

Social Scientist

The Gentle Leviathan: Welfare and the Indian State

Author(s): Niraja Gopal Jayal

Source: *Social Scientist*, Vol. 22, No. 9/12 (Sep. - Dec., 1994), pp. 18-26

Published by: [Social Scientist](#)

Stable URL: <http://www.jstor.org/stable/3517911>

Accessed: 28/06/2014 17:49

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



Social Scientist is collaborating with JSTOR to digitize, preserve and extend access to *Social Scientist*.

<http://www.jstor.org>

NIRAJA GOPAL JAYAL*

*The Gentle Leviathan:
Welfare and the Indian State*

In the twin context of challenges to the welfare state in the west, and the policies of economic reform initiated in India, it is widely believed that the Indian state is reneging on its welfare promises, and thereby compromising its fundamental defining ideals. A re-examination, however, suggests the need to bring into question the received orthodoxy that India is or ever was a welfare state in the sense in which western political theory and practice define it.

Indeed it is true that India does not fulfil all, or even many, of the definitional criteria associated with the welfare states of the west. In the world of its origins, the institution of the welfare state was historically inspired by the intention to provide a corrective mechanism, compensating for market-generated inequalities. In India, however, the assumption by the state of welfare tasks—however narrowly defined—paralleled the embarkation on a state-directed and essentially capitalist path of development. The concern of this paper is not, however, the question of correspondence; instead, it approaches this divergence indirectly, by highlighting a significant difference between the critiques of state welfare in the west and in India, going on to argue that the Indian state should be characterised as an interventionist and developmentalist state, with only a limited welfarist orientation.

While deontological theories of rights have been central to the philosophical critique of the welfare state in the west, in India the challenge to the welfarist orientation of the state has derived from altogether different grounds. This is not surprising as the intellectual foundations of welfarism, as incorporated into the institutions of the welfare state, were integral to the evolution of these institutions. Welfare philosophy entailed a reconstitution of the liberal subject, from the rational, self-interested, profit-maximising and deracinated individual of classical liberal theory, to a citizen of a moral and

*Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi.

political community. The challenge to the welfare state issued by libertarian economists and political philosophers in the last two decades has sought to displace this conception of the human person and to restore to the core of liberalism that which is most central to it, viz., individual freedom and rights, both of which are seen to be endangered by welfare philosophies and the welfare state.

The critique of the welfare state in the west has thus both an economic and a moral dimension, with strong links between the two. The economic component, as is well known, centred on the argument of inefficiency, in turn fuelling arguments of overloaded government. The moral component was premised on the claim of inviolable individual rights and the illegitimacy of state intervention. In this perspective, redistributive initiatives by the state are morally unacceptable constraints on individual freedom. For Nozick, to be forced—through redistributive measures like taxation—to contribute to the welfare of others, is on par with forced labour. It is violative of the right of individuals to the product of their labour, and is tantamount to giving some people property rights in others. The first and singular virtue of social institutions being to protect the inviolable, inalienable and imprescriptible rights of individuals, this function is best performed by the minimal, night-watchman state of classical Lockean liberalism.¹ Built on identical moral foundations, and combined with a critique of inefficiency, is Murray Rothbard's anarcho-libertarian attack on welfare rights and claims—in an argument that bears a strong resemblance to that encountered in the Famine Relief Codes of British India—as encouraging idleness and dependence on the largesse of the state and as undermining freedom and voluntary action for all members of society.²

In the Indian context, the arguments for the rolling back of the state have generally echoed a variant of the efficiency argument. The critique of the public sector, for instance, has primarily targeted its inefficiency and wastefulness. Not only, it is argued, do the benefits of welfare schemes not reach their intended beneficiaries, but the concern for social justice has itself led to faulty economic and planning policies, to which may be attributed the dismal failure of the project of economic development. Politically, this argument fuels the charge that states entrusted with welfare functions tend to become devouring monsters in their obsessive drive to accumulate power, a desire that increases in direct proportion to the state's failure to deliver its impossible promise of providing for the material well-being of its citizens.³

