face us are not Asiatic or European problems, but world problems or problems of humanity. And unless we solve them for the whole world, there will continue to be trouble. Such a solution can only mean the ending of poverty and misery everywhere. This may take a long time, but we must aim at this, and at nothing less than this. Only then can we have real culture and civilization based on equality, where there is no exploitation of any country or class. Such a society will be a creative and progressive society, adapting itself to changing circumstances, and basing itself on the co-operation of its members. And ultimately it must spread all over the worlds. There will be no danger of such a civilization collapsing or decaying as the old civilizations did.

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<sup>26</sup> Nehru, *The Discovery of India*, (London: Meridian Books, 1951); Khilnani, *The Idea of India*.

So while we struggle for the freedom of India, we must remember that the great aim is human freedom, which includes of our people as well as of other peoples.<sup>27</sup>

By couching his view in universal terms that stand for all peoples over all times, Nehru gives credence to the Indian fight for independence as something greater linked to the universal ends of freedom and the good of all humanity. These higher moral ends are above British imperialist rulers, beyond the League of Nations and are part of a progression to a better world. Thus Nehru's republican and socialist vision for India is normative. Nehru was very keen on socialist ideals of political and socio-economic equality and attended international conferences for the oppressed in the twenties.<sup>28</sup>

Nehru's desire for an Indian republic is pragmatic. First, he opposes the idea of dominion status whereby India would not be granted equal status with other dominion states and it would continue to pay allegiance to the British crown. Second, he does not want Indian independence and autonomy to be hindered by links through which Britain could continue to exert control over India. His examination of the Middle East demonstrates that although many countries were independent, strong connections between the new governments and European powers meant that independence was partial. He observes that Trans-Jordan and Iraq gained independence in the mid-1920s, but centralized monarchical constitutions gave Britain the scope to influence these new states militarily and politically, which crippled their ability to act autonomously. Without complete military, economic and political independence, Nehru asserts, India would not be able to determine its own affairs.<sup>29</sup>

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<sup>27</sup> *Glimpses*, p. 211.

<sup>28</sup> Nehru, *Autobiography*, pp.170-174

<sup>29</sup> *Glimpses*, p. 889-905.

What exactly does Nehru's republicanism amount to? He does not advocate ancient republicanism associated with small city-republics such as the Greek *polis* in which all citizens participate in ruling and being ruled or the Indian village *panchayat* which was ruled by a small council of locals and continued to be a form of governance in his day. Although he locates the roots of democracy in these ancient republics, he argues that the village *panchayat* was an outdated form of rule because these were "cut off from the world" and did not "fit in with modern conditions."<sup>30</sup> He recognizes Gandhi's yearning for "the days of the old autonomous and more-or-less self-contained village community" where there was little disparity between rich and poor and a "kind of simple democracy prevailed;" yet Nehru does not promote this sort of democratic ideal.<sup>31</sup> Nehru envisages a large modern state in which individual citizens rule indirectly through representation. As such, he situates his understanding of the development of political and social freedom in European Enlightenment ideas.

In his 1929 Presidential Address to the National Congress in Lahore, Nehru confesses that he is a "socialist and a republican and ... no believer in kings and princes or in the order which produces the modern kings of industry who have greater power over the lives and fortunes of men than even the kings of old, and whose methods are as predatory as those of the old feudal aristocracy."<sup>32</sup> This statement draws attention to both his sentiments against monarchical and hierarchical domination. Nehru does not merely advocate republicanism as freedom from imperial or monarchic domination. He further associates republicanism with

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<sup>30</sup> *Glimpses*, pp. 490-491; B. R. Ambedkar, "Speech Moving the Draft Constitution in the Constituent Assembly" in B. S. Rao, *The Framing of India's Constitution*, Vol. 8 (New Delhi: Indian Institute of Public Administration, 1967) also opposed these and referred to them as republican fantasies created by Metcalfe, pp. 429-430; CAD, Vol. VII, 4 November 1948, Part II.

<sup>31</sup> *DI*, pp. 381-382.

<sup>32</sup> Nehru, *India and the World: Essays by Jawarharlal Nehru* (London: George Allen & Unwin, 1936), p.27; Norman, pp. 203-204; Nehru, *Autobiography*, p.177.

freedom from exploitation and personal dependence. Yet, in this speech, such freedom is coupled with social equality and derives from his socialist convictions. Nevertheless, republicanism is associated with the freedom of the state to be self-governing and with the freedom of the individual from the exploitation of another.<sup>33</sup> The first regards the constitution and legitimation of the state; the second is about individual equality and human rights. Montesquieu's doctrine of the separation and balance of powers and Rousseau's conception of individual freedom and equality underpin this understanding of republicanism. Nehru draws his vision for an independent India both from these thinkers and the American and French Revolutions that put their ideas into practice. In the *Discovery of India*, he remarks that with regard to "individual and political rights and civil liberties" India was "influenced by the ideas of the French and American revolutions, as also by the constitutional history of the British Parliament. Socialistic ideas, and the influence of the Soviet revolution, came in later to give a powerful turn to our thoughts."<sup>34</sup> He prefaces this observation with the claim that India "did not have to go abroad for ideas of religious and cultural toleration [for] these were inherent in Indian life."<sup>35</sup> He readily adapts and integrates ideas from abroad and from India; in so doing, he is consistent since he conceptualizes the struggle for freedom and equality in universalistic terms.

