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Theme: Equality, Opportunity, Dignity and Freedom: Restructuring Institutions for Equitable and Sustainable Development

Keeping Democracy Alive in Bangladesh or Anywhere

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Introduction: Disillusion

It can be no accident that the chosen theme for this conference arrives at this time in the history of Bangladesh. The world is in a period of great turbulence, with a general increase in autocratic regimes and few uprisings to challenge them. And we have to be concerned about the further prospect of such regimes in erstwhile bastions of bourgeois democracies in Europe and now North America. Again, Bangladesh might just have shown the way to escape this fate.

For Bangladesh, the 52 years since liberation has seen constitutional principles designed, perhaps in too much haste, in the euphoria of independence then becoming warped and thwarted through use via the interface between contesting humans. This Bangladesh has become a case of no-one ending up where collectively they wanted to be. That seems to be a central story of 'development'—euphoria followed by disillusionment, as so sadly revealed in Holenstein's recent book 'My Golden Bengal: Views and Voices from Civil Society' UPL, 2024. His well-known Bangladeshi interlocutors shared a common sense of that disillusionment, though with an acknowledgement of the staggering physical changes to the landscape of Bangladesh and its people over the last 50 years. The common theme of that disillusionment was elite capture, hijack even, of the dream of a free *desh* in Bengal. A dream pronounced by many inspirational Bengalis before and from Tagore onwards.

Clientelist Essentialism in South Asia?

Some writers explain that hijack as an example of sub-continental dynasty, as an aspect of the clientelist essentialism of South Asia, though dynasty is not unique to the region. However I argue that there is a more universal, deeper structural explanation of hijack and betrayal by leaderships, hence the inclusion of 'anywhere' in the title of this lecture.

Democracy: Ideal Principles

Before addressing that challenge of understanding **real** political behaviour, let us acknowledge that real behaviour stands alongside ideal frameworks for defining the principle and practices of democracy. There is a vast 'ideal' literature stemming from the Greeks through the European Enlightenment (especially British and French political philosophers, and later the `German Romantics) to more recent political science, particularly within the American traditions of liberal-democratic pluralism as extolled by Robert Dahl, for example. It is appropriate to refer, then, to Prof Ali Riaz, now the Chair of the Constitution Commission, who recently offered a clear distillation of this idealist discourse into 4 foundational normative principles, namely: popular sovereignty; representation; accountability; and freedom of expression. Later in his exposition (*More than Meets the Eye* 2022) he concludes that 3 attributes are essential to democracy: 'universal suffrage; regular, free, competitive, multi-party elections for legislative and chief executive offices; and respect for civil and political rights, including freedom of expression, assembly, and association as well as a rule of law under which all citizens and agents of the state have true and legal equality' (p 89). We can expect these principles and attributes to guide his present work. At the same time, I am sure he would accept that there is real world behaviour which determines whether such principles and attributes can stand the test of reality—the interface between humans.

The Iron Law of Oligarchy

So to the challenge of **real** behaviour. Let me begin with Robert Michels. Long ago, 1911, the German-Italian political sociologist, used the test case of trade unions to advance his 'iron law of oligarchy'—in other words even within a trade union organisation premised on equality, opportunities, dignity and freedoms, somehow oligarchy inevitably appears and re-appears. And surely, we can all recognise this near universal characteristic of power and leadership. A century later, North Wallis and Weingast described such tendencies in their 'Violence and Social Orders' (2009) and the mechanisms by which the 'natural state' (in their terminology) operates on behalf of expanding coalitions of elites by rationing access and subverting non-state organisations. (I applied their thinking theoretically to Bangladesh in a 2016 paper presented in earlier version of this conference. Indeed in it, I referred to the crypto-fascist state.)

Relative Autonomy of the State

Along the way, other Marxian oriented thinkers advanced the notion of the 'relative autonomy of the state' in the recognition of not one but several competing propertied classes whose common interests against the dispossessed masses (or subaltern classes) needed to be protected from mutual self-destruction. Marx wrote the '18th Brumaire of Louis Bonaparte' (1848-52) to describe this relatively autonomous policing of conflict first between landed property (Bourbons) and capital (Orleanists) and then between industrial and finance capital

in mid 19th century France. In a post-colonial context nearer to home, Alavi wrote in 1972 of over-developed military-bureaucratic legacies of colonialism again relatively autonomous mediating the competition between landed, comprador and bourgeois propertied classes in West and East Pakistan to avoid their mutual destruction in the face of the masses. His analysis offered a historically specific mediation role between competing forms of post-colonial property enabled by inherited overdeveloped state apparatus. Thus for Alavi, relative autonomy was a unique feature of post-colonialism, and an adjustment therefore to his friend Ralph Miliband's 'State in Capitalist Society' whereby the state was a prisoner of the bourgeoisie in a capitalist society.

