

Corporate Social Responsibility and Farmer Suicides: A Case for Benign Paternalism?

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ABSTRACT. Although arguments are a good way of exploring the limitations and complexities of a concept or a theory we may find ourselves faced with a real phenomenon that challenges the existing formulations of a concept or a theory so strongly and reveals its limitations to us so starkly that we are forced to break away from the current discussion and start anew. Such is the challenge posed by the phenomenon of farmer suicides on our existing theories of corporate social responsibility. Contemporary discussions in corporate ethics are replete with many theories of corporate social responsibility which in one way or the other rely on the concept of the social contract. For the most part these theories have gone unchallenged and no fundamental limitations have been revealed. However, the phenomenon of farmer suicides in central India poses a serious challenge to them. This article attempts to show how the phenomenon of farmer suicides in central India starkly exposes some of the fundamental limitations of the contractarian formulations of corporate social responsibility.

KEY WORDS: corporate social responsibility, farmer suicides, social contract

Introduction

The two major theories of corporate social responsibility – the stockholder and the stakeholder theory – rely on the idea of the contract to arrive at the kind of social responsibilities a corporation has.¹ It is by using this idea that the stockholder theory is able to justify its utilitarian approach to corporate social responsibility and the stakeholder theory is able to justify its deontological approach to corporate social responsibility.² However, of the two, it is the stakeholder approach that uses the notion of the contract to defend the stronger position that the managers ought to actively

strive to satisfy the interests of not just the stockholders but also other groups like the employees, the community, the suppliers, the consumers and if possible all those affected by the corporation. Now the very applicability of the idea of a contract requires the satisfaction of certain basic conditions. If corporations assume these conditions to have been met and behave as if they were without ascertaining if that were truly the case, the consequences can be clearly devastating. The macabre phenomenon of farmer suicides in India clearly illustrates this. Such limit cases pose a challenge to our moral imagination and demand a deeper understanding of the extent, nature and the justification for corporate social responsibility. I argue that in this particular case, corporations can be socially responsible only by acting like a gentle father in their dealings with these farmers.

The article is composed of four parts. The first part elaborates upon the notion of a contract and what it entails. The second part discusses how contemporary discussions cast corporate social responsibility in terms of contractual obligations and the effectiveness of this model in accounting for corporate–social interactions in the developed world. The third part is devoted to a robust account of farmer suicides in India. The last part contains an analysis of this phenomenon within the already established theoretical framework of the nexus between social contract theory and theories of corporate social responsibility to make a case for benign paternalism.

The concept of a contract and its basic requirements

Discussions on corporate social responsibility have to take into account the way corporations interact with

society. In most accounts, corporations and society are portrayed as equal parties entering into a contractual relationship. The nature and extent of the corporation's responsibilities are thus gauged on the basis of its contractual obligations to society. In the words of Thomas Donaldson:

A social contract for business, if one exists, is not a type-written contract in the real world, but a meta-physical abstraction not unlike the "social contract" between citizens and government that philosophers have traditionally discussed. Such a contract would have concrete significance, for it would help to interpret the nature of a corporation's indirect obligations, which are notoriously slippery...The simplest form of understanding the social contract is in the form: "We (members of society) agree to do X, and you (productive organizations) agree to do Y."³

Before we go on to discuss the different ways of understanding corporate social responsibility in terms of such contractual obligations, let us first clarify what the basic concept of a contract entails. The *Black's Law Dictionary* gives us the following definition of a contract:

An agreement between two or more parties creating obligations that are enforceable or otherwise recognizable by law.⁴

The above definition stipulates that contractual obligations must be enforceable and that they must be recognized by the law. For the parties to be able to enforce the terms of the contract on one another, they must be in a position to grasp the terms of the contract and recognize when these terms are being violated. This however implies that it is the interest of all the contracting parties to see to it that its terms are enforced. This again implies that all the parties are aware of what lies in their own interests and have the ability to assess these interests independently of each other.

This basic notion of a contract is modified by Rousseau, in particular to give us the novel concept of the social contract. He gives us this rather terse formulation of the concept:

Each of us places his person and all his power in common under the supreme direction of the general will; and as one we receive each member as an indivisible part of the whole⁵

Rousseau believes that the social contract is a form of association through which "each one, while uniting with all, nevertheless obeys only himself and remains free as before."⁶ Despite the modifications that he introduces into the basic notion of the contract, the preconditions for such an association remain significantly the same. For one, the individuals who participate in the social contract must do so willingly because they are cognizant of the benefits that will accrue to them as a result of this association. Moreover, they must also be capable of discerning their individual will in the general will. In other words, they must be capable of recognizing whether the general will reflects their individual interests. If that were not the case, and the general will were completely contrary to their individual interests, they must be capable of effecting some changes that would bring the general will in line with their individual interests. So writers who have attempted to view the relationship between corporations and societies in terms of such a contract have to embrace the two minimal pre-conditions that we have stated above.

While these conditions can be more or less met in the developed world, the picture is very different in the third world. In countries like India, there are vast sections of society that are still not in a position to know what is in their welfare and hence they become dependent upon external agencies like the corporation and the money lender for direction in this regard. This seems to go against the most basic requirement of a contractual relationship, namely, the ability of contractual partners to assess their interests independently of each other. The only conclusion we can draw from this is that the contractual model fails to provide an accurate picture of corporate social responsibility in third world countries because it fails to take into account the socio-economic environment in these regions.

Corporate social responsibility and contractual obligations in the developed world

The question of the nature and extent of corporate social responsibility is inseparably linked to the question of the nature of the corporation itself.⁷ There are two major groups in this debate, the

traditionalists and the advocates of corporate personhood.

