

2014

"Renounce and Enjoy": The Pursuit of Happiness Through Gandhi's Simple Living and High Thinking

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) ""Renounce and Enjoy": The Pursuit of Happiness Through Gandhi's Simple Living and High Thinking," *Seattle Journal for Social Justice*: Vol. 13 : Iss. 2 , Article 6.
Available at: <https://digitalcommons.law.seattleu.edu/sjsj/vol13/iss2/6>

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. For more information, please contact coteconor@seattleu.edu.

“Renounce and Enjoy”: The Pursuit of Happiness Through Gandhi’s Simple Living and High Thinking

Nehal A. Patel*

“[S]imple living and high thinking point the surest road to happiness.”¹

INTRODUCTION	2
I. SIMPLICITY AND NON-HARM BOTH ARISE FROM AN INTENSE IDENTIFICATION WITH ALL THINGS	2
II. CONSUMPTION AND ITS DISCONTENTS	8
III. HAPPINESS AS A GROSS DOMESTIC PRODUCT	14

* Nehal A. Patel, J.D./Ph.D. (Wisconsin/Northwestern), Assistant Professor of Sociology and Criminal Justice, University of Michigan–Dearborn.

Dedication: To my mother, Sumitra Patel, who showed me a life of simplicity and left virtually no footprint on the Earth. To my father and guru, Ambalal C. Patel, for being my model of simple living and high thinking. To sociologist Allan Schnaiberg, foundational figure in environmental sociology and creator of the “Treadmill of Production” model.

Acknowledgements: I am grateful to Najah Allaham for library research assistance. I also am grateful to Neeraja Aravamudan, my love, my happiness.

¹ Mahatma Gandhi, *Letter from Jogendra Singh*, in 31 COLLECTED WORKS OF MAHATMA GANDHI 483, 483–485 (Pub. Div. Gov’t of India 1999), <http://www.gandhiserve.org/cwmg/VOL031.PDF> [hereinafter CWMG]. “The exclusive quest for the physical and material happiness of the majority . . . is contrary to . . . pursu[ing] happiness.” Mahatma Gandhi, *Sarvodaya*, in 8 CWMG 316, 316–17 (Pub. Div. Gov’t of India 1999), <http://www.gandhiserve.org/cwmg/VOL008.PDF>.

INTRODUCTION

It can be tempting to separate Gandhi's ideas on simplicity and non-violence, but his views on simplicity and non-violence interlock within a larger framework for human action. In this Article, I explain how Gandhi's advocacy of both material simplicity and non-harm emerges from a love for the world, aids the pursuit of happiness, and calls for a new economic order based on contentment rather than growth. Gandhi's renunciative lifestyle implicitly connects simplicity and non-harm and stands in stark contrast to the current production-consumption paradigm under which global inequality and poverty continue to remain unabated.

In Part I, I begin by connecting Gandhi's view of renunciation to simplicity and the desire to not harm. Then, in Part II, I discuss modern consumption patterns that seem inapposite to Gandhi's advocacy of material simplicity. By discussing current scientific research on satisfaction and happiness, I explain how Gandhi's material simplicity is a better path to a happy and satisfied world than the current production-consumption paradigm. Finally, in Part III, I discuss recent efforts to shift the dominant production-consumption paradigm toward a focus on happiness, and how these efforts are a resurrection of Gandhi's call to happiness through simplicity.

I. SIMPLICITY AND NON-HARM BOTH ARISE FROM AN INTENSE IDENTIFICATION WITH ALL THINGS

It is my understanding that many scholars view Gandhi's simplicity and his desire not to harm as separate preoccupations, but I will explain how these two ideals are part of one interlocking worldview. First, it is important to note that much of Western thought emphasizes a "rational-deductive" approach to determining "truth," whereas Gandhi relied partly on

meditative traditions that prioritize intuition and direct experience of Truth.² I will focus on this intuitive and meditative part of his life, where the connection between simplicity and non-harm is easily visible.

Ahimsa (non-harm) in Gandhi's thought partly originates from branches of Indian philosophy that emphasize renunciation. The Sanskrit term "*han*" is a root word that can be translated as "harm," and the full Sanskrit word, "*hims*," can be translated as "desiring to inflict harm."³ Therefore, etymologically, "*a-himsa*" refers to the negation of harm (*hims*), or "to have no desire to harm in any way."⁴ This explanation can give the impression that *ahimsa* is best understood as the absence of harm, but the Sanskrit meaning of *ahimsa* does not carry a passive or negative connotation.⁵ Therefore, in my view, the meaning of *ahimsa* implies that a person who renounces the desire to harm experiences a positive mental state in which she intensely identifies with all things.⁶

As a result, a person in this state of mind acts out of a love that arises in the absence of any desire to harm.⁷ To act from the mental state of love—in which one has absolutely no desire to harm—means that one always acts out of the interest of the other as well as for oneself.⁸ In addition, acting out

² Nehal A. Patel & Lauren Vella, *A Mindful Environmental Jurisprudence: Speculations on the Application of Gandhi's Thought to MCWC v. Nestlé*, 30 PACE ENVTL. L. REV. 1116, 1146 n. 160 (2013); see also SURENDRA VERMA, METAPHYSICAL FOUNDATION OF MAHATMA GANDHI'S THOUGHT, ORIENT LONGMANS 7–10, 14–31 (1970). See generally AJIT K. DASGUPTA, GANDHI'S ECONOMIC THOUGHT 25–30 (1996).

³ EKNATH EASWARAN, GANDHI THE MAN 152 (1978).