Nehru's analysis of the American Revolution is significant for it situates the Indian demand for independence from British imperialism within the historical trajectory of foundings of republics and struggles against imperial domination. The American founding was exactly that – the shedding of British imperialism and the creation of a very large republic.

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<sup>33</sup> I refer to Skinner's and Pettit's views on republican freedom as the freedom of non-domination.

<sup>34</sup> *Glimpses*, pp. 392-393; cited in *DI*, p. 360.

<sup>35</sup> *DI*, p. 360.

So the thirteen American colonies became an independent republic – the United States of America they were called.... Only gradually came the feeling of a common nationality. It was a vast country, continually spreading westwards. It was the first great republic of the modern world – tiny Switzerland being the other only real republic at the time. Holland, although republican, was controlled by the aristocracy. England was not only a monarchy, but its parliament was in the hands of the small rich land-owning class. So the United States Republic was a new kind of country. It had no past, as the countries of Europe and Asia had.<sup>36</sup>

Nehru associates the two revolutions with two of India's challenges. As a political revolution, American Revolution symbolizes casting off imperial domination and the creation of a republican constitution based on the principle of the separation and balance of powers. As a social revolution, the French Revolution represents the demise of monarchy and hierarchy and the establishment of political equality. Yet the dismantling of arbitrary monarchy also necessitated the creation of a well-balanced constitution that would guarantee individual freedom and equality within the state. India dealt with both issues – the imperialism of an external power and the absolute and arbitrary power of princely rule within the Indian States – and promoted a self-governing republic in which the separation and balance of powers guaranteed non-arbitrary and non-absolute rule, and individual freedom.

Nehru saw India's "peaceful rebellion" against British domination as part of a more general movement toward democracy.<sup>37</sup> He deploys democratic and republican theory to counter imperialism, underpin social reform and advance individual freedom and rights. Both American and French revolutions culminated in the creation of independent republics

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<sup>36</sup> *Glimpses*, p. 417.

<sup>37</sup> *Glimpses*, pp. 844-854.

and India was on this path. These republics guarantee individual freedom against the threat of absolute and arbitrary power through the constitutional division power and ensure the independence of the state both through the institution of a centralized executive power and the recognition of the republic's sovereignty by other states in the international order.

To Nehru, a political revolution results in the formation of an independent state or republic. Montesquieu's theory of the separation and balance of powers influenced the constitution makers of both the American and French republics. Montesquieu claimed that individuals are free from arbitrary and absolute power only when power is divided into its executive and legislative functions and when there is an independent judiciary.<sup>38</sup> His theory of constitutional government that guarantees individual freedom and establishes the conditions for an independent state has had enormous influence in modern conceptions of the state. In this theory republicanism is about individual freedom and collective independence, however it does not mean that individuals are equal. Montesquieu recommended that the upper and lower classes participate in legislative power on a hierarchical basis in a bicameral legislature. In the upper chamber, the landed nobility could exercise their political authority to initiate and propose legislation; and, in the lower chamber, representatives of the people could enjoy the political liberty to accept or reject the nobility's propositions. He further advocated a strong, centralized executive power that could maintain internal security by mediating social conflict as well as preserve the independence of the state by defending it and by promoting a policy of expansion. Montesquieu's theory of divided sovereignty that promotes separate executive, legislative and judicial powers to guarantee both internal and external freedom under girds the democratic constitutions of most free states today.

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<sup>38</sup> Montesquieu. *The Spirit of the Laws*, (ed.) F. Neumann (trans.) T. Nugent (London: Collier MacMillan Publishers, 1949), XI, 1.



In his constitutional recommendations for India, Nehru advocates the separation and balance of powers. As with American and French founders, Nehru too reiterates the influence of Montesquieu's doctrine in democratic constitution making. In 1937, Nehru produced an article broadly outlining his early recommendations for a book on *Federal Structure*. He recommends that the head of state (*Rashtrapati*) hold executive power and that this head act only on the advice of a council of ministers. He proposes a bicameral legislature in which the lower house "be elected directly by the people of India on simple uniform franchise" and the upper house be elected by the "federating units" and by "special interests". He is not clear on the exact functions of the lower house but notes that its legislative proposals would be subject to revision by the upper house. This upper house would further act as "the guardian of the rights and interests of the federating units as well as of the minority and cultural groups, and of the fundamental rights laid down in the constitution."<sup>39</sup> In addition, he wants to establish national economic councils at both federal and provincial levels to oversee the economic development of the country and provincial legislative assemblies based on functional representation (though he does not clarify what he means by functional rather than territorial representation). Finally, he adheres to the principle that the judiciary enjoy absolute independence and promotes a supreme court. This judicial authority should have the power to "maintain the fundamental rights and civil liberties guaranteed by the constitution."<sup>40</sup>

Nehru considers it crucial that India be armed and establish its own military and police for both external and internal security. For independent states ought to be able to defend themselves against "external invasion and interference" and ought to have the coercive force necessary "to quell internal commotion ... without any outside help." Both

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<sup>39</sup> Nehru, "On Federal Government," in *SWJN* (I), Vol. 8, pp. 595-610, pp. 602-603.

<sup>40</sup> "On Federal Government," pp. 603-606.