Traditionalists like Milton Friedman defend the idea that the corporation is nothing but a group of individuals who have come together to form the corporation. Friedman argues that the corporation is instituted as a voluntary contract between the corporate executives and the stockholders who are the owners of the corporation. On the basis of this definition, he argues that the corporate executive who manages the corporation has obligations only towards the stockholders. He has to manage the corporation in a manner that produces the greatest possible amount of return on the investments made by the stockholders within the bounds of the law. Corporations, according to him, ought to concern themselves solely with making profits for their stockholders. They should not interfere directly with issues like employment, pollution control, inflation etc. These should be left to the political mechanism which will ensure that people come together and decide how these things are to be settled. If corporations were to interfere directly by acting in a way that reduces pollution or reduces inflation etc., they would firstly be unfairly taxing their owners. Secondly, they would be endangering the sovereignty of the other members of society and thirdly, they would be fiddling in areas where the executives have little knowledge and even little expertise. By sticking to the basic economic imperative of profit making, corporations would be ensuring that the tried and tested market mechanism produces the greatest good for the greatest number. So the corporation has no direct social obligation because it has no direct contract with society to ensure its welfare. The market mechanism ensures that its actions however indirectly benefit society. The corporation is thus nothing more than the sum of its parts. As a result, the corporation can have no direct social responsibilities. It is a group of individuals who come together and hire a capable executive to produce returns on their investment. In the case of a corporate misdemeanour, the individuals responsible for the misdemeanour must be punished. Corporate social responsibility is thus deemed meaningless because the corporation is construed in terms of a contract between individuals who may have their own individual responsibilities to society, but the

corporation is itself simply a fictitious entity that cannot have any social responsibilities whatsoever.

The advocates of corporate personhood like R. Edward Freeman suggest that the corporation is a person over and above the individuals who constitute it. Freeman argues that by restricting the obligation of the executives and by extension the corporation to profit making for the stockholder, the stockholder theory in effect does not take into account certain legal precedents that reflect a radical change in our thinking of what a corporation really is. It also leaves too much in the hands of the market mechanism, which has shown serious deficiencies in dealing with the problem of negative externalities and the monopoly power of corporations. He thus argues that these changes and problems can be accounted for only if we reconceive the very notion of the contract that underlies the corporation as one between a number of entities,⁸ all of which have some stake in the corporation. Freeman thereby extends the social obligations of corporations to include society directly because according to his definition, corporations and society become direct contractual partners. Freeman argues that the corporation has a normative core that expresses the specific purpose of the corporation and the manner in which it is governed. On the basis of such a normative core, it could be argued, as Peter French does, that every corporation has an internal decision making structure (CID) that transforms individual decisions into corporate decisions.⁹ In the case of a corporate misdemeanour, the individuals responsible for it must be punished. But in addition, the CID structure may have to be reformed if the misdemeanours are the result of certain systematic problems within the corporations and not any particular individuals. Corporate social responsibility is thus construed in terms of a contract between the corporation, seen as a person and society.

Whether we hold that the corporation is a group of individuals or that it is a person, the interaction between the corporation and society is characterized, in both cases, in terms of a contract. We can clearly see that Friedman and Freeman both make use of the notion of the contract to justify their respective utilitarian and deontological take on corporate social responsibility. While Friedman's thesis implies that conditions are in place whereby all the members of society are equally capable of using

the market mechanism, which ushers in an environment of unrestricted freedom to enter into contracts, to benefit themselves; Freeman's thesis implies that all the stakeholders have knowledge of how the market mechanism works, what their interests are and how the establishment of the corporation would satisfy them. But such a characterization is viable only if contracting parties are motivated to enter into the contract to satisfy their own interests. Moreover, each contracting party must come to an assessment of their interests independent of the other parties entering into the contract. In developing countries, individuals are in a relatively far better position to assess their respective risks and benefits independently of corporations than their third world counterparts.

If A, B and C enter into a contract and A suggests something to be included into the terms of the contract, B and C should be in a position to assess whether what A is suggesting is in their own interest and if it were not, they would reject those terms or modify those terms so it would synchronize with their own interests. If they were not able to do this, but were simply taking A at his word, then it simply would not make sense to say they were entering into a contract with A as equal partners. All they would be doing is surrendering their rights to A.

In the Prince William Sound oil spill, there was a general awareness raised about the consequences of this oil spill by environmentalists. The people affected by the spill could assess the damage done to their possessions independent of what Exxon Mobil had to say about it and demand compensation in some form.¹⁰ It therefore makes sense to construe the relationship between Exxon Mobil and the people affected in terms of a contract under which the latter was obligated to ensure that its activities did not harm the lives and possessions of the local populace and if it did, to pay the requisite compensation to the affected members.

In the case of Enron, the investors could come to an independent assessment of the losses they had incurred independent of what Enron had to say about it and demand that Enron compensates them for those losses.¹¹ It was as if Enron had entered into a contract with the investors, one of the terms of which was that Enron would pay if it caused them wilful financial harm.

The question here is not whether the corporation explicitly signs a contract with society but whether we can evaluate its actions and deem them good or bad by characterizing them as if they were in or not in accordance with a contract entered into with society. We are able to do this only because socio-economic conditions in the developed world are such that people are not entirely dependent upon corporations to decide upon what is or is not in their interest. They may be dependent upon them to a great extent but not entirely. Education, public institutions and the media offset this dependency to a great extent.¹² These institutions have been the hard won product of a prolonged historical struggle and the values they embody have been ingrained into the consciousness of the individuals in these countries over long periods of time. But as we will see in the coming discussion, the same is not true of third world countries and this makes the idea of contractual obligation very problematic when it comes to the third world.

The phenomenon of farmer suicides in central India

This disturbing phenomenon has been observed since 1997 in four Indian states: Punjab, Maharashtra, Karnataka and Andhra Pradesh after India undertook liberalization of its economy and opened its markets to direct foreign investment.¹³ From around that time, there has been a significant number of farmers committing suicide.