⁴ *Id.*

⁵ *Id.* at 53.

⁶ In my opinion, it is important to note that, in this tradition of thought, scholars and sages arrive at this way of being through a combination of meditation and contemplative practices.

⁷ For an example of scientific research establishing the mind-body connection, see R.J. Davidson, et al., *Alterations in Brain and Immune Function Produced by Mindfulness Meditation*, 65 PSYCHOSOMATIC MED. 564, 564–70 (2003).

⁸ Gandhi took the position that the loving course of action would be one that is good for the other as well as oneself.

of love requires awareness of the harm that even seemingly benign acts can create. Take, for example, the manner in which Jain monks and nuns go for a walk. Jain monks and nuns are known to sweep the floor with a broom while they walk to avoid stepping on insects, and they also wear a cloth on their mouths to avoid swallowing any flying insects.⁹ Thus, when infused with an intense identification with all things, the seemingly benign act of walking becomes an act of love (i.e., of non-harm).¹⁰

Similarly, simplicity can be an act of love for the world when it is practiced out of renunciation for personal convenience. Take, for example, the decision to use plastic bags at the grocery store. Although the bags are free to the consumer at the checkout aisle, there is great cost to the planet in the accumulation of plastic bags. If consumers view the use of plastic bags through an intense identification with all things, then consumers would be

I do not believe . . . that an individual may gain spiritually and those around him suffer. I believe in Advaita [non-dualism]. I believe in the essential unity of man and for that matter all that lives. Therefore I believe that if one man gains spiritually the whole world gains with him and, if one man fails, the whole world fails to that extent.

Thomas Weber, *Gandhi's Moral Economics: The Sins of Wealth Without Work and Commerce Without Morality*, in *THE CAMBRIDGE COMPANION TO GANDHI* 150, 135–53, (Judith M. Brown & Anthony Parel eds., 2011).

⁹ DENISE CARMODY & T. BRINK, *WAYS TO THE CENTER: AN INTRODUCTION TO WORLD RELIGIONS* 101 (7th ed., 2014).

¹⁰ (Contrast the Jain use of brooms and cloths to the lack of protection for wild animals on modern highways. From one view, large numbers of ‘road kill’ indicate that the desire to not harm animals is a low social priority.) If the emphasis is on the intention of an action, then non-harm to animate beings and renunciation of inanimate objects are indistinguishable. In the former case, the intention is to control “the living,” whereas in the latter case, the intention is to control “the thing.” Renunciation of the desire to control people or objects is the result of detaching intention from the desire to harm the freedom of the other. Detachment (*anasakti*) is the way to achieve renunciation and freedom for both the individual and “the other.” Mahatma Gandhi, *Anasaktiyoga (1929)*, in 46 CWMG 164, 164 (Pub. Div. Gov’t of India 1999), <http://www.gandhiserve.org/cwmg/VOL046.PDF>. See generally VERMA, *supra* note 2; see also B.N. GHOSH, *BEYOND GANDHIAN ECONOMICS: TOWARDS A CREATIVE RECONSTRUCTION* 26, 75, 101, 182 (2012).

ever-vigilant to find the simplest practice available to meet their needs. In this case, the simplest practice would be for people to bring their own reusable bags.

However, the current production-consumption paradigm is bereft of an identification with all things, and as a result, it has been criticized for contributing to poverty, inequality, and the extinction of poor populations and species.¹¹ These connections between the current production-consumption paradigm and socio-ecological devastation raise an important question about the role of law in the production and consumption process. In particular, law scholars must ask whether property rights are being used in the current global economy to justify the overproduction and overconsumption that is responsible for major ecological disruptions and global inequality.¹²

Currently, some scholars discuss these global problems in terms of structure,¹³ or global institutional patterns that perpetuate unneeded suffering in largely poor and disempowered populations and are manifested in lack of provisions for basic health and lack of sanitation for millions of

¹¹ See generally PAUL FARMER, *PATHOLOGIES OF POWER: HEALTH, HUMAN RIGHTS, AND THE NEW WAR ON THE POOR* (2005).

¹² Because of global ecological crises and social inequality, the way that people and organizations use property needs serious attention. See generally ALLAN SCHNAIBERG, *THE ENVIRONMENT: FROM SURPLUS TO SCARCITY* (1980).

¹³ FARMER, *supra* note 11, at 206. See also KATHLEEN M. WEIGERT, *STRUCTURAL VIOLENCE* 2004–11 (2008); Albert Banjeree, et al., *Structural Violence in Long-Term, Residential Care for Older People: Comparing Canada and Scandanavia*, 74 *SOC. SCI. & MED.* 390, 390–98 (2012); Reinhard Bernbeck, *Structural Violence in Archaeology*, 4 *ARCHAEOLOGIES* 390, 390–413 (2008); John Galtung, *Cultural Violence*, 27 *J. OF PEACE & RESEARCH* 291, 304 n.1 (1990); Kathleen Ho, *Structural Violence as a Human Rights Violation*, 4 *ESSEX HUM. RTS. REV.* 1, 1–17 (2007); Carrie E. Stiles, *Countering Structural Violence: Cultivating an Experience of Positive Peace* 4, 8–9 (Jan. 1, 2011) (Master of Arts in Conflicts Resolution Thesis, Portland University), available at http://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1209&context=open_access_etds.

people.¹⁴ In contrast, instead of using structure, some scholars focus on “culture,”¹⁵ or

the symbolic sphere of our existence—exemplified by religion and ideology, language, and art, empirical science and formal science (logic, mathematics)—that can be used to justify or legitimize direct or structural violence.¹⁶

Although current structural and cultural analyses address many institutional and ideological problems, neither a structural nor cultural view contains the ontological shift to identification with all things that connects simplicity and non-harm in Gandhi’s thought. A shift toward transcendental considerations and away from a purely material view of the world might be needed to keep production and consumption patterns within the Earth’s limits and maintain an “other-regarding” focus on the one billion people harmed by malnutrition and starvation.¹⁷ Therefore, compared to the current

¹⁴ See FARMER, *supra* note 11, at 275.