Nehru and Gandhi envisioned a self-governing and coercive Indian state with its own army at its own disposal, rather than at the ready for the defence of the imperial power's (British) interests, notably in conflicts abroad. Nehru ties the creation of arms to the economy and industrialization. He observes that as warfare is increasingly becoming mechanised it is necessary to develop "industries to supply the munitions and accessories of warfare."<sup>41</sup> Non-industrial nations are in no position to defend against external aggression. Nehru's realpolitik promotes industrialization not only for economic development but also for defence and independence.<sup>42</sup>

Congress dropped plans for a federal India or a federation in protest against British federative proposals in the Government of India Act (1935) that sought to maintain autonomous rule in the princely states. The idea of an Indian Union was later adopted and the principle of the division of power along with the need for checks continued to underpin Indian constitutional conceptions and Nehru's republican convictions.<sup>43</sup> For instance, Nehru criticizes the usurpation of power and move to autocracy in India during the Second World War when "legislatures and the various popular checks on the executive and permanent services vanished".<sup>44</sup> In a critique of the absolute power of the British Raj, Nehru remarks that the Indian legislature in Delhi is comprised of "partially elected" members who must fulfil a "high property franchise" and whose power does not amount much more than to "a debating body whose decisions do not bind the executive and are ... systematically disregarded."<sup>45</sup> Without sufficient checks on power, the tendency is for it to become arbitrary, tyrannical and to erode freedom; thus the republican idea that there are both

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<sup>41</sup> "On Federal Government," p. 606.

<sup>42</sup> *DI*, pp. 384-385.

<sup>43</sup> Nehru, "The Indian States and the Crisis," (23 April 1940) in *The Unity of India*, pp. 47-49.

<sup>44</sup> *DI*, p. 409, 414.

<sup>45</sup> Nehru, "The Parting of the Ways," (10 August 1940) in *The Unity of India*, pp. 373-389, p. 374, note 1; cited hereafter as "The Parting".

institutional and popular checks on power through the division of sovereignty and the people's ability to inform public policy run through Nehru's analysis of the abuse of power in imperialist and autocratic regimes.<sup>46</sup> He cites Montesquieu to this effect to show that as much injustice is committed in the name of even law and order, it is necessary to have institutional checks on power to keep it from becoming abusive and absolute. Indeed, Montesquieu's key insight is that power must stop power by the arrangement of things.<sup>47</sup>

In the creative process of envisaging a completely independent and self-governing India, there was a much debate about what such state might be. Even though Nehru was at helm of the Indian administration when it drew up its constitution, he was not alone in conceptualizing it. Bhimrao Ambedkar, a key constitutional architect, feared that without safeguards for individual and minority rights one oppressive regime would simply replace another; that is to say that the British administration in India would simply be replaced by a coercive state in which Hindus commanded a wide majority; hence he recommended reserved seats within the legislative assembly to mitigate the majority's clout.<sup>48</sup> This debate on majority and minority rights and representation continues today.<sup>49</sup>

Nehru's voice was prominent; he disseminated his ideas in a variety of speeches, articles and books and presented a comprehensive understanding of political, economic and foreign policy as India gained independence and democratically established a Constituent Assembly to draft its constitution. He was very much aware of the need to acquire and

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<sup>46</sup> Pettit, 1997.

<sup>47</sup> *Glimpses*, p. 553; Montesquieu, *SL*, XI, 2-6.

<sup>48</sup> B. R. Ambedkar, "A Plea to the Foreigner: Let Not Tyranny have Freedom to Enslave", in *What Gandhi and Congress have done to Untouchables*, in ed. V. Moon. *Dr. Babasaheb Ambedkar Writings and Speeches*. Vol. 2. Bombay: Education Department. Government of Maharashtra, Vol. 9, pp. 199-238; A. P. Mukherjee, "B.R. Ambedkar, John Dewey, and the Meaning of Democracy," *New Literary History*, Vol. 40. No. 2 (Spring 2009), 345-370.

<sup>49</sup> P. Chatterjee, "The Moment of Arrival"; J. Chiriyankandath, "Creating a Secular State in a Religious Country: The Debate in the Indian Constituent Assembly," *Commonwealth and Comparative Politics* (2000), 38: 2, pp. 1-24.

maintain the support of the masses to legitimate the movement, give it vitality and to make the non-violent revolution effective. The Indian sovereign independent state would be constructed on popular sovereignty and conceptualized within a world order in which states were the main actors. In order to gain acceptance as an independent body politic, India was constrained to adopt the western standard and logic of the state in overcoming western imperialism. In the early thirties, India rejected the offer of Dominion Status on the basis that it would not be equal to Canada, Australia and South Africa within the British Commonwealth. Nehru does not couch statehood in terms of ‘westernization’ but rather constructs an Indian national identity and focuses on Indianization. He further conveys a great sense of optimism and sees the creation of an autonomous Indian state that achieves freedom as a means to an end, which is to raise people to a higher level of humanity.<sup>50</sup>

India has a long history and has come under the power of various kings and empires, yet, Nehru argues, it has the possibility of reconstructing itself as a large republic. In his writings, Nehru surveys India’s past and shows how India can once again develop into a powerful state and take its place within a world in which commerce, communication and modern progress have brought states closer and made them interdependent. In contrast to Gandhi, Nehru is not inimical to progress and modernization, rather he accepts reason and science.<sup>51</sup> Nehru provides a history of India that takes colonialism into account and situates India within in a broader movement of anti-colonial republican foundings that promise national unity, equal citizenship and participation in political authority.

### III

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<sup>50</sup> Nehru, “The Unity of India,” *Foreign Affairs*, Vol. 16, No. 2 (Jan. 1938), pp. 231-243, p. 231.

