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Q3(a)

Examine the liberal theory of State in contemporary politics

UPSC Civil Services Mains 2022 · PSIR GS 1 · 20 marks · Theories of the State

Theories of the State: Liberal, Neo-liberal, Marxist, Pluralist, Post-colonial and feminist.

Core demand of the question

- Examine the liberal theory of State in contemporary politics. (20 marks)

Revision summary

The liberal state is limited public power justified by consent and rights.

Locke and **Mill** set trust and liberty of thought; **Rawls** added fair opportunity and the difference principle.

Hayek's neo-liberal state is a market framework, not **Rawls**'s well-ordered society.

India joins liberal limitation (Part III, **Kesavananda**) to social-revolution tasks (Part IV, **Ambedkar**).

Contemporary politics tests liberalism with populist culture, Emergency memory, and market governmentality.

Introduction

Liberal theory treats the state as a limited public power justified by consent, rights, and law. In contemporary politics that theory is split between a night-watchman reading, a rights-and-welfare reading, and a neo-liberal reading that tries to run the state like a market.

Body**Classical liberal state**

- **Locke** made the state a trust for life, liberty, and estate, with a right of revolution against tyranny.
- **J. S. Mill** added representative government and liberty of thought, so that the state may not close discussion even for a majority.
- **Immanuel Kant** supplied a republican legality of equal subjects under public law.
- The state is necessary because inconvenience and conflict exist. It is dangerous because it holds the sword. Limitation is the liberal art.

Twentieth-century restatement

- **John Rawls** rebuilt the liberal state as a well-ordered society: equal basic liberties, fair opportunity, and the difference principle.
- That state is not minimal. It must keep the fair value of liberties, which needs education, a social minimum, and regulation of political money.
- **Isaiah Berlin**'s negative liberty warned against a state that imposes a single positive ideal.

- **Robert Dahl's** polyarchy translated liberalism into inclusive contestation: opposition, association, and elections.

Neo-liberal and contemporary strain

- **Hayek** and **Friedman** recast the liberal state as a framework for prices, with suspicion of planning and of trade unions.
- After 1991, many states, including India, cut industrial licensing and opened trade, which looked like **Hayek**, while they also expanded rights laws, which looked like **Rawls**.
- **Foucault** described neo-liberalism as a governmentality that produces competitive subjects, not only as a shrinking of the state.
- Populist majorities now use the liberal ballot to press a cultural state, which tests Mill's harm principle and minority rights.

Indian contemporary form

- Part III, **Articles 32 and 226**, and **Kesavananda Bharati (1973)** are liberal limitation of the amending state.
- Part IV, reservations, and **Ambedkar's** social democracy pull the state beyond a night watchman toward egalitarian intervention.
- The Emergency of 1975-77 showed how a formally liberal constitution can suspend the conditions of liberalism.
- Judicial review, an independent election commission, and federal splits remain the working liberal theory of the Indian state.

Examination, not celebration

- Liberal theory still best explains why contemporary constitutional states claim rights, regular elections, and legal responsibility of officials.
- It is weaker on caste, capital, and colonial afterlives unless joined to **Ambedkar**, **Gramsci**, and political economy.
- Communitarians say the liberal state abstracts too much from membership. Elitists say it overstates popular rule.
- The contemporary liberal state is therefore a rights-bound, election-bound power that is asked to do more welfare than **Locke** wrote, and less cultural imposition than majorities sometimes want.

Flow diagram

Liberal state -> Locke trust
 Liberal state -> Rawls rights and difference
 Liberal state -> Hayek market framework
 Liberal state -> India Parts III-IV Kesavananda

Conclusion

Liberal theory of the state remains consent, rights, and legal limits. **Rawls** and Dahl update it for welfare and polyarchy. **Hayek** narrows it to the market framework. In India, Parts III and IV and **Kesavananda** show a liberal state that is also a social-revolution state. Examination today is of that tension, not of a vanished night watchman.

Facts & figures

Rawls, 1971

A Theory of Justice restated the liberal state as equal liberties plus a just social minimum.

Hayek

Treated extensive economic planning as incompatible with the rule of law and liberty.

Kesavananda (1973)

Basic structure limits the amending power, a judicial form of liberal self-limitation.

Emergency, 1975-77

Showed suspension of liberal conditions inside a written constitution.

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