¹⁵ See DOUGLAS P. FRY & C. BROOKS FRY, *Culture and Conflict Resolution Models: Exploring Alternatives to Violence*, in CULTURAL VARIATION IN CONFLICT RESOLUTION: ALTERNATIVES TO VIOLENCE 9–23 (1997); Bonaventure Mkandawire, *Ethnicity, Language, and Cultural Violence: Dr. Hastings Kamuzu Banda’s Malawi 1964–1994*, 63 SOC’Y OF MALAWI J. 23, 23–62 (2010); Catia C. Confortini, *Galtung, Violence, and Gender: the Case for a Peace Studies/Feminism Alliance*, 31 PEACE & CHANGE 333, 333–67 (2006); Robert N. Emde, *The Horror! The Horror! Reflections on Our Culture of Violence and Its Implications for Early Development and Morality*, 56 PSYCHIATRY 119, 119–23 (1993); Galtung, *supra* note 13, at 291–305; Johan Galtung, *Violence, Peace, and Peace Research*, 6 J. OF PEACE & RESEARCH 167, 167–91 (1969); Henry A. Giroux, *Pulp Fiction and the Culture of Violence*, 65 HARV. EDUC. REV. 299, 299–314 (1995).

¹⁶ Galtung, *supra* note 13, at 291. See also Karen Morgan & Suruchi Thapar Björkert, *‘I’d Rather You’d Lay Me on the Floor and Start Kicking Me’: Understanding Symbolic Violence in Everyday Life*, 29 WOMEN’S STUD. INT’L FORUM 441, 446 (2006); David Spener, *Global Apartheid, Coyotaje and the Discourse of Clandestine Migration: Distinctions Between Personal, Structural, and Cultural Violence*, in MIGRACIÓN Y DESARROLLO 115–40 (2008); Eric A. Stewart & Ronald L. Simons, *Structure and Culture in African American Adolescent Violence: A Partial Test of the ‘Code of the Street’*, 23 JUST. Q. 1, 1–33 (2006).

¹⁷ WORLD HAPPINESS REPORT, SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK 3 (John Helliwell, et al. eds., 2013), available at, http://unsdsn.org/wp-content/uploads/2014/02/WorldHappinessReport2013_online.pdf, also quoted in Lester

discourse on property and possession, the nexus of simplicity and non-harm through renunciation in Gandhi's thought could meet the world's needs in a more equitable and less contentious manner.

In current legal discourse, there is little discussion of whether modern legal regimes contribute to global suffering and unsustainability by privileging the current production-consumption paradigm. For example, in a first year property course, law students are often introduced to property largely through small-scale examples involving two men sharing a hypothetical property (often called "Blackacre" in property law lore). In this approach, students are not given tools to critique the worldview that buttresses dominant notions of property and to critically assess the ways in which property use has become a transnational issue of global proportion.¹⁸ One such global and transnational issue is the Bhopal chemical disaster, for which property claims are still being adjudicated 30 years after the industrial spill.¹⁹ In the Bhopal jurisprudence, one outstanding issue is whether the toxic run-off from a Union Carbide pesticide plant into the plaintiff's yard constitutes a violation of law.²⁰ In Gandhi's thought, the focus would be on how the corporation's property is used. By possessing property—and then fleeing as the use of the property creates suffering for others—the corporation is perpetuating the unhappiness and suffering of people that live around its property. In this case, since the property was

Kurtz, *Bhutan Calls for a Mindful Revolution at the United Nations*, WAGING NONVIOLENCE (May 12, 2012), <http://wagingnonviolence.org/feature/bhutan-calls-for-a-mindful-revolution-at-the-united-nations/>. See also DASGUPTA, *supra* note 2, at 32 (discussing an other-regarding orientation to the world).

¹⁸ These issues may appear in a later property course such as Comparative Property Law, but it may require students to choose the elective, and only a small percentage of a class may choose such a course. See generally JESSE DUKEMINIER & JAMES E. KRIER, PROPERTY (4th ed., 1998).

¹⁹ See Nehal A. Patel & Ksenia Petlakh, *Gandhi's Nightmare: Bhopal and the Need for Mindful Jurisprudence*, 30 HARV. J. ON RACIAL & ETHNIC JUST. 151, 151–92 (2014).

²⁰ *Id.*

being used to make pesticide, the corporation ought to remediate its property such that the pesticide no longer contributes to harm.²¹

By confronting such industrial property use, Gandhi's thought fundamentally challenges the modern notion of "civilization." His worldview made the accumulation and use of resources subservient to the well-being and development of the inner person. Rather than accepting the implicit values of modern economic thought, Gandhi drew off of his own ethnic background, saying that "the Gujarati equivalent of civilization means 'good conduct.'"²² Gandhi audaciously argued that civilizations can only achieve sustainability and peace through a radical transformation away from dominant Western conceptions of people's relationships to resources and to each other.²³ For scholars and students of law and economics, Gandhi's intellectual frontier connects law and property to simplicity and raises the question of whether current consumption habits are doing more harm than good.