<sup>51</sup> *Glimpses*, 605-611, 1005-1011.

A hindrance to Indian unity was the existence of the Indian States run by semi-autonomous princes. Nehru's deployment of republicanism challenges the status of these principalities that relied on British military and economic support and backing. Part of his vision is that as a republic, India would enjoy complete economic and military independence; whereas proposals for Dominion Status did not guarantee total independence since Britain would maintain some military and economic privileges. Were these principalities to remain independent, the Indian republic would lose its territorial integrity and be a contradiction in terms. Moreover, Britain would continue to play a military and economic role in these states and pose a threat to India. Nehru observes: "Congress knew well that the backwardness of the States hindered our national progress and that there could be no freedom for India unless the states ceased to be what they were."<sup>52</sup> Therefore, it was crucial to co-opt these states into the Indian Union. At the same time, Nehru was aware that such change had to come from below, for the "final and paramount power ... is the will of the people".<sup>53</sup> Dismantling autocratic princely rule in favour of popular sovereignty furthered the cause of freedom and republicanism.

Nehru considered these princely states backwards since they were subject to the autocratic rule of princes who were allied and subject to the British Raj. This subjection to autocracy eroded the people's autonomy; moreover, their economic and industrial development fell behind the rest of India since resources fed the interests and tastes of the rulers. There was a great deal of inequality between the extremely rich rulers and the poverty-stricken peasant populations. Nehru drew on the example of the French Revolution that abolished autocratic rule to support his arguments for reform. The French Revolution was social because it "put an end to monarchy, ... to innumerable privileges, [hierarchy] and

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<sup>52</sup> Nehru, "The Indian States" (February 1939) in *The Unity of India*, pp. 27-46, p. 29.

<sup>53</sup> Nehru, "The Indian States," pp. 23-32.

brought new classes to the front.”<sup>54</sup> With the overthrow of monarchy in Europe, democracy grew and free rule led to the development of industry and greater equality.<sup>55</sup> “Modern industry has spread and democratic institutions have grown up with an ever-widening franchise.” As we have already observed, Nehru promotes the industrialization and modernisation of India to obtain an equal standing with other great states in the world and to improve the socio-economic lives of Indians. “The reform of the land system is tied up with the development of industry, both large-scale and cottage, in order to give work to our scores of millions of unemployed and raise the pitiful standards of our people. That again is connected with so many other things – education, housing, roads and transport, sanitation, medical relief, social services, etc.”<sup>56</sup> The hierarchical and autocratic rule of the princely states thwarted the uniform advance of development across India. Nehru’s argument that universal suffrage ought to be used to incorporate the people of the princely states into the Indian republic further advances the breakdown of hierarchical political and economic structures. Again, his social republicanism reflects Rousseau’s idea that ultimately legitimate political authority derives from the people, who, as equal citizens, constitute the state.<sup>57</sup> Accordingly, individuals would not only gain the political autonomy to select representatives but also the social and economic independence to establish his/her own livelihood. In addition, this individual independence would support the republican state rather than individual dependence on the goodwill of the prince.<sup>58</sup>

Nehru asserts that the people of these Independent states should have their say on how they want to be governed – which is to say either as part of a free and united India or under

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<sup>54</sup> *Glimpses*, p. 399.

<sup>55</sup> Nehru, “Presidential Address, Faizpur, December 1936,” in Norman, *Nehru: The First Sixty Years*, Vol. II, (London: Bodley Head, 1965), pp. 464-472, p. 466.

<sup>56</sup> Nehru, “Presidential Address, Faizpur, December 1936,” p. 471.

<sup>57</sup> Nehru, CAD 13 December 1946 and 22 January 1947; Rousseau, *Social Contract*, I, 6.

<sup>58</sup> Skinner makes this type of argument in *Liberty before Liberalism*.

the autocracy of the prince. The choice of the form of governance ought to be up to the people, not the British, not the princes.<sup>59</sup> Again he uses the republican paradigm to challenge absolute rule and to assert the determination of the people. Nehru believes that legitimate authority resides in the body of the people who ultimately ought to decide how they are ruled. By the same token, his republicanism is not a straightforward repudiation of monarchy. Rather what he contests is the legitimacy of such rule. To Nehru, political rule is legitimate only if it is founded on the sovereignty of the people. That is to say that the final and absolute authority resides in the people and it is up to the people as a unified body to decide how it wants to be ruled. He considers monarchy an illegitimate form of rule if the power of the king rests on any other power than that of the people. He contests the principle of divine right whereby one's power and claim to legitimate rule derives from a divine source. More to the point, he opposes a situation where the ruler maintains his rule and power solely by the backing of an external, and often imperialist, power.<sup>60</sup> In sum, Nehru sees these semi-autonomous princes as constructs of British imperialism and that without such backing their rule would eventually collapse.

#### IV

Nehru's demand for a Constituent Assembly establishes legitimate authority on the will of the people and as such popular sovereignty not only reflects his adoption of historical constitutional foundations but it also accepts the principle of the social contract.<sup>61</sup> Theorists of the mixed constitution and divided sovereignty do not usually advocate a contract since this implies an undivided sovereignty yet most contemporary and modern democratic republics

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<sup>59</sup> Nehru, CAD 22 January 1947; *DI*, pp. 431-435.

<sup>60</sup> Nehru, "Speech to Constituent Assembly, 22 January 1947", pp. 297-298.