For the sake of this discussion, we will be concerning ourselves only with the plight of the farmers in the state of Maharashtra, where it has taken an ominous form. These suicides have been mainly confined to three regions in this state: Vidarbha, Marathwada and Khandesh and all the farmers who died were cotton farmers. The number of farmer suicides has steadily increased from 1083 in 1995 to 4149 in 2004. The suicide mortality rate (suicides per 100,000) for male farmers in this period has trebled from 17 to 53. It will be fitting, at this point, to know what exactly these farmers and their families go through before he or she is driven to commit suicide. The following two cases will help us in this regard.¹⁴ It is important to note however that these two cases are not unique and they are not the only ones being used to analyze the relationship between

these farmers and private corporations. They are two of several despairingly similar cases that have been examined in reports submitted to the Mumbai High Court and the State Government of Maharashtra suggesting steps to respond to this phenomenon.

Vimala was a farmer who managed a farmland of 15 acres. She had two children. Her elder son sold vegetables and her younger was mentally disabled. Her husband had been physically disabled for the last 15 years. Before this accident, it was he who had managed the farming operations. But since the accident, she had to manage everything on her own. She worked in the farm in the day and took care of household chores in the evening. Her family had not always owned land. In fact, they were landless labourers who purchased six acres of the land in the year 1969 by wealth earned through labour. The major crops they cultivated were cotton, *tur* (pigeon pea) and *jowar* (sorghum). For a very long time, her family had been able to eke out a living and keep themselves out of poverty and debt. Since she took over the reins of the household, things became distinctly harder. It was increasingly difficult to make a living with the prices she was getting on her crops. The prices had remained the same but the amount of money she had to spend on seeds, fertilizers, pesticides etc. had increased sharply. She fought hard and diligently to keep her family out of debt for 12 years and the rain gods had helped her in this endeavour by sending timely rains. In the thirteenth year, however, they were not so kind. The crops failed because of lack of rainfall. Vimala decided to dig a deeper well to use the groundwater that may still have been available. She was forced to take out a loan of Rs. 27,000 (approx. \$675) for this purpose. But the available groundwater was simply not enough to irrigate her crops. She hoped to make up this amount with better GM seeds she would sow the next season. However, things did not turn out as she hoped and the rain gods failed her for the next three years. She did not give up. She had of course exhausted the credit she could receive from public sources. But there were private sources available. She could always pay it back the next year with a bumper crop. She decided to take another loan from private sources to keep the family afloat. The total amount from the private source amounted to Rs. 33,000 (approx. \$825) at 5% interest per month. But even though the rains arrived the next year, the amount

she could make on the crops was barely enough to feed her family. She could not repay the private loan and the cumulative loan and the interest amount multiplied. The money lenders were threatening to confiscate her house if she did not pay. She had no one to turn to help. She had failed her family. Every minute of her life was now an infinite burden she simply could not shoulder. She committed suicide after having struggled vainly for 5 years. The government gave her family no compensation.

Gopal's family owned 22 acres of land cultivating mainly cotton, *tur* and *jowar*. His family consisted of his wife and three daughters. The farm income was never consistent, but that was all they had. Gopal was therefore forced to take a loan from the Land Development Bank sometime. He was however not able to repay the loans in the time frame he planned. His daughters had also all reached marriageable age. In order to marry them, off he needed money. He therefore decided to sell 10 acres of his land. That way he thought he would be able to kill two birds with one stone: repay his loan and marry off his daughters. But the next five years were unforgiving. The cost of cultivation increased steeply, but the prices he got on his crops hardly ever increased. The proceeds from the sale of the land were used up by the cost of cultivation itself. He could neither repay the bank loans nor marry off his daughters. Things had never been easy for his family, but they were somehow able to make ends meet. But now, even this became increasing difficult. Gopal decided to take two new loans from two different banks. He was banking on a steady monsoon and a good crop next year. All he needed was one good season and he would be able to reduce the burden on his family. But the next year arrived on time, the rains did not. The crops failed. He had overshot his credit limit at the public banks and was no longer eligible for any further loans. The only sources from which he could procure a loan were private money lenders. He decided to take the private route. There was nothing else he could do. He took a new loan at 5% interest. With this, he would be able to feed his family till the next year. His gaze was firmly fixed on the next monsoons. He hoped they would not fail him again. But they did. The money lender advised him to sow seeds twice the next year so he could take advantage of the late winter showers in case the monsoons failed. The local shopkeeper also advised him to

use the new Bt cotton seeds, new fertilizers and pesticides. They were of course much more expensive but they were the best. They were produced by big corporations who always sold the best products. Gopal decided to take their advice. He took out new loans to purchase these new products. But for the third consecutive year, the rains failed him. There were no winter showers either. He was submerged in debt. He had purchased the best seeds, the best fertilizers and the best pesticides but it had all come to a nought. He had three unmarried daughters in his house with absolutely no money to arrange their marriage. He had no way to repay his existing loans. He had fought vainly for so many years. There was no hope now. He burned himself to death in despair.

Taken together, these cases are representative of the plight of all the cotton farmers who have committed suicide in the state of Maharashtra. They poignantly illustrate their tenacious struggle to get out of the vicious cycle of debt and their inability to do so, which compels them to see death as the only way out. It has to be noted that these farmers never use suicide as a means of abrogating their responsibility. In fact, they struggle for many years trying to get out of debt, working out ways of staying afloat and are slowly strangled out of existence. Suicide is thus always the last resort. It is also important to take note of the nature of their debt. It comprises of loans taken from public sources like banks as well as private sources comprising of local money lenders and traders. The farmers are somehow unfailingly led to borrow from private loan sharks. Most farmers also try out expensive genetically modified cotton seeds and resort to sowing crops twice even three times a year. These cases force us to wonder about four things:

1. Why do the farmers have to take a loan in the first place?
2. Why do they resort to loans from private sources?
3. Why do these farmers use expensive genetically modified cotton seeds?
4. What are the reasons for crop failure?