II. CONSUMPTION AND ITS DISCONTENTS

When a journalist asked "Can you tell me the secret of your life in three words?" Gandhi referenced the *Isha Upanishad*²⁴ and replied, "Yes! Renounce and enjoy."²⁵ The *Isha*'s Invocation and first verse endorse a

²¹ *Id.* at 151–70, 189–92. See generally SCHNAIBERG, *supra* note 12; ALLAN SCHNAIBERG & KENNETH ALAN GOULD, ENVIRONMENT AND SOCIETY: THE ENDURING CONFLICT (2000).

²² ANTHONY PAREL, HIND SWARAJ AND OTHER WRITINGS 67 (1997).

²³ For a broader expanded discussion of corporate resource allocation and use, see generally *id.*

²⁴ The *Isha Upanishad* is a section of the *Upanishads*, a collection of texts that represent an early formulation of Indian spirituality, from which much of Hindu, Buddhist, and Jain thought developed.

²⁵ Bill McKibben, *The End of Growth*, MOTHER JONES (Nov./Dec. 1999), <http://www.motherjones.com/politics/1999/11/end-growth>. Also published in UTNE READER (Mar.–Apr. 2000), <http://www.utne.com/2000-03-01/JoysRUs.aspx> (quoting EASWARAN, *supra* note 3, at 105).

view of life through renunciation, in which we covet nothing and therefore achieve real freedom: "[b]y that renunciation, enjoy. Do not covet anybody's wealth or possession, and you will work in real freedom."²⁶ Gandhi was quick to note that a system of endless consumption cannot lead to any lasting satisfaction. In this system, materialistic societies were driven to dominate others and the earth to maintain a fragile and temporary satisfaction.²⁷ Gandhi noticed a contradiction in this outcome. Supposedly, enjoyment is attained through consumption, but consumption is endless.

The wisdom Gandhi perceived in the *Isha Upanishad* is consistent with current scientific research.²⁸ Contemporary social scientists have found that the effect of material prosperity on happiness follows a law of diminishing returns.²⁹ Although social scientists disagree on the exact point when money ceases to increase happiness, they have agreed that at some point the correlation loses significance as income increases.³⁰ For some researchers, the correlation loses significance beyond the poverty line. As social psychologist Daniel T. Gilbert explained:

²⁶ "Isavasyam idam sarvam yat kinca jagatyam jagat. Tena tyaktena bhunjitha ma grdhah kasyasvid dhanam." M. Ram Murty, *Chapter 3, THE UPANISHADS* 19, available at <http://www.mast.queensu.ca/~murty/ind3.pdf> (translated by the author and adapted from M. RAM MURTY, *INDIAN PHILOSOPHY: AN INTRODUCTION* 19 (2013); EKNATH EASWARAN, *THE UPANISHADS* 208 (1996); MAHENDRA S. KANTHI & S.P. SINGH, *EVOLUTION OF HUMANISTIC ECONOMIC THOUGHT: THE PSYCHO-PHILOSOPHICAL BASIS OF GANDHIAN ECONOMIC DOCTRINE* 2 (1988)).

²⁷ In the words of the Buddha, one of many whom Gandhi admired, the implications for human interactions are profound: "People forget that their lives will end soon. When one remembers, quarrels come to an end." EKNATH EASWARAN, *THE DHAMMAPADA* 78, 106 n.2 (1985).

²⁸ DANIEL GILBERT, *STUMBLING ON HAPPINESS* xvii (2007) (explaining how external phenomena have limited effects on happiness); Gilbert, *infra* note 31, at 690. See also HAPPY, (Wadi Rum Productions 2011) (a documentary referencing psychological studies on happiness). See generally CHRISTIAN SMITH & HILARY DAVIDSON, *THE PARADOX OF GENEROSITY: GIVING WE RECEIVE, GRASPING WE LOSE* (2014).

²⁹ *Id.*

³⁰ *Id.*

When money buys you out of the burdens of homelessness, not knowing where your next meal will come from, it changes your happiness dramatically. But once you have basic needs met, more money doesn't seem to buy more happiness. The difference in happiness between a person who earns 5,000 and 50,000 [dollars per year] is dramatic; the difference in happiness between a person who earns 50,000 and 50 million is not dramatic.³¹

Daniel Kahneman and Angus Deaton conceptualized happiness as “emotional well-being.”³² They found the correlation between annual income and happiness persisted up to \$75,000, a solidly middle-class income by contemporary standard of living calculations. However, beyond \$75,000, they found no correlation between wealth and happiness.³³

Therefore, Gandhi's intuition that there is weak association between excess material wealth and emotional well-being is supported by scientific research on happiness, which shows that incomes beyond middle-class living standards generally do not lead to more happiness.³⁴ Some researchers explain this insignificant relationship between happiness and wealth with a concept called the “hedonic treadmill,” which psychologist Sonja Lyubomirsky once referred to as “one of the enemies of happiness.”³⁵ The hedonic treadmill is the notion that people adapt to the level of wealth to which they have grown accustomed, and then seek more material

³¹ Daniel T. Gilbert, Professor of Psychology, Harvard University, in HAPPY, *supra* note 28, at 25:00. *See also* Daniel T. Gilbert, *The Illusion of External Agency*, 79 J. OF PERSONALITY AND SOC. PSYCH. 690, 690–700 (2000).