<sup>61</sup> Nehru, CAD 13 December 1947, 22 January 1947; "The Constituent Assembly," in *The Unity of India*.

divide power, for sovereignty resides in the people. In *The Social Contract*, Rousseau brings these two ideas together. He advocates a popular legislative power in which all citizens participate in making the laws and a separate, distinct executive power to implement the will of the people. He reduces the idea of an absolute sovereign power to legislative power and distinguishes executive power as the government, which is subordinate to the sovereign. In effect, Rousseau endorses a division of legislative from executive power. Nehru observes that Rousseau's ideas "played an important part in preparing the people of France for the great revolution."<sup>62</sup> Although Rousseau promotes a small republic so all male citizens could participate in making the contract and in governing, Nehru's call for the popular approval of the Constituent Assembly ameliorates this ideal. To Nehru, the only way to create a new state is to found it on the right of the people (including men and women of all castes and religions) to establish its own constitution.<sup>63</sup> The Constituent Assembly would be democratically elected by adult franchise and established "to frame a constitution for a free India."<sup>64</sup>

Nehru was swayed by the idealism of the French Revolution in his call for such an assembly. In a 1932 letter on the fall of the Bastille, he discusses the Oath of the Tennis Court whereby the French Third Estate (the commons) "took an oath not to disperse until they had established a constitution."<sup>65</sup> The determination of the French revolutionaries to establish their own rule reflects that of the Indian constitution-makers. Nehru cites this oath in his speech on the aims and objectives of the Indian Constitution in December 1946. He conveys the historical significance of the moment. He stands at the threshold of "5000 years

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<sup>62</sup> *Glimpses*, p. 192; Jean-Jacques Rousseau, *The Social Contract*, ed. and transl. M. Cranston (London: Penguin Books Ltd., 1968).

<sup>63</sup> Nehru, "The Constituent Assembly" (8 March 1940) in *The Unity of India*, pp. 370-372, pp. 370-371.

<sup>64</sup> *Glimpses*, p. 854 cited in letter 162 on "Peaceful Rebellion in India," which contains a "Note" from October 1938 at pp. 852-854.

<sup>65</sup> *Glimpses*, p. 423.



of India's history" as India enters into a new era and it creates its own constitution for freedom. He refers to "the various Constituent Assemblies that have gone before and of what took place at the making of the great American nation when the fathers of that nation met and fashioned out a constitution which has stood the tests of so many years".<sup>66</sup>

The Indian demand for a self-governing state based on the wishes of the Indian people "expressed through its freely chosen representatives" goes back to 1922 when Gandhi elaborated on the meaning of *swaraj* or self-government. But it was not until 1934 when the Swaraj Party asserted that the right of self-determination can be actualized only through a Constituent Assembly representative of all sections of the Indian people.<sup>67</sup> Thus the goal of establishing a Constituent Assembly crystallized, was adopted subsequently by the All-India Congress Committee and reiterated at the Faizpur Congress meeting in 1936.<sup>68</sup> More than a decade after independence Nehru describes these ends:

Our resources were limited, and we wanted to utilize them to the best advantage to attain declared objectives. After independence, a Constituent Assembly was formed to draw up the new Constitution of India; this declared that India was to be a sovereign, democratic Republic which should secure for all its citizens: justice – social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity. And among them all it was to promote fraternity, assuring the dignity of the individual and the unity of the nation.<sup>69</sup>

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<sup>66</sup> Nehru, CAD 13 December 1946.

<sup>67</sup> Speech by Sachchidananda Sinha, Provisional Chairman of the Constituent Assembly, CAD 9 December 1946. On *swaraj* see, A. Parel, "Editor's Introduction to the Centenary Edition" in Gandhi, '*Hind Swaraj*' and *Other Writings*" ed. A Parel (Cambridge: Cambridge University Press, 2009), pp. xiv-xxiv, pp. xix-xxi.

<sup>68</sup> Nehru, "India's Demand and England's Answer" (6 January 1940), pp. 357-369, p. 364.

<sup>69</sup> Nehru, "Changing India," *Foreign Affairs*. Vol. 41, No. 3. (April 1963), pp. 453-465, p. 454.

The act of constituting an assembly to frame a constitution that embodies the will of the people creates or constitutes a unity, which is the state. The creation of a republic requires both institutional checks and balances as well as the popular sovereignty established through an agreement made by an assembly that embodies the will of the people and establishes this will in a rational entity, in other words in a constitution. This presumes that there is a popular will to create an independent state according to its own wishes and to principles of freedom and equality; freedom since all adults express their volition in electing representatives to do the work of drawing up a constitution on their behalf and equality since all adults have a voice. It was clear that the principle of rights would be part of such a republican constitution that would protect minority rights. Nehru highlights this protection and reiterates that the National Congress wanted “a Constituent Assembly, elected by the people, to frame its Constitution of a free India, with full safeguards for the protection of all minority rights.”<sup>70</sup>

## V

Nehru advocates universal suffrage across gender and caste. He promotes the popular legitimation of an assembly to create a new framework that would regulate political and civil relations amongst citizens. His understanding of the Constituent Assembly underpins popular sovereignty. Ultimately, the constitution and the legislative assemblies that make coercive laws arise from the people. The social contract for Rousseau sought to establish equality amongst all individuals party to the contract and to maintain that relationship of equality each time the sovereign assembly gathered to make laws. The essence of the pact for Rousseau, as for Hobbes, was that it was a mutual agreement between all men. This agreement regulated the relations between men. Each time the franchise is exercised (at elections) the contractual

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<sup>70</sup> Nehru, “The Parting,” p. 375.

relationship between each person with all others is reiterated. To this extent, the franchise is about indirectly making the rules according to which individuals live together in society. These values reflect fundamental republican values whereby all citizens share equally in ruling and set the terms according to which they will live together. Nehru sought the legitimation of India's diverse communities across gender and caste for the construction of an Indian constitution and his desire to posit the protection of minority rights within a system of universal political suffrage as one person, one vote reflects the anxieties of the time. Many worried that a Hindu majority would dominate any assembly charged with making a constitution.