The second, moral aspect of the neo-liberal critique of the welfare state in the west has been altogether absent in the Indian context. This paper argues that rights-claims have not been a component of the neo-liberal agenda in India, not least because rights have never been central to the philosophy of welfare that underpins the welfarist

initiatives of the Indian state. Since welfare is not expressed in the language of rights, its abandonment could arguably be a relatively simple matter, as there are neither legal/constitutional nor moral or political criteria defining the claimants of welfare rights. A right that has never been conferred is self-evidently difficult to claim or defend. The question of rights has thus been altogether external to the debate, not only in the form of a libertarian notion of rights, strictly ruling out state interventionism, but also in the possible form of a radical notion of social rights in which claims to welfare may conceivably be grounded.

The Indian state, it is suggested, may be more appropriately characterised as an interventionist rather than as a welfare state. Interventionism can subsume a welfarist orientation, but being a vastly more encompassing concept, suggests the legitimacy of state intervention for a variety of tasks, not all of which need be justified in terms of welfare objectives. The primary purpose of interventionism, and indeed its inspiring and guiding force, was developmentalist. This was not a state that self-consciously and deliberately took on the responsibility of providing for its citizens, in clearly defined areas which bore some relationship to the idea of needs, especially basic needs.

The paramount project of the post-colonial Indian state was the project of modernisation, variously expressed in different spheres: from the impulse to secularise society to the choice of development strategy. The "growth with equity" formula seemed to suggest that growth or development was an essential precondition for social justice, for a state which cannot afford to provide for the basic needs of its citizens, much less to ensure equality between them, can hardly afford to be a welfare state. Growth, however, was not a purely instrumental goal, on the success of which the telos of equity was predicated. It was also a telos unto itself. In this sense, the placing of planning outside the domain of politics, as Partha Chatterjee has argued,⁴ is paralleled by the placing of a rather limited notion of welfare too outside that domain, as an incontestable common good, with huge ethical appeal besides. That this ethical appeal could very easily translate into political support and legitimacy was, of course, not unimportant.

It is worth noting, further, that the developmental initiatives of this interventionist state were largely directed to the so-called modern, dynamic, industrial sector. Its welfarist initiatives, on the other hand, were directed substantially towards the redressal of inequalities generated not by the market, but stemming from inequalities in the ownership and use of land. In relation to the problem of rural development, another contradiction is apparent in the strategy of development planning even in the early years after independence, when the economic component of development—defined purely in terms of economic growth—was privileged over its social and

political aspects. The gradualist approach to democratic social transformation necessitated the acceptance of structural inequalities, even if these eventually proved to be important obstacles to the objective of growth itself.

The introduction of poverty alleviation programmes in the Fourth and Fifth Five Year Plans represents a disjuncture between the two realms of development and welfare, which is significant in the contemporary context where the links between them are being more radically and politically forged. In any case, the poverty alleviation strategy was, as its name suggests, essentially negative in character. It was a project aimed at ridding society, especially rural society, of acute poverty, rather than any more ambitious project of enhancing, much less maximizing, welfare. Apart from being self-evidently, proactively and shamelessly populist, this was also an essentially compensatory project. It sought to fulfil its rather limited aims without in any way touching, much less damaging, the interests of the rural rich, or disturbing the rural power structure. It has, in fact, been argued that it was policies of agricultural development which created the problems that the poverty alleviation programmes were introduced to address.⁵ This was particularly true of the new agricultural strategy of the mid-sixties which concentrated on growth in productivity, with a focus on the better-endowed and infrastructurally superior areas of high productivity. The inauguration of the strategy entailed, among other things, the abandonment of the sort of multi-faceted view of rural complexities expressed by the failed Community Development experiment of earlier years

II

Having established the limited welfarist orientation of the Indian state, it is important to ask the question: of what sort of conception of welfare underlay this? There are at least two relevant groundings for a philosophy of welfare: a needs-based conception of justice and a theory of rights and obligations. The moral necessity of state intervention is often linked to the idea of basic needs and, from the recognition of basic needs as requiring redressal by public authority, it is but a short step to the articulation of these needs in the form of rights. It is a well-worn dilemma of political theory that the assertion of a moral or natural or even human right is not as practically efficacious as the assertion of a legally enforceable right, thereby drawing attention to the need to posit these as obligations.⁶ The larger value that these conceptions of needs as well as rights appeal to is, of course, justice.