³² Daniel Kahneman & Angus Deaton, *High Income Improves Evaluation of Life but Not Emotional Well-Being*, PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES (PNAS), *contributed by* Daniel Kahneman, August 4, 2010, www.pnas.org/cgi/doi/10.1073/pnas.1011492107.

³³ *Id.*

³⁴ *See* ALAN THEIN DURNING, *HOW MUCH IS ENOUGH?* 39 (1992).

³⁵ Sonja Lyubomirsky, Ph.D., Professor of Psychology, University of California–Riverside, in HAPPY, *supra* note 28, at 25:40.

goods.³⁶ However, as current research has shown, people are not happier by gaining possessions beyond a comfortable life free from poverty, and therefore, only a relatively modest living standard is needed to maximize happiness.

Similarly, to Gandhi, enjoyment that came from excessive consumption was impermanent and kept people in the hedonic treadmill where they falsely sought satisfaction by wanting more of the world's resources.³⁷ Therefore, to Gandhi, the modern economic system contained an endless pattern of *dissatisfaction*: people were sold the belief that permanent enjoyment was attainable through material desire, but people actually were made to be perpetually dissatisfied in order to eternally consume.³⁸ The relationship between unhappiness and consumption can be seen plainly in industries that directly link goods to "personal enhancement." For instance, Michael F. Jacobsen and Laurie Ann Mazur provide the following commentary on consumerist culture and industry:

To those of us who grew up in the consumer culture, intense self scrutiny has become an automatic reflex. But this reflex is not God-given; it is the product of decades of deliberate marketing effort. Since the birth of the modern advertising industry in the 1920s, marketeers have sought to foster insecurity in consumers. One advertiser, writing in the trade journal *Printer's Ink* in 1926, noted that effective ads must "make [the viewer] self conscious about matter of course things such as enlarged nose pores, bad breath." Another commented that "advertising helps keep the masses dissatisfied with their mode of life, discontented with the

³⁶ Gregory Berns, M.D., Ph.D., Professor of Psychiatry, Emory University, *in* HAPPY, *supra* note 28, at 25:30.

³⁷ "We notice that the mind is a restless bird; the more it gets the more it wants, and still remains unsatisfied. The more we indulge in our passions, the more unbridled they become." PAREL, *supra* note 22, at 68.

³⁸ See SHANTI S. GUPTA, *ECONOMIC PHILOSOPHY OF MAHATMA GANDHI* 80 (1994).

ugly things around them. Satisfied customers are not as profitable as discontented ones.”³⁹

Jacobson and Mazur thus noted that the manipulation of the consumer is central to creating desire for products. In contemporary business practice, Timothy L. Fort and Cindy A. Schipani describe a climate where businesses may engage in any manipulation, provided that a law is not explicitly broken. Fort and Schipani describe law as doing little more than setting limits in the modern economy, instead of as a starting point for ethical inquiry:

Implicit in this understanding is the notion that other societal institutions are in place to protect interests that require protecting, so that it is not the responsibility of a corporation to be concerned with these issues. . . . There is a belief underlying contemporary business strategy that as long as one operates within the bounds of the law, one is free to engage in any business practice that does not harm the self-interest of the company.⁴⁰

However, in the absence of other social institutions that question unrestrained consumption, consumers are left bombarded by messages to have more. As a result, Fort and Schipani’s depiction suggests that the profit motive may function to keep people unhappy—and to keep them consuming—rather than function to achieve long-term satisfaction. In short, endless consumption does not make people happy; it only keeps the hedonic treadmill spinning.

To Gandhi, this was not a small observation; it was a defining shortcoming of modern life. He noticed that life in the cities went at a faster pace than life in the village; in the cities, people moved frantically rather

³⁹ Michael F. Jacobsen & Laurie Ann Mazur, *Sexism and Sexuality in Advertising*, in *MARKETING MADNESS: A SURVIVAL GUIDE FOR A CONSUMER SOCIETY* 75–76 (1995).

⁴⁰ Timothy L. Fort & Cindy A. Schipani, *The Role of the Corporation in Fostering Sustainable Peace*, 35 *VAND. J. TRANSNAT’L L.* 389, 409, 426 (2002).

than peacefully, and rather than being content, Gandhi noticed that people seemed restless. He explained:

We have made the modern materialistic craze our goal, insofar as we are going downhill in the path of progress. . . . It is not possible to conceive gods inhabiting a land whose roadways are traversed by rushing engines dragging numerous cars crowded with men mostly who know not what they are after, who are often absent-minded, and whose tempers do not improve by being uncomfortably packed like sardines in boxes and finding themselves in the midst of utter strangers who would oust them if they could and whom they would in turn oust similarly. I refer to these things because they are held to be symbolical of material progress. But they add not an atom to our happiness.⁴¹

To find an alternative to the agitated mentality of the modern mind, Gandhi sought the counsel of his own indigenous non-Western tradition that modern scholars largely ignored. In Indian philosophy, he found the five *yamas*.

A *yama* (meaning "self-control") is a basic social principle in Patanjali's *Yoga Sutras*, an authoritative text in the Raja Yoga school of Indian philosophy.⁴² The function of a *yama* is to help an individual nurture constructive thoughts and actions.⁴³ Patanjali discussed five *yamas*: *ahimsa*

⁴¹ PAREL, *supra* note 22, at 160–61; Mahatma Gandhi, *Speech at Muir College Economic Society, Allahabad (Dec. 22, 1916)*, in 15 CWMG 272, 277 (Pub. Div. Gov't of India 1999), <http://www.gandhiserve.org/cwmg/VOL015.PDF>.