There were two further impediments to unity and the acquisition of independence. The first was communalism and the second, untouchability.<sup>71</sup> Both religious minorities and dalits worried that the Hindu majority of the Indian population would drown their voices and maintain oppressive structures of caste. Therefore there was a demand for separate electorates and the reservation of seats in elected assemblies. Nehru was hesitant with regard to both propositions and thought that individual rights would mitigate inequalities. He promoted social equality and eradication of the caste system and had a secularist view of politics. To Nehru, "in political and economic matters people do not function as religious groups."<sup>72</sup> To a certain extent he is right and his thinking presages much twentieth-century Anglo-American liberal thought on secularism and the impartiality of the state. However, what he neglects is that many people do act from epistemic outlooks based on religion in their

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<sup>71</sup> Nehru, "India's Demand and England's Answer" (6 January 1940) in *The Unity of India*, pp. 357-369, pp. 364-365; "A Survey of Congress Politics, 1936-39" (February-March 1939) in *Ibid.*, 86-135, p. 120; "Provincial Governments – Wake Up!" (28 March 1939) in *Ibid.*, pp. 147-151, p. 148.

<sup>72</sup> "The Parting," p. 386.

political and economic affairs. Moreover, as historians now concede, his disregard for communal demands cost India its unity.<sup>73</sup>

As the struggle for freedom took place during the Second World War, Nehru compares communalist technique with Nazi methods. In his view, the promotion of separate electorates and the creation of a state based on religious identity was akin to the exclusivist policy of the Nazis. He derides communalism as anti-nationalist, anti-democratic, abusive, violent and offensive.<sup>74</sup> It is important to note that for Nehru nationalism is tied to a pluralistic concept of the state in which individuals of all backgrounds (socio-economic, linguistic and religious) associate and their nationalism emphasises the whole unity rather than its sectarian groups. Nehru sees the promotion of separate religious electorates and rise of communalism or sectarianism to be the result of Western interference and argues that elites use such policies instrumentally to protect their vested interests.<sup>75</sup> To illustrate, Nehru draws on the Syrian experience. In the late twenties as Syria fought for independence and demanded a Constituent Assembly, the French stirred up trouble between the Christians and Druzes, and arranged for separate religious electorates. Yet as the nationalists controlled the Assembly, the Syrians were able to overcome sectarian perspectives and see themselves as part of a greater Syrian national state and together Syrians drafted a constitution for a sovereign republic.<sup>76</sup>

Nehru did not advocate separate electorates or exclusivist communal groups and advocated a higher inclusivist Indian national identity. Yet again he disregarded the extent to which this identity reflected the Hindu majority population to the detriment of minority groups. To Nehru, Indian identity was not based on the identity of any single majority or

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<sup>73</sup> Niraja Gopal Jayal, *Citizenship and its Discontents*.

<sup>74</sup> "The Parting," p. 387.

<sup>75</sup> "The Parting," p. 386.

<sup>76</sup> *Glimpses*, pp. 883-884 and "The Parting," p. 388.

minority group. He saw that populations could be easily manipulated according to a few people who implant discontent, leading to the mobilization of mobs and descent into violence. Although Nehru had faith in the popular will as the basis for political authority, he was quite aware that this will can be manipulated. Yet he did not proactively advocate reserved seats for Dalits or communal minorities to appease radical tendencies. Rather, Nehru promoted an equal citizenship according to which individuals shared in and were loyal to an Indian whole.<sup>77</sup> This perspective went beyond the individual and the state for he endorsed a world federation comprised of free nations rather than “separate warring national states.”<sup>78</sup>

Nehru considered the caste system as India’s greatest weakness. As a socialist who believed in egalitarianism, he advocated its eradication.<sup>79</sup> He granted some reserved seats for Dalits in ruling institutions and in 1931 with Gandhi drew up a “Resolution on Fundamental Rights” that was adopted by the Indian National Congress. The resolution defended the equal political and economic freedoms of the masses. These freedoms include freedom of association, speech, conscience, and the equal rights and obligations of all citizens, as well as state neutrality with regard to religion, a living wage for industrial workers, protection of women workers, adult suffrage, and free primary education.<sup>80</sup> These rights were to be made good through judicial process and the institution of a supreme court. The resolution was forward-looking and liberal in that it reiterated the key liberties that John Stuart Mill defended. Yet it went beyond Mill and sought to protect the equality of *all* citizens. The resolution extended citizenship to all adults including women and Dalits. Nehru went beyond European Enlightenment thinking and practice; he defended both social and gender equality

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<sup>77</sup> “India’s Demand and England’s Answer,” pp. 365-366.

<sup>78</sup> “The Parting,” p. 389.

<sup>79</sup> *DI*, p. 235, 496.