Within a needs-based approach, state action as the public provision of minimum needs could adequately meet the requirements of justice, leaving no room for rights-based individual or collective action. A

rights-based approach, on the other hand, demands that states recognise the moral imperative, if not legal obligation, of bearing responsibility for their citizens, or else risk their legitimacy and authority by failing to do so. This latter approach may, of course, countenance state inaction, in the absence of articulated challenges by individuals or social groups. Thus, even as both needs and rights appeal to the foundational value of justice, there is an obvious and important difference between them. Rights carry with them the mandate of enforceability. Needs may, but do not necessarily, create rights: nevertheless, they appeal to the idea of justice in seeking recognition, if not enforceability. The distinctive feature of such rights and needs is that they belong decisively to the public sphere, and appeal unambiguously to public authority for redressal.

The idea of need can in fact provide the basis not just for a conception of justice, but also for the notion of charity, bringing about a congruence between these two apparently widely dissimilar ideas. While both charity and the need-based conception of justice appeal centrally to the idea of need, and are non-obligatory and unenforceable in nature, there are two important differences between them. The first pertains to their moral foundations. Within the framework of justice, needs—and especially basic needs—can morally require fulfilment. Within the framework of charity, it is virtuous to help the needy, but there is no moral requirement to do so. Secondly, while needs-based principles of justice appeal to public authority, the idea of charity generally belongs to the private sphere and to appeals to philanthropy, but places no obligation on individuals, institutions or governments. In social theory, the idea of charity has often underpinned notions of welfare, invoking ideas of altruism and even paternalism. Clearly, then, what distinguishes a right to welfare from charity and altruism is the differential nature of the obligation as well as that of initiative for political action.

In terms of these theoretical distinctions, the philosophy of welfare adopted by the Indian state has two notable aspects: first, that the rights enshrined in the chapter on Fundamental Rights in the Constitution are essentially liberty rights, while welfare rights are consigned to the non-justiciable Directive Principles of State Policy. Not only is there a disjuncture between liberty rights and welfare rights in the Constitution, the programme of social transformation is unequivocally relegated to a secondary station, to be realized in the fullness of time. Secondly, the Indian state adheres to a needs-based conception of justice in theory, but in practice follows a philosophy of welfare manifestly based in ideas of charity and benevolence. The idea of a right to welfare is clearly precluded. The state's policy on hunger, particularly in situations where famine relief is necessitated, is typically of this order. An interventionist state can evidently cheerfully cohabit with such an absence of rights.

The argument thus far establishes, firstly, that the Indian state may be viewed as an interventionist state, which has taken on some welfare functions, but not as a welfare state; and, secondly, that even its limited welfarist agenda is underpinned by the assumption of welfare as a response to need. There is no recognition here of welfare as a right, much less of welfare as an obligation on the state, except to the extent that it is self-assumed. As such, the question of welfare is not subject to political negotiation, for bringing it into the domain of democratic politics could render it prey to a host of interests, and therefore extremely contentious. As against this, populist promises—that increasingly characterise election campaigns—assume the garb of welfare. Projected and widely perceived as welfare schemes, they recast the relationship between the citizen and her/his elected representatives as one of giver and receiver, benefactor and beneficiary.