Even though, the two cases have already provided partial answers to these questions, only a more thorough examination of the socio-economic conditions

of these farmers, which are necessary if not sufficient conditions for their suicide, will answer these questions fully. And only after we have found satisfactory answers to these questions will we be in a position to discuss the question of corporate social responsibility in this context.

The causes and implications of this phenomenon

Since the 1990s, when India started on the path of economic liberalization, the government, following World Bank and IMF directives, has drastically reduced its investment and expenditure in agriculture. Since 1985, the Indian government has reduced its investment in the rural agricultural sector by 60%.¹⁵ However, 25% of India's GDP comes from agriculture and 60–70% of this agricultural GDP comes from subsistence agriculture.¹⁶ Irrigation projects in these areas have always only been financed by the state and with its gradual disappearance from this sector, there have been no private ventures to fill this vacuum. As a result, the state of irrigation here remains dismal. But at the same time, the government has also opened up Indian agriculture to foreign multinationals. Expensive genetically modified seeds, advanced fertilizers and pesticides have permeated the Indian market and found their way onto the shelves of rural shops. We have to bear this in mind if we want to answer the questions we asked in the previous section.

The short answer to the first question about the need for the farmers to take a loan is that the input costs for growing cotton have become very high and there has been no corresponding increase in the price of cotton. But why is this so? The economic liberalization of the 1990s has seen the entry of genetically modified seeds, advanced fertilizers and insecticides into agricultural market. During the period from 1991 to 1996, the whole sale prices of fertilizer increased by 113%, that of irrigation by 62%, that of pesticides by 90% and that of diesel by 75%.¹⁷ The price of cotton however has remained below the cost of production. This price is fixed by the central government by taking into account several factors over all the states. But the agro climatic conditions and the availability of water vary from state to state even though other factors like the price of fertilizers, pesticides and seeds remain the same. While northern states like Punjab and Haryana have

enjoyed good climactic conditions, this has not been the case for Maharashtra, where irrigation facilities have been inadequate and the agro climactic conditions are poor, resulting in frequent crop failure. The government has also relaxed tariff barriers and made the price of cotton fluctuate with the price in the global markets. But Indian agriculture, which contributes a measly 0.6% to world exports, has no say in the global market.¹⁸ The Indian cotton farmers are thus simply unable to compete with the American cotton farmers who dominate the world market on the back of a very generous yearly subsidy from the U.S. government, which simply cannot be matched by the Indian government. The government of the U.S. provided cotton subsidies that averaged 3 billion dollars over the period from 2001 to 2003, during which the cases of farmer suicides in Maharashtra increased very sharply.¹⁹ As a result, the prices fixed by the central government are simply not enough to recover the cost of production and the farmers are forced to go into debt.

To answer the second question, there is a severe dearth of credit for these farmers. Public lending institutions like agricultural co-operatives, land development banks and commercial banks are simply not stepping up to the plate. Commercial banks find lending to these farmers very risky and they simply keep away from this sector. The state government by not willing to refinance the land development banks handicaps them. Naturally the farmers are forced to resort to loan sharks and relatives for loans. In fact, 50% of their loans are from private sources.²⁰

This helps us answer the third question concerning the use of expensive genetically modified seeds. As we partially indicated in our answer to the first question, the cost of cotton cultivation in these regions involves the cost of seeds, fertilizer, pesticides and labour.²¹ There are no assured sources of water for their crops in these regions. As a result, these farmers are completely reliant on the rains for irrigating their crops.²² The cotton crop is also susceptible to pests throughout the season. Cotton cultivation takes away 54% of all pesticide use in Indian agriculture.²³ The farmers are woefully lacking in technical education. The advent of new pesticides, fertilizers and GM seeds has rendered their traditional knowledge completely useless. There has been no effort on the part of the state in

helping these farmers adapt to these new market conditions by teaching them how to use these pesticides and GM seeds effectively. Let me elaborate.

In most cases, the farmers were found using pesticides indiscriminately, leading to reduction in the productivity of the soil and rendering their business unprofitable.²⁴ The indiscriminate use of pesticides also results in the pests developing greater and greater resistance to them, forcing the farmers to use more and more pesticides, thereby increasing the cost of cultivation.²⁵ The agricultural institutes in these regions have provided very inadequate support to these farmers on the use of pesticides.²⁶ Certain strains of genetically modified cotton seeds are resistant to certain kinds of pests. Farmers are advised to use them to offset the use of pesticides. But since the cotton crops are susceptible to a variety of pests in these regions, using a strain that is resistant to only one type of pest leaves it vulnerable to other pests and certainly does not reduce the use of pesticides to the extent needed to make a profit.²⁷ The Indian government focuses only on the approval and certification of these seeds so they may be legally disseminated in the market. There is however no service provided to the farmers on the use of these new GM seeds.²⁸ But even the certification and approval processes are not consistent. The government may withhold approval of certain strains of Bt cotton in some states and approve them in other states.²⁹ If the farmers have to make a profit, the cost of cultivation must be less than the amount of money they get on the crop. But this is never the case because the minimum support price that the government fixes for cotton is always lower than the cost of cultivation in these regions.³⁰ In the absence of assured sources of irrigation and poor rains, purchase of GM seeds and pesticides and fertilizers only adds to their financial woes. Now GM seeds on an average increase the cost of cultivation by 1,000 rupees (approximately 25 dollars) over non-GM seeds.³¹ It is also the case that the seeds from the crops that are borne by GM seeds cannot be used in the next cropping cycle. So the farmers become dependent on the seed companies for the seeds every season.³² In the absence of education and training for these farmers in the use of pesticides and GM seeds, they are left to take advice from local money lenders and agents of local and multinational corporations who become their only source of information.³³