<sup>80</sup> *SWJN* (I), Vol. 4, pp. 511-513.

and the protection of minority rights such as religion, culture and language rights. Moreover he claimed that “[a]ny infringement of such a right could be challenged in a supreme court.”<sup>81</sup> It is worth noting that social and gender equality were not foreign to Indian ideas and practices. In antiquity, Buddha promoted social justice and opposed caste and in the fifteenth to sixteenth centuries, founders of the Sikh religion preached social and gender equality. Nevertheless, arguments for universal female and male suffrage and the protection of human rights were radical in the late twenties and early thirties.<sup>82</sup> The radical extension of suffrage to all adults regardless of gender or caste did pose a threat to the Indian Liberals and upper class elements of Indian society; but Nehru professed socialism and considered that not only was this the right way forward, it was also just.<sup>83</sup>

Nehru was concerned with developing a political consciousness amongst the masses, not only to create unity and a national identity, but also to mobilize the masses. Unity and the recognition that one is an equal member of the state are both necessary to overthrow oppressive rule and to construct a republic. From a more pragmatic perspective, to be effective non-violence and non-cooperation had to be mass-based. Nehru considers that charismatic leaders such as Tilak, an early Indian nationalist, and Gandhi were able to mobilize the masses and to cultivate a nationalist identity amongst them.<sup>84</sup>

the main contribution of Gandhi to India and the Indian masses has been through the powerful movements which he launched through the National Congress. Through nation-wide action he sought to mould the millions, and largely succeeded in doing so, and changing them from a demoralized,

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<sup>81</sup> “India’s Demand and England’s Answer,” p. 366.

<sup>82</sup> B. R. Ambedkar, *States and Minorities: What are their Rights and How to Secure them in the Constitution of Free India*. Bombay: Thacker & Co. Ltd., 1947.

<sup>83</sup> “The Parting,” pp. 383-384; “The Constituent Assembly,” p.372; *Glimpses*, letter 131 on “The Advance of Democracy,” pp. 611-618.

<sup>84</sup> *Glimpses*, p. 512.

timid, and hopeless mass, bullied and crushed by every dominant interest, and incapable of resistance, into a people with self-respect and self-reliance, resisting tyranny, and capable of united action and sacrifice for a larger cause. He made them think of political and economic issues, and every village and every bazaar hummed with argument and debate on the new ideas and hopes that filled the people. That was an amazing psychological change. The time was ripe for it, of course, and circumstances and world conditions worked for this change. But a great leader is necessary to take advantage of circumstances and conditions.<sup>85</sup>

Nehru believed that the creation of an overarching Indian nationalist republican identity with the guarantee of individual equality could unite partial identities. Yet something greater occurred through Gandhi's leadership. The people acquired new hope and were transformed into autonomous and self-respecting individuals united in the unique cause to found a sovereign republic based on their popular authority and will. In addition, the people had to be active in the public sphere and willing to sacrifice themselves in non-violently resisting foreign domination. The performance of resistance and disobedience to unjust laws in the name of a higher public good and freedom undermined British rule. The Indian political conscience was transformed through self-sacrifice, the pursuit of truth and self-rule (*satyagraha and swaraj*). These values can also be read as iterations of republican virtue. This self-determining participation and attempt to realize some sort of conception of the good within the Indian context reiterate ideals of *res publica* (the public thing) and a reclaiming of political power and authority by the people from the hands of an illegitimate, foreign and dominatory power. Nehru's normative outlook was idealistic, and communalism, untouchability and poverty were and continue to be major problems. Nevertheless, unity and

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<sup>85</sup> *India and the World*, pp. 173-174.

equality were aims of the Indian revolutionaries and the achievement of independence reflects the development of a mass political consciousness achievement and unity.

## VI

A final aspect of Nehru's republicanism has to do with his conception of the republic in the world order. This is significant since the declaration of India's independence marked the end of the world order based on European colonial dominance. Nehru considers that as a republic, India would be recognized as an equal sovereign state by other states and that India would act as an equal in the pursuit of international peace and cooperation. He contrasts the peaceful seeking republic to the expanding and imperialistic state, which seeks domination as the key to security against other aggrandizing powers. One of the problems of European democratic republics is that many of these states were expansionist and held global empires, which were necessarily despotic as they imposed arbitrary and absolute rule over their colonies. To Nehru, these states that advocated peace, security, freedom and equality at home while dominating and imposing despotic rule abroad were inherently contradictory and hence such republics could (and did) easily collapse into dictatorship.<sup>86</sup> The imperialism and domination advocated by democratic rulers abroad was easily translated into fascism at home. By contrast, an Indian republic that pursues peace and cooperation abroad would be a better democracy since it would not be tainted by fascist tendencies and imperialist pasts. India would be better placed to create a world of non-domination and to act as an example to states who also aspire to be independent within a post-colonial global order of sovereign states. Moreover, if new states are created by and sanctioned by the will of the people and governments are responsible to the people, then it stands to reason that such republics as free

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<sup>86</sup> Glimpses, pp. 944-960.



states would seek peace, freedom and cooperation with other states above all, so Nehru's thinking goes.<sup>87</sup>