III

What, then, does the plea for the retreat of the state represent? It is worth noting that the demand for deregulation in the economic sphere is frequently, but not inevitably, associated with the demand for a rethinking of the welfare commitments of the state. Even policy-makers recognise that the government cannot simply shrug off responsibility for social services. There is, as Bimal Jalan writes, no option for the government but to assume direct responsibility for these. The important economic issues are, however, whether the public expenditure/subsidy can be targeted and confined to the poor and whether these services can be delivered in a cost-effective manner.⁷ Obviously mindful of the political appeal of poverty alleviation programmes, Jalan argues that since problems of enumeration and identification make it difficult to precisely target the truly needy groups, a better approach might be to reduce the "menu" of subsidised *services* and standardise their quality. Thus, the era of economic reform demands not the "end of government", but a redefinition of its role in development, as well as an improvement in the quality of state intervention.

In the welfare sector, the retreat of government has spelt not so much a turn to the market, as to non-governmental organizations. Where the Second Five Year Plan stated that the state had to take on "heavy responsibilities as the principal agency speaking for and acting on behalf of the community as a whole",⁸ the Approach Paper to the Eighth Plan candidly admits that the objectives of providing primary education, preventive and curative health care and food security cannot be left entirely to state-sponsored organizations. Even as the Plan document emphasises the new policy of government support to private initiative in setting up hospitals and clinics, an emphasis on

decentralisation and community participation pervades the document.⁹

The demand for formulating strategies of alternative and sustainable development involves, critically, a rethinking of the agenda of the state and the place of welfare within it. In the west, particular conceptions of welfare can be found to be linked to particular models of politics. In the Indian context, the very idea of welfare, as well as the way in which particular conceptions of it are defined, may now be dependent on the way in which the question of development is resolved. Thus far, the welfarist orientation of the Indian state could be said to have been, pace Partha Chatterjee's argument on planning, defined outside the domain of politics. However, at the same time, and unlike the exercise of planning, the setting of welfare goals was politically useful in winning legitimacy and electoral endorsement. In the future, the definition of welfare may become increasingly parasitic upon the definition of development, and democratic politics will almost certainly have a vital mediating role to play in this process. The politics of social movements, as of reservationism, are already indicative of such a challenge. They could provide inputs into the task of agenda setting, but they will also function as constraints in the process of the refashioning and reformulation of this agenda.

The challenge to the welfarist orientation of the state, therefore, comes from three distinct quarters; first, the dictates of international agencies such as the World Bank and the International Monetary Fund and, linked to these by ideological persuasion, the arguments of the technocratic developmentalists and marketisation enthusiasts. These arguments question both the moral desirability as well as the factual efficiency of welfare institutions, though in India the moral aspect is rather less commented upon than the dimensions of efficiency and efficacy. Economic policy conditionalities in India have also been interpreted to suggest that external pressure for policy change frequently, though not always, works in conjunction with locally important social interests.¹⁰

The second challenge to welfare systems seeks not to undermine the interventionist state, but rather to make it more amenable to selective redistribution. This challenge finds expression in the demands of advocates of group rights to particular kinds of welfare. As groups lay claim to particular social goods such as reservations in educational institutions and employment, the welfare tasks of the state are fragmented in an unprecedented manner. It is evident that groups demanding reservations are not agitating for a rolling back of the state. They are rather demanding selective state intervention, to ensure access for certain groups to certain social goods. In their refusal to countenance the market principle of open competition for some social goods, they are in effect setting aside some areas that would traditionally fall within the purview of the welfare state—e.g.,

employment and education—as being subject to rights-claims by groups. This is in some sense a rights-based defence of a welfare state, but one which is avowedly non-universalistic in its aspirations and has the potential of sustaining a welfare state at the cost of fragmenting society into competing groups.

What are the implications of this for a philosophy of welfare? These claims are clearly not rooted in an individualistic conception of the human person. Nor, however, are they the sort of welfare claims that distinguish a community or citizenship-based philosophy of welfare. A philosophy of welfare inspired by a theory of citizenship has an obvious appeal as it universalises claims to resources in the way that claims to political rights and civil liberties already are. Group claims, however, seek to fragment and reserve, rather than universalise rights. Within the undifferentiated category of legal-political citizenship, they seek to create categories of citizenship in relation to resources.