⁴² EDWIN F. BRYANT, *THE YOGA SUTRAS OF PATANJALI* 572, 576–77 (2009).

⁴³ B.K.S. IYENGAR, *LIGHT ON LIFE* 250–51 (2005). For example, Gandhi says of the constructive use of resources:

In observing the vow of non-hoarding [*aparigraha*], the main thing to be borne in mind is not to store up anything which we do not require. For agriculture, we may keep bullocks, if we use them, and the equipment required for them. Where there is a recurring danger of famine, we shall no doubt store food-grains. But we shall ask ourselves whether bullocks and food-grains are in fact needed.

Mahatma Gandhi, *Letter to Maganlal Gandhi*, in 14 CWMG 383, 384 (Pub. Div. Gov't of India 1999), <http://www.gandhiserve.org/cwmg/VOL014.PDF>.

(non-harm), *satya* (truthfulness), *astaya* (non-stealing), *brahmacharya* (continence), and *aparigraha* (non-possession, non-appropriation, or non-hoarding).⁴⁴ Gandhi advocated and practiced these principles, stating:

Truthfulness, *brahmacharya*, non-violence, non-stealing and non-hoarding, these five rules of life are obligatory on all aspirants. Everyone should be an aspirant. A man's character, therefore, is to be built on the foundation of these disciplines. Beyond doubt, they are to be observed by everyone in the world. . . . Everyone who observes these vows will be able to find a way out of all perplexities.⁴⁵

One may view the *yamas* as simply a set of ethical practices that enforce a social order, but such a view misses the place of the *yamas* in the yogic and meditative traditions that influenced Gandhi. In Gandhi's thought, the *yamas* are part of the foundation for attaining inner tranquility, which is described as a type of bliss (*ananda*).⁴⁶ Therefore, to Gandhi, the *yamas* were practices to ensure social harmony and a path to a greater happiness.

III. HAPPINESS AS A GROSS DOMESTIC PRODUCT

To Gandhi, long-lasting happiness was attainable by possessing only what was needed, not what was wanted.⁴⁷ Gandhi explained:

⁴⁴ The *yamas* also are the first and most fundamental *ashtanga* (limb) of yoga. The other limbs of yoga are *niyama* (individual conduct), *asana* (poses/postures), *pranayama* (mindful breathing), *pratyahara* (withdrawal of the senses), *dharana* (concentration), *dhyana* (meditation), and *samadhi* (unitive consciousness). See generally IYENGAR, *supra* note 43; MIRA SILVA & SHAYM MEHTA, *YOGA: THE IYENGAR WAY* (1990).

⁴⁵ Mahatma Gandhi, *Fragment of Letter to Mathuradas Trikumji (Feb. 7, 1915)*, in 14 CWMG 355, 355 (Pub. Div. Gov't of India 1999), <http://www.gandhiserve.org/cwmg/VOL014.PDF>.

⁴⁶ This refers to the eight limbs of yoga (*ashtangas*), culminating in *samadhi*. See IYENGAR, *supra* note 43, at 252–62; SILVA & MEHTA, *supra* note 44, at 166.

⁴⁷ As Gandhi explained:

This principle [of *aparigraha*] is really a part of [non-stealing] [*asteya*]. Just as one must not receive, so must one not possess anything which one does not really need. It would be a breach of this principle to possess unnecessary food-stuffs, clothing or furniture. For instance, one must not keep a chair if one

though keeping oneself alive, one can practise non-violence. It is difficult to be of the world and yet not to steal (to observe the rule of non-stealing) and not to hoard wealth or any other thing [*aparigraha*]. One must, nevertheless, keep that as an ideal to be attained and have some limit in these respects[.]⁴⁸

To Gandhi, *aparigraha* directed a person toward non-material pursuits that modern researchers now confirm as the path to greater happiness.⁴⁹ Some governments already have begun to replace the purely materialistic ideal of societal success with alternative approaches.⁵⁰ For example, the government of Bhutan renounced its Gross Domestic Product (GDP) measure in favor of a "Gross National Happiness" (GNH) measure.⁵¹ As Dasho Kinley Dorji of Bhutan's Ministry of Information and Communication explained:

GDP is not enough. Humanity needs a higher goal for development, and that is Gross National Happiness. . . . We believe that this contentment, this happiness lies within the self, and there is no external source. The faster car, bigger house, more

can do without it. In observing this principle one is led to a progressive simplification of one's own life.

Mahatma Gandhi, *Satyagraha Ashram*, in 42 CWMG 107, 109 (Pub. Div. Gov't of India 1999), <http://www.gandhiserve.org/cwmg/VOL042.PDF>.

⁴⁸ Gandhi, *Fragment of Letter to Mathurdas Trikumji*, *supra* note 45, at 355.

⁴⁹ See generally SMITH & DAVIDSON, *supra* note 28; GILBERT, *supra* note 28; Gilbert, *supra* note 31; Kahneman & Deaton, *supra* note 32; DURNING, *supra* note 34.

⁵⁰ Costa Rica has implemented aspects of alternative approaches. See Kurtz, *supra* note 17. Tibet's government in exile, led by the Dalai Lama, also has similar social goals embedded into its government mission. For example, Article 7 declares a "Renunciation of Violence and the Use of Force," including of "all warfare as a means to achieve the common goal of Tibet, or for any other purpose." *Charter of the Tibetans in Exile*, CENTRAL TIBETAN ADMINISTRATION (September 21, 2014), <http://tibet.net/wp-content/uploads/2014/07/Charter.pdf> or <http://tibet.net/about-cta/constitution/>.