Nehru develops a powerful argument for India's independence from the British Empire as well as from the Commonwealth, which was exclusive and would not necessarily reflect the universal pursuit of international cooperation. In the twenties, Congress developed a foreign policy and Nehru helped shape the object of that policy which was the desire to cooperate and develop friendly relations with all states. Nehru describes how India began to see itself as a free state as it acquired confidence with the growth of the nationalist movement. He stresses that the size and "potential strength and resources of India made Indians think in big terms". A free India would make a "vital difference to Asia and ... to the world." This contributed to Nehru's claim that "Dominion status, even when that status approached independence, seemed an absurd limitation and a hindrance to full growth."<sup>88</sup> However, as Congress's foreign policy developed, India did not conceptualize its independence as isolation. According to Nehru, Congress realized that "the old type of complete national independence was doomed and that there must be a new era of world co-operation." Hence, the shapers of India's independence clarified that they were willing "to limit that independence, in common with other nations, within some international framework."<sup>89</sup> Nehru indicates that such a framework should as far as possible "cover the world" and that the British Commonwealth falls short of this. In *Glimpses of World History*, he mentions a world-state, not as a great empire, but rather a universal sovereign or a sort of "world republic which would prevent the exploitation of one nation or people or class by another."<sup>90</sup> These ideas on equal republics joined in the pursuit of peace echo Kant's

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<sup>87</sup> "Acceptance of the Objectives Resolution," in Norman, p. 300; "The Parting," pp. 388-389.

<sup>88</sup> *DI*, 397.

<sup>89</sup> *DI*, p. 398.

<sup>90</sup> *Glimpses*, p. 111.

understanding of perpetual peace. To the difference of Kant, Nehru conceives not only of European republics as equal but all states within the world.<sup>91</sup> Nehru's ideas on international relations and India's foreign policy contribute to his republican conception and had a profound impact on the conceptualization of the United Nations.<sup>92</sup> In his "Acceptance of the Objectives Resolution" speech, he asks the Indian Constituent Assembly to take into account that in today's world

there is no isolation – you cannot live apart from others. You must co-operate or you must fight. There is no middle way. We wish for peace. We do not want to fight any nation if we can help it. The only possible real objective that we, in common with other nations, can have is the objective of co-operating in building up some kind of world structure, call it One World, call it what you like. The beginnings of this world structure have been laid in the United Nations Organization. It is still feeble; it has many defects; nevertheless, it is the beginning of [a] world structure. And India has pledged herself to co-operate in its work.<sup>93</sup>

There is great optimism in this declaration. At the end of WWII and at the beginning of a post-colonial world order, India had much to offer the world by way of its experience as a subjugated colony that fought long and hard for independence as a sovereign democratic republic equal to other sovereign states.

To conclude, Nehru draws on a variety of historical and philosophical sources from all parts of the world. In this article I have emphasized the European origins of his republicanism, which he reshaped within the Indian context, mixing notions of revolution and

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<sup>91</sup> Immanuel Kant, "Perpetual Peace: A Philosophical Sketch," in ed. Hans Reiss, transl. H. B. Nisbet, *Political Writings* (Cambridge: Cambridge University Press, 1991, reprinted 2008), pp.93-130.

<sup>92</sup> Mazower, *No Enchanted Palace*, pp. 149-89.

<sup>93</sup> "Acceptance of the Objectives Resolution," p. 299.

resistance with the boycott of British goods and non-cooperation (*swadeshi*), non-violence (*satyagraha*) and self-rule (*swaraj*). Nehru's ideas are drawn from a comparative body of thought and transformed by his experience and forward-looking thinking. Nehru's restatement of the republican tradition included independence from imperial and monarchic domination and the creation of a free state through the will of the people as expressed in the Constituent Assembly and the establishment of political institutions that divide power and provide constitutional checks on the abuse of power to guarantee individual freedom. The act of constituting the republic through a democratically elected and representative Constituent Assembly aimed at securing the equality of Indian citizens. Moreover, the actual construction of the constitution underwent much consultation, thought, deliberation and many amendments that were sanctioned by the assembly.<sup>94</sup> The desire to dismantle social hierarchy and create greater political and economic equality through the protection of individual and minority rights with recourse to the supreme court and the institution of gender and social equality in the franchise were radical and progressive aspects of the republicanism articulated by Nehru and the founders of the Indian state. At the same time, India was constrained to adopt an Enlightenment ideal of the state were imperial powers to recognize it as legitimate and as living up to the standard of civilisation.

According to Rabindranath Tagore Europe brought four key ideas to India: science and reason; independence or the idea that no person could be the property of another; self-determination and the sovereignty of the individual and nation.<sup>95</sup> Nehru's republicanism aligns with these; he advocated progress associated with science and reason, independence as non-dependence on another person or power or simply put non-domination (both economic

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<sup>94</sup> R. Bajpai, *Debating Difference: Group Rights and Liberal Rights in India* (Oxford: Oxford University Press, 2011).

<sup>95</sup> D. Chakrabarty, "From civilization to globalization: the West as a shifting signifier in Indian modernity," in *Inter-Asia Cultural Studies*, 13:1 (2012), pp. 138-152, pp. 145-146.

and political); self-government and finally sovereignty as India was recognized as an equal sovereign republic within the world order. Nehru's reconceptualization of how a popularly sanctioned republic ought to act in the international realm vis-à-vis other states is a cornerstone of international co-operation and organization. His vision that republics ought to view other states with equal respect and join together in the common pursuit of peace continues to influence today's post-colonial world order. The founding of an independent, sovereign and democratic Indian republic signified a new moment in our collective histories. It set the tone for the creation of many new republics in a post-colonial world order in which republican virtue, self-determination and freedom from the imperial domination were furthered in both theory and practice.