Ideally, the farmers would want to seed just once a year and have a good crop and sell it for a good price in the market. This would keep the cost of cultivation to a minimum because they would have to purchase the seeds just once. But when rains are delayed, the first crop fails and they may have to sow for the second time. This increases the cost of cultivation because they have to buy a portion of the seeds again. Money lenders and local traders selling these GM seeds and agents of the corporations, in many cases, coax their clients into seeding three times a year even though the crops are most likely to fail in the absence of proper irrigation and rains.³⁴ And even if they don't, these farmers simply cannot make up the cost of cultivation they have incurred in the process with their produce.³⁵ When water is inadequate, no kind of seeds, even genetically modified ones, will bear crops. Multinational and local corporations market their products aggressively in search of profits. The farmers buy into this rhetoric; purchase expensive GM seeds, fertilizers and pesticides, seed their field three times a year in the hope of a bumper crop.

The responses to the previous questions can be taken together to answer the last question about crop failure. The farmers, in the absence of irrigation facilities, have to depend upon the fickle weather for water. The rains in these parts are notoriously unreliable, and in some of these regions, drought is a frequent occurrence. Such conditions are simply not conducive to cotton farming. In the event of a crop failure, the farmers are advised by money lenders to go for double or even triple sowing during the course of the year. Even if that is not the case, despite lacking the technical know-how to manage these pesticides, fertilizers and seeds, they still purchase fertilizers and pesticides and go for GM seeds, which only adds to their production costs. They have to rely on private sources for technical information on cropping patterns and the use of these new products. However, as we have mentioned earlier, the excessive use of pesticides progressively reduces the productivity of the soil and they are not able to recover the production costs even when there are ample rains, because the minimum support price fixed by the government is never enough to cover these costs and the open market is not any better. In the absence of any other source of information to warn them of these consequences and

their lack of technical education, they are caught in a vicious cycle of recurring crop failures.

A brief history of the agrarian sector in India and the entry of the private corporation into this sector

The answers to the questions we raised in the last section do leave us with what I believe to be the most crucial question, which is: Why do these farmers persist in this clearly unprofitable venture of cotton farming? Why not do something else?

Most of the farmers committing suicide do not own large tracts of land. They own less than 2 hectares. They eke out a living tending their miniscule tracts of land, which even when utilized to the optimum are not enough to take them out of poverty. They are so attached to their land that farming and related activities completely exhausts their horizon of life choices. They identify themselves completely with this way of life, impoverished though it may be, and are incapable of envisaging any other. Since the social position of the landholder is considered higher than the labourer, a poor and indebted landholder becomes socially stigmatized, making it unbearable for him or her to continue living. This state of affairs has not changed much since pre-colonial times. In fact, the British, when they had incorporated India into their vast empire, were intent on bringing land reforms and settling the question of ownership of land and introducing a system of contracts. There were two ways proposed in this regard. The governor general Lord Cornwallis wanted to make the landholders – the zamindars – the owners of the land who would then be free to employ anyone they pleased to cultivate their land. With this in mind, he introduced a permanent land settlement in 1793. However, men like Thomas Munro, Mountstuart Elphinstone and Charles Metcalfe did not want to destroy the existing village community system that prevailed in India. They sided with utilitarians like James Mill and Jeremy Bentham in wanting to reform the system by granting ownership to the peasant cultivators and doing away with any middlemen. That way, they believed, the cultivators' bonds to the land on which they worked would only be strengthened, resulting in a corresponding increase in productivity and a steady income for the British government in the form of land taxes. However, these grand ideas never came to fruition.

For one, the British had to consolidate their hold over India through a series of military campaigns. This demanded planning and resources veering their focus away from questions of land reform. Over and above this, questions of ownership could not be settled as easily as they thought. The village communities were complex systems with intricate relationships that determined the various uses to which the land could be put to. There was a hierarchy of agricultural castes. All these details had to be taken into account to assess the relative strength of the claims the various land users had over the land. The reformers could simply not work out these details and had to finally resort to the existing local systems to decide on the amount of land taxes payable by each cultivator. In places where they did go ahead with reforms, the cultivators could not hold on to their land because of poor productivity brought on by fickle climactic conditions. They fell into debt and were forced to mortgage their lands to money lenders, only to be reduced once again to labourers in the land they once owned. To add to this, the disenfranchised parties such as the *talukdars* revolted. This was one of the causes of the 1857 mutiny. After the 1857 revolution, the colonial administration became very cautious and distanced and gave up its grand ideas of sweeping land reform. And so it has remained to this very day.³⁶ The government of India has not instituted land reforms of its own to bring these small farmers and landless labourers out of penury. It has not made any effort to change their living conditions. Even when the state was making considerable investments in agriculture, these farmers were able to barely stay above the poverty line. The state has tried a number of things to improve cotton yields since the time of independence. The “Cotton Extension Scheme” and the “Grow more Cotton Campaign” were initiated in 1951–1952. Deficiencies in these schemes led the government to inaugurate a new centrally supported scheme, the “Intensive Cotton District Programme” in 1971–1972.³⁷ But there has never been a sustained effort to educate the farmers and to improve irrigation infrastructure. The mentality has always been to try to improve quantity without being seriously concerned about quality. These programs have always focussed on the cotton sector as a whole paying scant attention to the individual farmers and their peculiar circumstances. No efforts have been made to provide alternative sources of income to these farmers in areas where decent

profits margins are next to impossible. Now, with the progressive reduction of its investments and expenditure in the rural sector under the guidance of the IMF and the WB coupled with the reduction of tariff barriers, the state has withdrawn all support to these farmers and exposed them to the vagaries of the global market.³⁸ The state has also not provided the farmers with any alternatives to their unviable occupation. This brings us to the two most significant consequences of this move from the perspective of the Indian farmers:

1. The farmers are still operating in an outmoded system of agriculture and do not possess any resources to help them cope with the new liberalized market.
2. The vacuum left behind by the state has now been occupied by multinational and local corporations making them completely dependent upon the latter for navigating this new agricultural space opened up by liberalization.³⁹

The Indian farmer has never been an aggressive entrepreneur, aware of the rules of the market place and willing to enter into contracts with other entities to further his own interests.⁴⁰ So it is simply wrong to expect him to suddenly morph into one. He has always depended upon the state and numerous other middlemen to sell his produce and earn a living. Without the requisite support and guidance, he is reduced to a reluctant novice in a new world with new rules, of which he knows nothing and therefore has no idea of how to pursue his own interests or importantly what lies in his own interest. In this uncertain world, he becomes dependent on agents like money lenders and multinational corporations who appear to him to be acting in his interest but are only peripherally concerned with his interests. In the absence of any helping hand, the confused and broken farmer opts out of this alien world in the best way he can, by ending his own life.

An analysis of the relationship between private corporations and the Indian farmer

Let us now analyze the relationship between the farmer and the multinational and other local corporations. The latter entered into the Indian

agricultural market when it was opened up to them by India's decision to liberalize in the 1990s. As a result, the playing field has expanded. In this new scenario, we have the farmer herself, the private corporations who manufacture the seeds, fertilizers and pesticides, the retail agents of these corporations who sell the products to the farmer, the private traders who may purchase pesticides, seeds and fertilizers wholesale and sell it to the farmer, the private money lenders, the banks and other financial institutions dispensing credit. Let us try to derive the obligations of the corporation to the farmer, if any, using Friedman's stockholder theory and Freeman's stakeholder theory.

Friedman, by characterizing the political principle of the market as the principle of unanimity,⁴¹ understands all the agents in the market to be free to enter into voluntary contracts with other agents to advance their own interests. As we have seen earlier, Friedman's belief is that if every agent is concerned with his own interests (in our case the seed, fertilizer and pesticide corporations concerned with making a profit and the farmer concerned with making a profit etc.), then the resulting interactions between these players will always result in the greatest good for the greatest number. Friedman would thus argue that private seed, fertilizer and insecticide corporations have no direct obligation to the cotton farmer. Their only obligation is to make profits within the bounds of the law for their stockholders, continue to produce quality seeds and invest in advanced techniques of genetic engineering, sell their products indirectly to the farmer through local traders or directly through their agents, which would ensure that everyone benefits. But this belief presupposes that all the agents know what their interests are and the means to procure these interests. But in our scenario, the Indian farmer simply does not satisfy these conditions. She does not seem to know what her own interests are because she seems to be persisting in an occupation which gives her hardly any remuneration. Even if we concede that she knows her own interest she does not seem to know how to pursue them. As we have argued already, the Indian farmer does not seem to be a knowledgeable consumer and an aggressive entrepreneur who can buy the products these companies have to offer by independently assessing their utility for her. As we have noted before, she depends upon the agents of the corporation and private traders for advice on

what to purchase and how to use the purchases she has made. Hence, she agrees to purchase seeds and sow them for the third time even when the rains are deficient and there is no way that a good crop would cover her already ballooning costs of cultivation. She is caught in a vicious cycle of debt and ignorance and simply buys what these corporations have to offer because they are available. She has no idea as what effects these seeds, fertilizers and pesticides will have on her soil and what cropping patterns to employ to ensure a good yield and keep the soil from becoming barren. Her situation shows us the classic deficiency of utilitarianism and the theories based upon it, namely, the lack of a principle for fair distribution of goods. While all the other players of the system like the private traders, the corporations and the money lenders make profits, the farmer continues to lose. She is thus completely excluded from the greatest number for which utilitarianism prescribes the greatest good.

Freeman, on the other hand, would argue that the corporations have direct obligations to society, which are of a deontological nature. He would prescribe that corporations should not use those members of society who are affected by them simply as a means to an end but as an end in themselves. Freeman's understanding of the limits of the corporations' direct obligations to society again derives from the contractarian model of corporate-societal interactions, which assumes that the corporation is founded out of different autonomous entities entering into a contract voluntarily. It assumes, for instance, that the farmer as a stakeholder in the seed, fertilizer and pesticide corporations has some basic knowledge of how the market works and the kinds of risks involved in forming associations like corporations.⁴² So the corporations may have a direct obligation to see to it that they do not adversely affect the farmer's interests and wilfully impede her pursuit of them in any way. To put it even more succinctly, the direct social obligations of the corporations are derived from the imperative not to harm the autonomy of the agents entering into a contract with the corporations. So these corporations may have an obligation to see to it that they do not wilfully harm her by selling spurious products. They may have an obligation to be transparent about the products and services they are selling to her. They may have an obligation to see to it that their

products do not use toxic chemicals that might pollute her soil and water and endanger her health. These obligations stem from the assumption that the farmer is autonomous. But what if she simply cannot be deemed an autonomous agent? This is precisely the case of the Indian farmer purchasing products from private corporations not knowing how to use them and whether they might even benefit her. So do these corporations have an obligation to teach her how to use these products? Do they have an obligation to tell her that buying their products when there is no prospect of a good rainfall is not a good business decision? Do they have an obligation to advise her to leave the cotton business for her own good and look for other more productive occupations? Do they have an obligation to warn the local traders not to take advantage of the farmer to whom they sell their products? Do they have an obligation to see to it that the traders do not exploit the farmer? If we go by Freeman's stakeholder model, the answer to all these questions would be a firm no. The Indian farmer as we can see is completely dependent upon the multinational corporations for informing her of the benefits and risks of their products. She is in no position to know when the company has broken its contractual obligations to her by harming her own interests. She has no one else to guide her in this matter. The Indian government that should be looking after her interests has been progressively reducing its investments in agriculture under advice from the World Bank and the IMF since it started to liberalize its economy in the 90s. His suicide is the clearest demonstration of her utter isolation, helplessness and complete lack of autonomy. It therefore does not make sense to reconstruct the relationship between the farmer and the multinational corporation in terms of a contract between equal parties. This takes us back to where we started from. When one of the parties of the contract is completely dependent upon the other party, the most basic premise of an equal party contract, namely that the parties concerned be independent of each other, is nullified. So understanding the social responsibility of the multinational corporations in terms of contractual obligation does not help in this scenario.