⁵¹ Coined by former King of Bhutan, King Jigme Singye Wangchuck, who voluntarily renounced power to begin the democratization process in Bhutan. Kurtz, *supra* note 17.

fashionable clothes are not going to give you that contentment. It might give you fleeting pleasure, but not contentment.⁵²

Secretary Dorji's words challenge the current view of "product" by treating happiness as the important "product" of a society. However, his words go beyond simply endorsing happiness. He also speaks of the crucial distinction between various types of happiness. In Dorji's conception, "fleeting pleasure" (*kama*) is the type of happiness with the lowest long-term return on investment, and "contentment" (*santosh*) is the type of happiness with the greatest return on investment. That return on investment is the "happiness [that] lies within the self," or the bliss of enlightenment.⁵³ In short, Secretary Dorji seems to say that if we choose to pursue fleeting pleasure, we will remain in the hedonic treadmill; if we shift our pursuits toward non-material bliss, we can escape the treadmill.

Similarly, Gandhi recognized that the insatiable desire to quench all wants (i.e., to possess that which cannot satisfy forever) is driven by a lack of recognition of the impermanence of all things (i.e., the need to let go and not possess in order to find tranquility). "High thinking is inconsistent with complicated material life," Gandhi explained.⁵⁴ "All real human needs were essentially simple, therefore only frivolities and extravagances" would

⁵² See HAPPY, *supra* note 28, at 38:00.

⁵³ *Id.*

⁵⁴ Weber, *supra* note 8, at 135–53. "High thinking is not possible without simple living . . . we have to live as simply as is consistent with health . . . A simple life conduces to non-violence." Mahatma Gandhi, *Notes*, in 25 CWMG 328, 306–29 (Pub. Div. Gov't of India 1999), <http://www.gandhiserve.org/cwmg/VOL025.PDF>.

I still feel that human nature in itself is not capable of working above and beyond the surrounding environment and the environment now embraces the whole world; none the less, I admit that if human nature could find illumination for a while, simple living and high thinking point the surest road to happiness. I also see that if men learn to co-operate against things which they dislike and accept self-suffering, they can enforce their will wielding compelling powers without incurring the risk of devastations which follow wars and revolutions.

Gandhi, *Letter from Jogendra Singh*, *supra* note 1, at 483–85.

justify the poor thinking in the current economic discourse.⁵⁵ If we recognize that our material existence is inevitably transient—and that we only remain “in possession” of a resource for a limited time—then we can let go of possession itself, and the problem of increasing wants in the hedonic treadmill would disappear.⁵⁶

Unlike Gandhi’s approach, modern economic thought views worldly gain as an end in itself and only views consumption on quantitative terms.⁵⁷ In other words, it does not matter for what purpose spending occurs because all spending is considered qualitatively equal. However, to achieve sustainable consumption, Gandhi called for a qualitative shift in the way we spend and suggested a tiered system of spending to maximize utility.⁵⁸ In this system, when one’s basic needs are met, spending occurs for the needs of one’s household members.⁵⁹ When household members’ needs are met, spending occurs for the wider family of humanity, such as to feed the hungry.⁶⁰ The key to Gandhi’s thought is that consumption must not remain “stuck” in the lower levels of spending because, once the minimum threshold of need is reached at one level of spending, productive spending can only occur in the next level of spending.⁶¹ Gandhi believed that this

⁵⁵ *Id.*

⁵⁶ Similarly, many environmental sociologists describe modern economies as functioning on a “treadmill of production” in which large-scale production depends on high consumption. Kenneth A. Gould, David N. Pellow, & Allan Schnaiberg, *Interrogating the Treadmill of Production: Everything You Wanted to Know About the Treadmill but Were Afraid to Ask*, 17 *ORG. & ENV’T* 296, 296 (2004); SCHNAIBERG & GOULD, *supra* note 21, at 106; KENNETH A. GOULD, DAVID N. PELLOW, & ALLAN SCHNAIBERG, *THE TREADMILL OF PRODUCTION: INJUSTICE AND UNSUSTAINABILITY IN THE GLOBAL ECONOMY* xvii, 3–11(2008); SCHNAIBERG, *supra* note 12, at 228–29. Like Gandhi’s descriptions of modern life, in the treadmill of production, people are seduced with the temptations of unneeded luxuries and mindlessly over-consume.

⁵⁷ A.L. Huq, *The Doctrine of Non-Possession: Its Challenge to an Acquisitive Society*, in *ESSAYS IN GANDHIAN ECONOMICS* (Romesh Diwan & Mark Lutz eds., 1987).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

qualitative shift toward a higher-ordered progression of spending would simultaneously produce a world with less resource pressure, more global and interpersonal peace, and happier individuals.⁶²

The path to this economy began with *aparigraha*. In Gandhi's view, ancestors had time-tested teachings that

set a limit to our indulgences. They saw that happiness was largely a mental condition. A man is not necessarily happy because he is rich, or unhappy because he is poor. The rich are often seen to be unhappy, the poor to be happy."⁶³

Through an economy of happiness, societies would profit through the dividends of greater peace and tranquility.⁶⁴

Consequently, Gandhi's economic theory challenges the world to consider the current production-consumption paradigm as a harm to the earth and to those in greatest need. To focus economic behavior on ending suffering, he integrated the ethical (non-material) and economic (material) by envisioning a system that privileges "higher-order" spending over self-

⁶² *Id.*

⁶³ PAREL, *supra* note 22, at 68. As Gandhi explained:

I understood the Gita teaching of non-possession to mean that those who desired salvation should act like the trustee who, though having control over great possessions, regards not an iota of them as his own. It became clear to me as daylight that non-possession and equability presupposed [sic] a change of heart, a change of attitude.

