

ILLUSTRATION BY BINAY SINHA



Sliding towards participation

The Hazare movement's populism has been empowered by the Congress' softness towards 'civil society', argues Deepak Lal

One of the claims made by a representative of the Anna Hazare movement (at their recent meeting with political leaders) was that, as representatives of "civil society", they would seek to present legislative Bills to Parliament and then – as with their Lok Pal movement – agitate for Parliament to adopt them. Moreover, Mr Hazare has threatened that if a Lok Pal Bill to his liking is not enacted in the current winter session of Parliament, he and his followers will stage a *dharna* outside the homes of Sonia Gandhi and Rahul Gandhi and any MP who opposes the Lok Pal Bill in Parliament, and court arrest. What are we to make of these claims, and how has the country come to this pass?

The claim of various NGO activists (both local and international) is that they represent "civil society" and hence the legislators must enforce their will. But this claim is patently false. The chief characteristic of a State is its monopoly of coercive power. In democracies, this power is granted to governments responsible to the electorate. Only elected governments can be responsible for making domestic or international laws. To grant *any* private interests a direct voice in how coercion is to be applied subverts constitutional democracy. If the claims of these activists that they represent "civil society" were true, the proponents of their ideas would be in power in national politics.

The underlying theory behind these NGOs' claims, and the source of their popular appeal, is the wholly illiberal theory of participatory democracy. The Western notion of liberal democracy, which the founders of India's Constitution embraced, is based on representative democracy. From the Founding Fathers of the American Republic to liberal thinkers like Immanuel Kant, direct or participatory democracy on the model of the Greek city-states has been held to be deeply illiberal. Subject to populist pressures and the changing passions of the majority, it can oppress minorities. Greater popular participation does not necessarily subvert liberty. The great liberal thinkers have, therefore, advocated indirect representative democracy hedged by various checks and balances to prevent the majority from oppressing the minority. Both James Madison and Immanuel Kant liked to call their preferred political system based on representative government a republic, rather than a democracy — which they saw as being of the direct sort and subject to the illiberal rule of the mob.

In a representative democracy, citizens choose their representatives for a legislature that legislates, instead of directly writing and passing legislation. The ideal of representative democracy – not often followed in practice – was best summed up by Edmund Burke in Bristol in a speech to his constituents: "Your repre-

sentative owes you, not his industry only, but his judgment: and he betrays it instead of serving you if he sacrifices it to your opinion... You choose a member indeed; but when you choose him, he is not a member of Bristol, but he is a Member of Parliament."

However, there is no denying that even in the bastions of representative democracy – the UK and US – there has been a gradual move to participatory democracy, with the weakening of party loyalties and the increasing reliance on "focus groups" to discover and pander to public opinion – a practice Burke decried. Nowhere is this more evident than in the politics of California, where legislative tasks concerning taxation and public spending are increasingly decided not by elected representatives but by plebiscites. The ostensible opening up of the legislative process to greater scrutiny and accountability has paradoxically left it more open to influence by pressure groups. This has led to what has been called Demosclerosis (J Rauch, *Random House*, 1994), with well-funded pressure groups increasingly hijacking domestic politics. With "the people" having little time or inclination to monitor legislators and various laws on a daily basis, well-organised interest groups with small constituencies can ensure that governments bend to their will. Instead of majority rule, such participatory democracy has produced minority rule. This is the dire prospect held out by the Hazare movement's agitation in the name of "civil society".

But, how has this come to pass? The fault lies in the creation of the National Advisory Council (NAC) by the Congress president as a body of NGO activists who not only provide the major opposition to the reformers in the government but, in many cases, are usurping the legitimate legislative functions of the elected government. It could be argued that the NAC is just the Congress president's "think tank", rather like the Conservative Research Department – and its Labour party equivalent – in the UK. But when either of these parties is in government, though they may influence public policy like any other think tank, it does not write legislation, which the government is then mandated to legislate.

Given this entry that the wholly unaccountable NAC has provided to "civil society" activists, it is hardly open to the government to cold-shoulder the other activists of "civil society" in the Hazare movement. Moreover, their threat to sit outside the houses of those politicians who do not approve a Lok Pal Bill to their liking (despite being non-violent) is no less coercive than the attempts by animal-rights activists to personally harass shareholders in UK pharmaceutical companies that use animals for therapeutic experiments — or their compatriots in the US who have burnt the cars and threatened the researchers in UCLA's neuroscience laboratories. There is a difference between *satyagraha* to get rid of foreign colonialists, or to protest the subversion of democracy during the Emergency, and that seeking to replace legislation by elected representatives with laws enunciated by the self-appointed tribunes of "civil society". They must all be resisted. A good start would be to abolish the NAC, which would also signal that the government would now be able to govern as in any other representative democracy. This will also allow the government to prevent the serious slide to the participatory democracy demanded by the Hazare movement.