My thesis does not require these seed, fertilizer and pesticide corporations, some of which are multinational to wilfully deceive or misinform the

farmers. If they did, then the already existing theories of corporate social responsibility based on contract theory have the necessary conceptual armoury to show that the corporations who indulge in that kind of behaviour are not being socially responsible. What my thesis requires is that these seed, pesticide and fertilizer corporations unintentionally harm these farmers. This harm is caused not because the corporations are doing anything illegal or immoral. Rather the corporations are doing precisely what they ought to be doing according to classical contractarian definitions of corporate social responsibility, i.e. selling their products and making a profit without harming the autonomy of their customers. The phenomenon of farmer suicides has revealed that the customers have no autonomy. This is manifest in the fact that they have no expertise whatsoever in the use of these products. To add to this, they are also using these products in the most unfriendly conditions, which completely nullify the advantages these products are supposed to give them. The prices they get on their produce are thus never able to cover the costs of production. As a result, it causes them serious financial harm and ruins their lives, driving them to end it prematurely. The government, which is traditionally supposed to help them in hard times like this, has abandoned all support to them. So they have somehow fallen into the lap of the multinational and local corporations who have filled the vacuum created by the government and are now the main investors in this sector. The farmers' inability to sustain themselves calls for one of the following alternatives. They could be allowed to go out of business. We must realize that these farmers have very little experience in anything besides farming. Moreover, other opportunities for income are simply not existent in these regions. So alternate means of livelihood need to be made available to these farmers and they need to be given the necessary training and education to work on these other jobs. This only the state or the federal government could do.⁴³ But all the government has done so far is reduce its investments in the agricultural sector. The other option would be for the government to raise them to the status of autonomous agents by teaching them how to take care of their business, how to use the latest techniques in farming to improve yield and, this is connected with the previous point, when to leave

the agricultural sector and look for alternative modes of employment. But to repeat what we have said before, the government has been steadily reducing its investments in the agricultural sector believing, it seems that private enterprise and competition would somehow transform these farmers into autonomous entrepreneurs. But the rampant suicides among farmers in this region have shown this belief to be utterly misplaced. So with the government having indeed turned its back on these farmers, should private corporations into whose lap they have fallen also turn a blind eye to their sordid plight? Should they wait for the government to step in and thereby see the farmers continue to commit suicide by consuming the very pesticides they sell them? Or should they, for a start, eschew conventional methods of marketing and start teaching these farmers how to use their products, when to use them and when to stop using them? As we have already seen, the corporations have no contractual responsibilities of this kind toward the farmers. But would it be wrong to appeal to the paternalistic benevolence of these corporations who seem to be the only ones in a position to do something to help the farmers? It does not seem far fetched to say that benign paternalism is one good way by which these corporations can exercise their social responsibility.⁴⁴

Conclusion

Globalization and its agents such as the World Trade Organization and the International Monetary Fund want to spread development, which we can take as a good. But part of this package comes with the assumption of unrestrained liberal economics with little government oversight. However, one of the lessons we learn from the plight of these farmers is that liberalism is based on social contracts where the parties come to the table with equal power and information. In the absence of these conditions, it can quite literally be deadly for the unsuspecting. Therefore, we need to temper the broad brush of laissez faire economics to account for the particular social and historical context and reinvent what development ought to look like for the undeveloped world. This would require reconfiguring the way we understand corporate social responsibility. Corporate social responsibility may have to take different guises

in different situations. When the situation demands it, it may even have to take the form of benign paternalism.

Notes

¹ Friedman (1970), Freeman (2001) and Boatright (2009).

² Milton Friedman argues, in effect, that the corporation being a voluntary contract between the corporate executive and the stockholders, the executive who manages the corporation has obligations to the stockholders and in the discharging those obligations she and by extension, her corporation will be doing the greatest good for the greatest number through the market mechanism. R. Edward Freeman, on the other hand, argues that the corporation should be seen as a voluntary contract between different stakeholders and so the executives have a specific obligation to all the stakeholders. So the social responsibility of the corporation, in this case, goes beyond its duties to the stockholders and society thus ends up becoming an end in itself. We will take up this issue in detail in the ensuing discussion.

³ Donaldson (1995, p. 154).

⁴ *Black's Law Dictionary*, 8th ed., ed. Bryan A. Garner (St. Paul: Thomson West, 1999).

⁵ Rousseau (1987, p. 148).

⁶ *Ibid.*, p. 148.

⁷ See Iyer (2006, pp. 393–406), where I argue that there is an inseparable link between theories of corporate social responsibility and corporate nature.

⁸ These entities are called stakeholders and Freeman has a narrow as well as a broad definition of stakeholder. See Freeman (2001).

⁹ See French et al. (1992, pp. 17–23).

¹⁰ See Kowalski (1999, <http://www.adn.com/evos/stories/T99032616.html>) from which it is clear that the damage done to the individuals affected in the disaster is being assessed by entities other than Exxon Mobile such as the National Association for Attorneys General. See Philips (1999, <http://www.adn.com/evos/stories/T99032267.html>) from which it is clear that the fishermen affected, in spite of their hardships, are aware of the legal recourse available to them to fight for justice and have options like filing for bankruptcy when justice is not metted out quickly and effectively. See also Speiss (1999, <http://www.adn.com/evos/stories/T99032453.html>).