In contrast to both Alavi and Miliband, Nicos Poulantzas, the Parisian student of Althusser, wrote of the **inherent** need for capitalism (not just in a post-colonial legacy context) to be managed by a detached state in order to save that capitalism from its own inherent contradictions (something that uber neo-liberals have constantly failed to understand, and Trump in the US continues to do so, at his eventual peril). So for Poulantzas, the state was not a prisoner of the dominant economic class. Rather it has a degree of institutional autonomy and power within capitalist society, including transitional ones like Bangladesh.

State Reproduction

Weber assumed much of this and focussed upon how public institutions of the state fed upon themselves through the subtleties of social reproduction of natural authority and 'mandarin' status—natural state, natural authority, 'noblesse oblige', born and bred to rule, the normality of inequality and alienation, indeed the necessity of it with social power increasingly represented as instrumental-rational, or these days, we might say 'technocratic'. Later on in the 20th century, Foucault wrote in similar vein— 'politics' politically hiding behind the everyday deceit of the technical, the normal and the routine, as if they were not politics. My own guru, Bernard Schaffer, dissected the state in these Weberian terms.

Breakdown of Faustian Bargain

Althusser in '*Pour Marx*' saw the necessity for the ideological instance to disguise the brutality of naked power, as exercised through monopolies of the instruments of coercion. When the ideological instance fails to disguise coercion, that monopoly of power gets challenged by uprisings where the risk calculation of death at the barricades is preferred to the prospect of more endurance of alienation, humiliation, loss of dignity and self-worth, engineered by violence. The Faustian bargain (i.e. degraded and subaltern loyalty traded for security) breaks down. Loyalty collapses in favour of voice. Gramsci's pessimism about hegemony is overcome. For the people of Bangladesh this must sound familiar as the rhetoric of liberation and inclusion sounded increasingly hollow in the context of inequalities, ceilings on aspirations and the cheek by jowl experience of relative deprivation in urbanised and digital settings. The earlier *boro lok* monopoly over the narrative lost to the social media.

Can the Optimism of Uprisings Last?

But in the context of Michels's original pessimism around the repeated re-appearance of oligarchy, the crucial question must then be asked: does the optimism of uprisings last? It seems the answer is, mainly, 'not for long'. Revolutions and uprisings are continually and soon betrayed as the process of 'normal' oligarchical behaviour re-emerges. Think of Orwell's Animal Farm. The boss pig was called Napoleon as an obvious analogy to the ultimate failures of the French Revolution. Institutional practices re-assert themselves. Hierarchies re-emerge. Rebels find they cannot govern. Think of Quemada, the great film by Pontecorvo in which revolutionary slaves won and then had to surrender power in confusion on the Caribbean sugar island, their slave labour commoditised, yes, but also made insecure. Parallels with Jim Crow laws in post-bellum United States. Think of Arab Springs—Egypt, for example. Think of the peasant revolutions reviewed by Eric Wolf: Mexico, China, Russia, Vietnam, Algeria and Cuba. Think of Barrington-Moore in his study of the relationship between dictatorship and democracy, arguing that: 'you cannot democratise politics without democratising property'. Think of Iran after 1979.

And then think of Bangladesh over the last 52 years!

To the analyst, then, not much is new under the sun. Back in August 2024, the students very quickly realised that they themselves were not yet equipped to manage the regime change that they had achieved by risking the barricades. The students had to put their trust in the hands of established others with the hope that they could hold the Interim Government accountable not only to their original grievances as it evolved a reform agenda, but also to the millions who quickly rose in support. Are they still determining the room for IG manoeuvre, since increasingly they are not alone in that determination?