MAHATMA GANDHI, AN AUTOBIOGRAPHY OR THE STORY OF MY EXPERIMENTS WITH TRUTH 244 (1927).

⁶⁴ It follows that an economics that understands the fundamental unity of personal bliss and social peace would not operate to increase people's desires and keep them perpetually dissatisfied. Gandhi illustrated that humans can create a bounty of joy and peace through simplicity by recognizing that the concept of "need" is malleable and abused in modern economic practice. By endorsing enjoyment through renunciation, the *Isha Upanishad* showed Gandhi an inner world with indefinite non-material resources that would simultaneously limit consumption and increase bliss (*ananda*). Gandhi found that contentment could be maximized if material pursuit was subsumed and guided by a pursuit of happiness that recognized the seed of happiness within and between people. See GUPTA, *supra* note 38.

interest, producing an economy "in which people matter."⁶⁵ Gandhi's insights suggest we choose the merits of renunciation over those of consumption, inner contentment over fleeting pleasure, and "other-regarding" economics over "self-regarding" economics.⁶⁶

To begin a serious discussion on happiness and economics, representatives from Bhutan, including the Prime Minister of Bhutan, Jigme Thinley, led a high-level meeting of 600 attendees from around the world at the United Nations in 2012.⁶⁷ The purpose of this meeting was to replace the dominant economic paradigm with a new vision of sustainability and equal resource distribution based on global happiness.⁶⁸ This vision connects societal concerns and individual well-being without the exclusive emphasis on material "development" in the dominant economic discourse. Gandhi left us with the challenge to further develop this line of thinking, and the representatives from Bhutan have stepped forward to lead this new form of development.

To alter social relations toward this form of development, Gandhi called for *Nayee Talim* (New Education), a system of education aimed at local economies.⁶⁹ In Gandhi's system, students would learn local vocations—such as handicrafts or farming—while simultaneously learning the history and social studies of their region by learning the social history of those vocations. Such histories may include the historical origins of handicrafts and the functioning of the handicraft economy.⁷⁰ *Nayee Talim* also would elevate the importance of local history and attach significance to the value

⁶⁵ See generally E.F. SCHUMACHER, SMALL IS BEAUTIFUL: ECONOMICS AS IF PEOPLE MATTERED (1973).

⁶⁶ For a discussion of "self-regarding" versus "other-regarding" behavior in economics, see DASGUPTA, *supra* note 2, at 32.

⁶⁷ Kurtz, *supra* note 17.

⁶⁸ *Id.*

⁶⁹ DASGUPTA, *supra* note 2, at 140–43.

⁷⁰ *Id.*

of the local economy.⁷¹ With this shift in emphasis to the local environment, students would focus on immediate local needs, as opposed to identifying themselves as subordinates serving the interests of an abstract economy that emphasizes growth.⁷²

In Gandhi's thought, conscious use of local resources limits the influence of global players that are not invested in local populations. In the absence of dominant global giants, Gandhi emphasized dignified exchange across groups instead of advocating isolation:

my idea of self-sufficiency is not a narrow one. There is no scope for selfishness and arrogance in my self-sufficiency. I am not preaching isolation . . . [.] We have to mix with people even as sugar mixes itself with milk.⁷³

Mindful use of local resources also could avoid runaway consumption. The sustainability of *Nayee Talim* originates from Gandhi's emphasis on inner development rather than acquisition. Simply put, mindful consumption is possible when the inner self is content. In such a society, the "pursuit" of happiness becomes oxymoronic; it becomes self-evident that the struggle to find happiness is caused by the assumption that happiness somehow lies in "things" outside of oneself. As the *Isha Upanishad* proclaimed to Gandhi, extreme happiness exists within the self because the self already is full ("[f]rom fullness, fullness comes").⁷⁴

In summary, Gandhi's thought promotes love in other-regarding production and happiness in simple consumption. In a mindful society, *Nayee Talim* would focus on both local production and non-possessive consumption. In a society mindful of *aparigraha*, economic and cultural systems would be designed to encourage behavior that meets minimum

⁷¹ *Id.*

⁷² *Id.*

⁷³ GUPTA, *supra* note 38, at 83.

⁷⁴ EASWARAN, *supra* note 26, at 205–14.

resource needs rather than maximum consumption. Similarly, the legal system would function to promote individual contentment and collective tranquility rather than growth and consumption as ends in themselves. To complement this shift, the legal regime would have to re-characterize contemporary notions of "need" to emphasize that which is needed to sustain one's physical existence, not that which is needed to quench desires.

In a universe in which one is a part of all, to harm the other produces a self-inflicting wound. In Gandhi's view, if the welfare of all (*sarvodaya*) is a primary goal, then the economy cannot be a "system of life-corroding competition"⁷⁵ that privileges possession of property over distribution of needed resources. Part of the challenge in bringing modern property and economic discourse into conversation with Gandhi's thought is that the former focuses on exclusive rights and control over resources, whereas the latter recognizes collective connectedness and the transience of control. Gandhi practiced renunciation to ease the tension between control and connectedness and reconcile the modern world's problems and complexities. It is up to us to do the same, but it may require an inclusion of non-Western thought traditions, the value of which too many scholars have not recognized.

⁷⁵ PAREL, *supra* note 22, at 68.