

2014

Series: Mindful Law, Mindful World: Property, Possession, and Consumption Via Gandhi's Thought

Nehal A. Patel
University of Michigan-Dearborn

Follow this and additional works at: <https://digitalcommons.law.seattleu.edu/sjsj>

Recommended Citation

Patel, Nehal A. (2014) "Series: Mindful Law, Mindful World: Property, Possession, and Consumption Via Gandhi's Thought," *Seattle Journal for Social Justice*: Vol. 13: Iss. 2, Article 4.
Available at: <https://digitalcommons.law.seattleu.edu/sjsj/vol13/iss2/4>

This Article is brought to you for free and open access by the Student Publications and Programs at Seattle University School of Law Digital Commons. It has been accepted for inclusion in Seattle Journal for Social Justice by an authorized editor of Seattle University School of Law Digital Commons.

**Series: Mindful Law, Mindful World:
Property, Possession, and Consumption
Via Gandhi's Thought**

NEHAL A. PATEL

ARTICLE 1: MINDFUL USE: GANDHI'S NON-POSSESSIVE PROPERTY THEORY

ARTICLE 2: "RENOUNCE AND ENJOY": THE PURSUIT OF HAPPINESS THROUGH GANDHI'S SIMPLE LIVING AND HIGH THINKING

The following two Articles explore the nuanced relationship between property law, the human-environment relationship, and Gandhi's thought. Article 1 focuses on a view of property law via Gandhi's thought. First, I use the doctrines of *anasaktiyoga* and *aparigraha* to explain Gandhi's view of the human-property relationship. Second, I use Gandhi's principles of *sarvodaya* and *swadeshi* to explain his view of the proper function of property. Third, I engage Gandhi's theory of trusteeship and his theory of rights to connect his views on the socially beneficial uses of property to legal discourse. Fourth, I put my view of property law via Gandhi's thought in conversation with common property law concepts and problems. I conclude that alternative ontological and metaphysical assumptions can provide a basis for examining and questioning current assumptions and help readers see property through a new relationship between the self and the other.

In Article 2, I broaden my scope from property law to the current production-consumption paradigm. Within the limits of legal discourse, it can be difficult to discuss the broader implications of Gandhi's view of property and possession, which speak to how the human-environment relationship ought to be conceptualized. Moreover, Gandhi's ideas can be

difficult to comprehend when they are excised out of his worldview and into various academic subjects, such as property law theory. Therefore, in Article 2, I discuss Gandhi's basic ontological and existential ideas, and I connect them to fundamental questions about the goals of the current production-consumption paradigm. First, I connect Gandhi's views of simplicity and non-harm to show that Gandhi approaches the human-environment and human-human relationships with the recognition of the oneness of all things. Second, I discuss the discontents of modern consumption, summarizing recent scientific evidence showing that happiness is not necessarily enhanced by more material prosperity. Third, and finally, I discuss how Gandhi's views are now reflected in the efforts to create a Gross Domestic Happiness measure to replace the emphasis on "product" in the current production-consumption paradigm.

Together, I believe these two Articles show how Gandhi's thought presents a fundamentally different approach to the relationship between humans and the material world. After reading the narrower focus on property law theory in the first Article, the reader can see in the second Article how Gandhi's thought applies to a wider view of society, which includes the current economic arrangements of production and consumption. From this standpoint, the reader is free to develop her own view of the connection between law, possession, and renunciation in Gandhi's thought and its significance to the contemporary world.