Return to Oligarchy? Principal-Agent Problem

But how to achieve a return to democracy, embodied in notions of equality, opportunities, dignity and freedoms, and sustain those notions over time while at the same time needing to 'recruit' necessary expertise and knowledge: to run an economy; to manage money and banking; to avoid runaway inflation; to keep the country afloat in the global economy; to manage the geo-politics; to confront cronyism and corruption; to de-politicise the justice system; to negotiate with organised labour while being fair to disorganised labour; to secure the fading demographic dividend through human capital investment for the near future; to equip the society for the 4th industrial revolution; to manage the Bengal socio-cultural legacy alongside religious sentiment, for the inclusive sake of everyone; to act in defence of vulnerabilities whether poverty, gender, communal, elderly or the insecure? The list can go on. I imagine most of us have already skimmed the recently presented Report on the Economy.

The challenge is immense. And the main challenge is the link between performing these and other necessities of state management and the structural likelihood of any regime in charge

returning to the institutionalised, self-referential, oligarchic concentration of power. In the world of institutional economics, this is a principal-agent problem writ large.

Confronting Crony Excess

Where are the institutions to orchestrate push-back on crony excess?

Let me tell a little story. Mahfuz and Shaheen Anam visited Bath at the time of the defenestration of Boris Johnson in the UK who had epitomised unaccountable social entitlement, which even the Tories could no longer stomach. We at Bath, hosts to the Anams for a couple of days, were horrified and depressed at the **failure** of our institutions to prevent Johnson's appalling public behaviour. Mahfuz, on the other hand, was entranced. He saw what was happening, the defenestration, as a wonderful example of the **strength** of our institutions to bringing Johnson down. A glass half empty for those at Bath, a glass half full for Mahfuz. Salutary.

So, back from the UK to Bangladesh. How to avoid the mistakes of the accumulated past since the euphoria of liberation? How to do the next 50 years differently from the last 5 decades? How should that 'manifesto' look? Where to start?

Transgressing State-Society Boundary

North, Wallis and Weingast, referred to earlier, were adamant that for a society to avoid being fascist, (in the sense of elite management of a mass through denial of rights or voice) and instead for it to become an open-access society, it had to have permanent public institutions independent of and outside the state. There has to be a boundary over which the state cannot encroach and thereby contaminate and pollute the society for the benefit of regime occupants of the state at any one time. State and regime are not the same—but the latter can contaminate the former. In other words, we should agree with Gramsci that the hegemonic formation of political society through incorporation and subversion of non-state institutions, as we have seen in Bangladesh, must be resisted.

But this is where we cannot avoid politics.

It is never enough to legislate this state-society boundary, for example in a Constitution. (And I acknowledge that Prof. Ali Riaz sees the need for its re-writing, to ensure this boundary.) Legislation is necessary but rarely sufficient. Real power does not respect paper agreements and accords. That is the persistent lesson of history. That boundary between the state and independent public institutions in the society can only be maintained through effective countervailing power. This is the contemporary threat of Trump in the White House.

Confronting the Oligarchy: Taming the Leviathan

So when we talk of re-structuring institutions, this has to be as much about social process and politics as about internally reforming state institutions themselves. It has to be about the sustainability of struggle, of the social forces which can successfully confront the iron law of oligarchy. In 1999, I was here with Pierre Landell-Mills the then recent Representative for the World Bank and co-author (with Serageldin) of much of the Bank's earlier work on governance. Our mission on public institutional performance resulted in his text: 'Taming of the Leviathan' (2000). Again the Leviathan has to be tamed. A start has been made.

What is there to build on in terms of critical social process and politics? In the history of liberated Bangladesh there has been the discourse and a practice of empowerment and civil society. The country has gained a global reputation for the role played by development NGOs and Grameen Bank, seen as a path breaking 'development model', and awards and honours have followed. However the early application of concepts of conscientisation and empowerment, especially derived from Paulo Freire's 'Pedagogy of the Oppressed' and the work of Regis Debray 'Revolution in Revolution', became increasingly watered down in favour of compromise and retreat into technical service delivery and thereby limited in aspiration and design with respect to the democratic project. We can see this as successive NGOs opted for the quieter life as not-for-profit service organisations, building huge apparatuses and organisational entities resembling the state in form and reach, with Bangladesh in danger of becoming two or more states in one society. And of course, some NGOs have paid a price of not accepting incorporation and being harassed and muzzled and have disappeared or been marginalised. Hegemony by definition is hard to counter. The Leviathan in strong.