¹¹ See Babineck (2006, <http://www.chron.com/dispatch/story.mpl/special/enron/3885863.html>) for information on the plaintiffs for the individual shareholders which clearly suggests that the individual shareholders were

capable of independently assessing the damage done to them and attempt to get compensation for it. See Hays (2007, <http://www.chron.com/disp/story.mpl/special/enron/5005920.html>) and Flood (2008, <http://www.chron.com/disp/story.mpl/special/enron/5615060.html>), which gives us a further glimpse of the kind of resources that the individual shareholders have to procure justice.

¹² Corporate social interactions, given the dynamic nature of the economic environment, are seldom so static as to be neatly characterized in terms of a contract. The contractual model will always be a rational reconstruction and never a depiction of the real nature of corporate social interactions. See my argument in *The Missing Dynamic: Corporations, Individuals and Contracts* cited above. This rational reconstruction is however better suited to explaining the obligations of corporations in the developed countries than in developing countries.

¹³ For the factual details and the analysis of the causes of the farmer suicides, I am indebted to two reports: Dandekar et al. (2002, <http://www.tiss.edu/research.htm#rr>) and Mishra (2005a, <http://www.igidr.ac.in/suicide/suicide.htm>).

¹⁴ These cases have been reconstructed from the 36 cases that are studied by the Dandekar report cited earlier. I have attempted to narrate it from the farmer's perspective. The names used are fictitious.

¹⁵ Dandekar et al. (2002, pp. 3–4).

¹⁶ Ibid.

¹⁷ Ibid., p. 28.

¹⁸ Ibid., pp. 3–4.

¹⁹ During the period from 1991 to 2003, the United States government provided approximately 18 billion dollars in farm subsidies per year on average. This number excludes crop insurance subsidies. See Cohen et al. (2006, http://www.washingtonpost.com/wp-dyn/content/article/2006/07/01/AR2006070100962_2.html). During the same period, the average cotton subsidies were about 1.7 billion dollars per year. However, the crucial period for the purposes of my analysis is between 2001 and 2003 when farmer suicides in Maharashtra increased sharply. During this period, the U.S. cotton subsidies averaged 3 billion per year at a rate of 31 cents a pound. On the other hand, the Indian cotton subsidies have averaged just 500 million dollars per year at a rate of 8 cents a pound. See Womach (2004, <http://www.nationalaglawcenter.org/assets/crs/RL32442.pdf>) and Schnepf (2008, <http://www.nationalaglawcenter.org/assets/crs/RS22187.pdf>).

²⁰ Dandekar et al. (2002, pp. 29–32).

²¹ In cases where the farmers do not own the land but rent it, the cost of renting the land would also have to be included. In cases where the farmers use family

labour, labour costs would not enter into the equation. So if we decide to restrict ourselves to farmers who have used family labour on their own land, the cost of cultivation would include the cost of seeds, fertilizers and pesticides (Mishra 2005a, pp. 66–68).

²² Shroff (2005, http://www.igidr.ac.in/suicide/BackgroundPapers_SFM_IGIDR_26Jan06.pdf).

²³ Ibid., pp. 30, 37.

²⁴ Ibid., p. 30.

²⁵ Rajendran (Undated, <http://www.indiaagronet.com/indiaagronet/New%20Product/Contents/organiccottonarticle-seeds.htm>).

²⁶ See Mishra (2005a, pp. 62, 75), Dandekar et al. (2002, p. 36), Shroff (2005, p. 30) and Despande (2005, pp. 93–94, http://www.igidr.ac.in/suicide/BackgroundPapers_SFM_IGIDR_26Jan06.pdf). All these reports talk of the lack of extension services to bring the farmers abreast of the latest developments in agriculture by giving them the necessary technical know-how.

²⁷ For example, Bt cotton is resistant to bollworm. But the problem is that in the regions that we are concerned with, there are a number of pests capable of infecting the cotton crop besides bollworm. Moreover, bollworms develop resistance to Bt over time and the methods generally used to prevent this are not viable in these regions. See Stone (2002, http://artsci.wustl.edu/~anthro/research/biotech_suicide.html).

²⁸ Ibid.

²⁹ See Mishra (2005a, http://www.igidr.ac.in/suicide/BackgroundPapers_SFM_IGIDR_26Jan06.pdf) in which he discusses on page 19 the case of three strains of Bt cotton whose sale was not renewed by the Genetic Engineering Approval Committee in Andhra Pradesh but was renewed in Maharashtra.

³⁰ See Dandekar et al. (2002, pp. 24–28).

³¹ Mishra (2005a, p. 66). See especially Footnote 45 and Mishra (2005b, p. 19).

³² See Wadke (2005, <http://www.thehindubusinessline.com/bline/2005/05/16/stories/2005051602020100.htm>).

³³ See Dandekar et al. (2002, p. 36). Cause 7 clearly states how “the access to the information base that the cultivators have largely comes from the agents of fertilizer and seed companies”.

³⁴ See Mishra (2005a, pp. 27, 76) as well as Shroff (2005).

³⁵ See Mishra (2005a, pp. 68–69) where he clearly explains how sowing thrice is not profitable at all and it is not just an isolated instance but commonly practiced under advice from local traders.

³⁶ For this discussion on colonial India, I have referred to Hodge (2007, pp. 30–35).

- ³⁷ See Shroff (2005, p. 29).
³⁸ See Dandekar et al. (2002, pp. 4–5).
³⁹ See Mishra (2005a, pp. 29–30).
⁴⁰ See Deshpande (2005, pp. 95–96).
⁴¹ See Friedman (1970).
⁴² See Freeman (2001).
⁴³ See Mishra (2005a, p. 77). In fact this is one of the recommendations to the state government of Maharashtra.
⁴⁴ I am really thankful to my reviewer for helping me see these three alternatives.

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