

ILLUSTRATION BY BINAY SINHA



Democracy in distress - I

Why representative democracy is staring at a less-than-secure future

The late Oxford political scientist Samuel Finer, in his magisterial three-volume *The History of Government from the Earliest Times*, underlined the two great revolutions that had created the modern state.

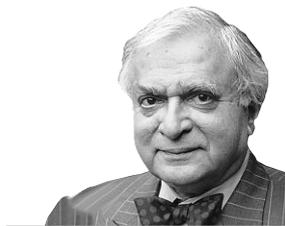
The first was the American Revolution, which introduced six inventions in the theory of government: “The notion of a Constitutional Assembly to frame a constitution; the written constitution; the Bill of Rights which this constitution embodies; the use of courts of law ... to signal breaches of the constitution and exercise powers to obstruct or cancel them; the so-called Separation of Powers on different lines from the ‘mixed’ constitutions of the past; and finally, true Federalism.” (Volume 3).

Of these, the separation of powers was pre-eminent in maintaining liberty. For, as James Madison said in *The Federalist Papers*: “The great security against a gradual concentration of the several powers in the same department consists in giving those in each department the necessary means and personal motives to resist encroachments of the others. Ambition must be made to counteract ambition ... It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature?”

However, Finer notes: “Although all governments stand today by the separation of powers, they do not observe it in the extreme American form: they have an umbilical link, the Cabinet, between the executive and the legislative branches. It has to be admitted that the very success [in the US] in making the three mutually independent departments ‘their own appointed limits keep’ has been dysfunctional.” But whatever the basic

disagreements on policy, “with the three departments blocking one another”, the need for continuing administration will force them to move together. Thus “it is not surprising that ‘American government’ should be characterised as a ‘thing of fits and starts’”.

So it has proved, with the recent gridlock in US politics caused by the Tea Party’s opposition to Obamacare, on the valid constitutional grounds (as it sees them) of fundamentally changing the relations between citizens and government. But, as Finer predicted, with popular distaste for the tactics employed, threatening the electoral prospects of the Republicans, John Boehner recently succeeded in overriding the Tea Party.



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In India, the separation of powers was threatened by Indira Gandhi’s declaration of the Emergency, and a supine judiciary caving in to her desire to create a domineering executive. But this was redressed, and the judiciary subsequently reasserted its independence — so much so that, with a dysfunctional United Progressive Alliance-II government unable or unwilling to function, the judiciary has now seemingly substituted government by judges for that by politicians. Indira Gandhi is also responsible for

undermining federalism — first with her battles with the Syndicate in gaining control over the Congress, and then during the period of Congress supremacy running most of the states in the Union from the Centre. With the decline of the Congress, this deviation from the constitutional dispensation has also been gradually reversed; some are even fearing the destruction of central authority by regional satraps.

Thus, the legacy of the American Revolution, despite similar “fits and starts” of its parent, in many ways continues in India’s by-now-mature democracy. Finer sums up the legacy of the American Revolution: “It has shown

how political power may be bridled; and it has stood for two centuries as the ultimate exercise in law-boundedness. This is a formidable achievement.” It must not be forgotten when considering the current state of democratic distress in both the United States and India.

The French Revolution is Finer’s second great revolution, creating the lineaments of the modern state. For “it bequeathed to us the universalistic ‘Rights of Man and the Citizen’ which is the charter of all would-be nation-states ... the ideology, the new secular religion of nationalism; citizen armies and the levee en masse; and military interventions and the palace/forum type of polity — the regime of populist autocracy. Moreover, all four of these are still alive, working like a leaven throughout the globe. In that sense the revolution is a Permanent Revolution. Nothing was ever like it before and nothing foreseeable will turn this Revolution back.”

In addition, the slowly rolling Industrial Revolution by the late 19th century affected the social structure, and thereby the nature of Western democracies. With the extension of the franchise, the “notables” were replaced by organised mass parties based on the new agenda of politics: that of capital versus labour. Voters came to belong to their parties and the act of voting became an expression of identity and commitment rather than a mere choice between competing alternatives. In this “golden age” of mass democracy, the constitutional principles that ensured government for the people were conjoined with mass electoral representation, which also ensured government by the people.

After the seeming triumph of the West with the disintegration of the countries of “really existing socialism” in 1991, it seemed capitalism was the only economic and democracy the only political form that was universally viable. Yet, with China abjuring democracy but embracing its own form of capitalism, many of the “new” democracies and, most importantly, Russia slipping into the palace/forum type of polity, as adumbrated by Finer, or into various forms of kleptocracy as in the Ukraine — and the democratic dawn heralded by the Arab Spring turning to darkness — the global future of democracy seems less secure.

In the West, the decline of mass parties has led to what the late Irish political scientist Peter Mair, in his *Ruling the Void: The Hollowing of Western Democracy*, described as “the transformation of party democracy into ‘audience democracy’”. Globalisation is held responsible because it reduces the domestic autonomy to pursue the redistributive politics on which the mass politics of much of the 20th century was based. By increasing the exit options of capital owners, taxpayers and consumers, globalisation has forced parties to eschew partisanship and adopt common policies that put many areas, such as monetary policy, into the hands of technocrats who can ignore demos. Thus, while the procedural democratic constitutional framework remains, the representative democratic aspect has declined, with parties changing “from combining representative and governing roles to relying almost exclusively on a governing role”.

In this new democratic world, according to Mair, “citizens change from participants into spectators, while the elites win more and more space to pursue their own particular interests. The result is the beginning of a new form of democracy, one in which the citizens stay at home while the parties get on with governing”. Whether these trends in Western democracy are also migrating to India and whether this means an end to government not only for the people but also by the people — and if this matters — are the subject of my next column.