Responsibility for Shrinking of Dialogic Space

In recent years, the discourse among the remnants of civil society and their donor supporters has been increasingly around the shrinking of space for civil society. Actually I have preferred 'the shrinking of **dialogic** space' to draw attention to the necessity of dialogue with the state at any one time. But who has been responsible for this shrinking? Even when Bangladesh was gaining a distinctive and positive reputation globally for its de facto development model through its NGO movement, significantly during military regime periods, there was a fragility to such a political settlement—around the problem of the Franchise State. And ironically that fragility was especially revealed when political parties returned to 'elected' power in the early 1990s. And even more ironically in recent years when increasingly there seemed no space in the country for a notionally elected ruling party and other civil institutions seeking to defend and improve the lives of the people. We have all witnessed the details of that.

Rights and Correlative Duties: The Necessity of the State

Before engaging with the issue of attribution for this evolving democratic deficit, let us consider the parallel discourse around rights—human, political and social. We do so because it illustrates quite directly the intersection between state and society, and the constant need for both the presence **of** the state but only alongside the constant need for vigilance **about** the state. Within the theme of this conference there is a strongly implied definition of rights in terms of equality, opportunity, dignity and freedom. Such a definition, with nuances, is replicated as an aspiration in many societies across the world, but rarely realised in full, which is North's point about open access societies rarely appearing in reality. And of course, in some societies there is no attempt to even promulgate such rights—authoritarian state examples abound. Bangladesh is virtually surrounded by them or within travelling distance like Afghanistan, or Singapore.

But let us agree that the peoples of Bangladesh and indeed Bengal more widely have a fine tradition of seeking a broad and inclusive definition of rights, even if frequently honoured in the breach by paranoic governments—colonial and post-colonial. But rights cannot exist without the state performing the correlative duties to uphold them. This is the necessity of the state. Rights having been fought for, can only then sustainably exist within a concept of law which is universally and equitably applied to a nation's citizens without preferentialism and favour. It is law which confirms the permanency and immutability of rights. They cannot be guaranteed voluntarily by non-state institutions, however well-meaning and established. That has always been the limitation of NGOs.

But that means the state has to be trusted with such correlative duties, whereas we have already argued that regime powerholders who dominate the state, at any one time, increasingly serve their own class, family or institutional interests to the exclusion of others. There is an inherent contradiction therefore. The iron law of oligarchy denies the open access society.

What Happened to Social Vigilance? Mission Creep?

To re-emphasise. There is a structural determinism, arising from the contradictions of capitalism, for a relatively autonomous state, semi-detached from regime-specific interests in order to 'appear' to serve the equitable rights of the totality. But this structural imperative is not an automatic guarantee of equitable service, since even the relatively autonomous state itself suffers from the iron law oligarchy re the masses. So the bourgeois illusion of inclusive and equitable delivery of rights can only be made real through external and eternal vigilance performed through social and political process i.e. institutions of accountability sustained through struggle and mobilisation. And yes, sometimes in extremis, that entails personal bravery. We have got used to calling that vigilance and social process -- civil society. But in Bangladesh that has become increasingly a misnomer with the notable exception of parts of the Press, TIB, some think tanks and legal groups and a few local NGOs. The wider reality has been that in the face of oppression it has been tempting to retreat below the parapet.

This is why in a piece for the Daily Star earlier this year I argued that not all NGOS can be considered part of civil society, though they might be 'not for profit' entities in their services mission. And other organisations have appeared to be part of independent civil society when in effect they have been instruments of the ruling party in government—student factions, for example, but also within youth and trade union organisations too. In the history of liberation in Bangladesh it has been a story of NGOs starting out with mobilisation agendas to perform vigilance and rights functions but over time retreating from that purpose into the relative security of service provision. Of course, I understand that some service provision is intended to support the agency of the recipient, but that individual agency, in the market as it were, is no substitute for collective agency seeking rights. In other words the civil society story has been one of goal displacement, or in yet another language mission creep, with the notion of civil society damaged in the process.