Finally, there is the challenge of those who seek a redefinition of the development agenda, through interrogating state discourses, projects and practices of development. The popular movements agitating for strategies of alternative development demand the recognition of basic needs as rights. In this conception of development, welfare rights take the form of claims to enabling conditions of citizenship. This notion of welfare, and the accompanying emphasis on participatory democracy, carries some resonance of the communitarian position on welfare in western political philosophy.¹¹ In the citizenship theory of welfare, these rights are conditions of full and effective citizenship precisely because, and to the extent that, they provide citizens with the resources needed for the meaningful use of the rights of non-interference and opportunity that liberal democracies customarily provide.

In the Indian context, this conception of welfare is not merely conjoined with a particular notion of development, it also effects an altogether attractive convergence between needs and rights, as the joint bases of claims to welfare. However, there is an inherent tension in this position as it relates to the question of state intervention. On the one hand, deriving their sustenance and power from grassroots mobilisations, these movements are committed to the path of extra-parliamentary politics. Their relationship to the state is troubled and antagonistic, as the state appears as the embodiment of technocratic arrogance, of bureaucratically directed development, and of repressive intolerance of challenges to its superior legitimacy in charting the path of development. On the other hand, the state is inevitably the agency to which these movements must address themselves, in seeking recognition for their claims.

This paper started by noting how individual rights have not, as in the west, been the ground from which the critique of welfare

institutions has been mounted in India. It proceeded to argue that needs and rights can provide alternative groundings for a philosophy of welfare. In the last section, finally, the political agenda of alternative development was seen to contain some potential to effect a convergence between these dual claims of needs and rights. The politics of reservations also appeal to rights based in claims of needs, though in this case they are needs defined with reference to traditional social categories like caste. In both these spheres of political action, rights provide a ground from which to claim welfare, rather than the ground from which to attack redistributive welfare policies. The extra-political definition of development as well as welfare, and their mutual disjoining, are thus both called into question by new forms of democratic politics which seek to bring these concepts into the arena of political debate and necessarily also forge important links between them. It is suggested, in this paper, that if the Indian state makes a transition from interventionism to welfare, that conception of welfare will depend substantially on these new forms of democratic politics as they give new meanings to the idea of development. In the final analysis, however, there is cause for concern to the extent that the political agendas to which welfare is central are necessarily also the agendas of the marginalised. It is hard to discern, in the *World Development Report 1993*, any room for these concerns or agendas.

NOTES AND REFERENCES

1. Nozick, Robert, *Anarchy, State and Utopia*, Basic Books, New York, 1974.
2. Rothbard, Murray, *For a New Liberty*, Collier, New York, 1978.
3. Rao, Jerry, "The Libertarian Argument", *Seminar*, No. 380, 1991.
4. Chatterjee, Partha, "Development Planning and the Indian State" in T.J. Byres, (ed.), *The State and Development Planning in India*, Oxford University Press, Delhi, 1993.
5. Rao, J. Mohan, "Agricultural Development under State Planning" in Byres, T.J., *ibid.*
6. O'Neill, Onora, *Faces of Hunger*, Allen and Unwin, London, 1988.
7. Jalan, Bimal, *India's Economic Crisis*, Oxford University Press, Delhi, 1991.
8. Government of India, Planning Commission, *Second Five Year Plan*, New Delhi, 1956.
9. Government of India, Planning Commission, *Towards Social Transformation: Approach to the Eight Five Year Plan, 1990-95*, New Delhi, 1990.
10. Pedersen, Jordan Dige, "The Complexities of Conditionality: The Case of India", *The European Journal of Development Research, Special Number on Political Conditionality*, Vol. 4, No. 1, June 1993.
11. Harris, David, *Justifying State Welfare*, Basil Blackwell, Oxford, 1987.