

**Politics of opportunism**  
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It has been reported that the DAP will support the forthcoming BN's anti-hopping law. When strange bedfellows concur, that's always a sign that Malaysians should look at this issue objectively and be wary of moral cheat-thumping by politicians.  
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Clearly, the root of the problem lies in the nature of the parties themselves that they breed turncoats, 'careerists' and opportunists. We know that the BN's biggest concern at the moment is the enticement of their MPs into the new Pakatan Rakyat. The DAP, through its dappled history has been continually plagued by party hoppers. Traditionally, it has tried to deter would-be hoppers by making all candidates sign an agreement before they stand in the elections but such agreements will not necessarily stand up in a court of law.

PAS also had an ADUN (Nordin Salleh) who hopped into Umno in 1992 and the subsequent Kelantan state constitutional amendment to prevent party-hopping was declared unconstitutional by the Supreme Court in 1992. Then in 1994, we even saw an entire Parti Bersatu Sabah hopping to the BN after it had presented itself as an opposition party at the 9th general election.

So what? Like most things in life, you cannot legislate fuzzy morality that clashes with fundamental liberties. When parties celebrate their 'ideology-free' political platform and thrive on careerism and opportunism, this is what we are going to get. They cannot then pass a law to prevent their opportunist politicians from hopping to other parties.

From a legal point of view, I am inclined to agree that such an anti-party hopping law will contravene a fundamental liberty, viz. the freedom of association in Article 10 (1) of the Federal Constitution. This principle has been upheld in the Supreme Court judgement (DUN Kelantan & Another v Nordin Salleh & Another) of 1992.

Article 10 (2) allows the circumvention of this right only if 'necessary or expedient in the interest of the security of the Federation or any part thereof, public order or morality'. But we did not see the Federation in any danger even when the PBS hopped en masse into the BN in 1994. We normally attribute such extra-sensory powers to perceive threats to national security to the BN Home Minister!

More fundamentally, the constitution does not restrict candidates for elections to members of political parties. Candidates sign nomination forms as individuals and not as representatives of their parties. That is why we can stand as independent candidates under an array of exotic symbols. The fact that some voters vote for a party and not for an individual is incidental to this fundamental legal point.

If some people are morally incensed by party hopping, yet others are outraged by the continued practice of 'seat grabbing' – usually by the elite in the party who think they are indispensable in the Federal Parliament and State Assembly in the same term! If I am not mistaken, this is the only country where such a greedy habit is practiced.

For sociological interest, this tends to be the practice among the petty bourgeois class who still harbour a scarcity mentality and will try to convince you that they can manage to look

after both their parliamentary and state constituencies with ample assistants. The bourgeoisie in the BN have more discreet charm and eye much bigger prizes than such messy inconveniences.

Should we then pass a law preventing these party elites from 'grabbing' both federal parliament and the state assembly seats in the same term? The simple justification would be that this practice does not do justice to the respective constituencies and it squanders the democratic principle of representation.

Unfortunately, the law is silent on this and neither is the constitution's role to police the politics of opportunism.

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