The regime-state boundary: the permeability problem

This ironic story of liberation in Bangladesh, therefore, has been the decline of vigilance and meaningful and effective means of accountability which has resulted not just in the untrammelled power of ruling parties in government but also contamination of the state itself, the blurring of the second boundary between regime interests and the state as a bearer of rights. Therein lies the issue of attribution. It is shared. To uphold its rights duties, the state requires civil society to defend the state's relative autonomy from its oligarchic self as well as oligarchic regimes. The triangle shares the blame—all apexes have failed. through boundary blurring and mutual incorporation. Permeability, in other words. No checks and balances.

We have obviously seen this in the justice system from top to bottom, and in the connected agencies of the state such as police and para-military organisations. The position of the army has been interesting in this respect. Perhaps because of external pressures and leverage, during August this year it sided with the preservation of the state in its relatively autonomous form rather than the ruling party, the regime powerholders. It maintained that boundary between state and regime and the corresponding division of functions. In another formulation, we could say it opposed through abstention the further capture of the state by the regime.

Competences and Governance

Returning then to the theme of the conference (i.e. restructuring of institutions for equitable and sustainable development) we are distinguishing between improving the efficacy of key institutions around justice and fairness, and the social processes embodied in freedoms required to ensure that efficacy. Clearly there is a job to do to recover standards of governance and the equitable competences that are part of good governance. And of course, there is always the key dilemma of who guards the guardians of our rights and security which is where the functions of vigilance and accountability comes into play. I dwell on two examples: justice and state officialdom.

The Infrastructure of Justice

Inevitably this restructuring agenda has to be retrospective as well as prospective. Large-scale and blatant rent-seeking of the past, alongside other misuses of power, has clearly been an affront to the interests of ordinary citizens and has to be condemned. This means that the justice system therefore has to be tackled and 'cleaned up' in order to be fit for purpose—for now and into the future. I have ideas but no time here. But in summary in Rawls's words, there has to be 'an infrastructure of justice' established, indeed established for the first time given that the inheritance of colonial justice is essentially an oxymoron.

Restoring 'Public' Service: A Truth and Reconciliation Commission?

A similar agenda applies to the civil services from the secretariat, directorates, quangos, district, local government and forces of law and order. The Election Commission itself cannot be left out of this agenda. The Public Services Commission and Establishments Division have presided over a network of patronage via recruitment and promotions for years. Clientelism has been everywhere. Political interference has been rife. 'Office', with rent-seeking potential, bought. The culture of **public** service has to be established. There can be no trust in the state without such cleaning. I see an attempt to address this in one of the Commissions, led by an exceptional exception to the description above.

While it may not be possible to confront pervasive bad past behaviour and performance through legal redress some version of a 'truth and reconciliation commission' might itself restore the dignity of wayward public servants, enable their careers to be reset, and establish a principle of irreversibility to prevent future slippage.

Restoring Dialogic Space: Continuous Young Activism

Clearly from above 'supply-side' arguments, the other side of the coin is the re-emergence of civil society defined in this argument as vigilance and accountability and the mechanisms of dialogue between that re-invigorated civil society and a cleansed state. This is where the onus of responsibility now lies with a new generation of social and political activists, located across a breadth of non-governmental organisations and interest groups alongside, of course, political party activity directed at the non-violent competition for political office. There is an emphasis here on the mechanisms of dialogue, independent of state. But in reality that independence can only be maintained through the continuous process of dialoguing about the rules of dialogue themselves! That is how a society moves from basic natural states to maturer ones, according to Douglas North.

But to remind ourselves, the key issue here is a new generation of activists who can speak truth to power without threat of sanction, and without the monopoly intermediation of educated elites. Us!!! And, one should not have to be brave to be a citizen. But we must also accept that such activism is as much about struggling for the process, the space, as for the substantive issues at stake. This principle of space embodies the two elements of freedom:

freedom **from** state constraint, unless one's freedoms are intolerant of others and violently asserted; and freedom **to** advance critical thinking without fear, without the need to be brave.

Security of Agency

For me, these conditions deliver 'security of agency' (an expression which I prefer to 'capabilities' as being more embedded in the social) as the bedrock of keeping democracy alive. And security of agency embraces the principles of equity (if not equality), opportunity, freedom and perhaps above all, dignity, itself a function of respect. These principles set an alternative path to regime contamination of the state and the society which alas we are witnessing worldwide. Let the glass be at least half full again with institutions that actually protect us. Be not afraid of a permanent and continuous revolution to keep those institutions fit for purpose.