An Inquiry into the
Forms and Functions of Civil Society in Nepal

Dev Raj Dahal[1]

Introduction

Civil society is a critical mass of human associations, identities, networks and movements of citizens formed to shield themselves from the arbitrary actions of the holders of power and wealth and cultivate their public will and action. The contemporary civil society discourses transmitted by citizens all over the world have refreshed universal values of human rights, democracy, justice, peace and rational order. Sustained defense of public interest has been the only recognized common denominator of civil society though citizens from various stripes can situate it in numerous ways suitable to their contexts. Socialization of self-seeking nature of human beings towards civility through the normative processes of education, communication, laws and institutions has remained a historical project of sages, scholars, scientists and statesman.

Transition of the state of nature to civil society has created a condition to secure human freedom, basic needs, social pluralism and solution of the problem of collective action within various micro and macro systems**.** The desire of human beings for society with other human beings and abolition of the state of nature has established the *raison d' etat* of state with legitimate monopoly on power. But, without the civilization and moralization functions of society, it would be difficult to overcome the challenges posed by the state and "post-national constellation" (Habermas, 2001:58) of forces. Post-national tendency of science, trade, commerce, human movement and sources of threat produce an "anarchical society" (Bull, 1995:63) lacking a sovereign for global governance. The evolution of international cooperation is necessary but not a sufficient condition for the creation of common ground of all the actors of governance to a shared stake in mutual survival, justice and peace.

In this new context, some civil society groups have liven up a strong social feeling of a democratic community while others are susceptible to imperil it by a lack of civic virtue. True civil society is disposition of human wills to selflessly serve others and a basis of community building. In Africa, torn by tribal conflicts, civil society purports to establish a national culture by resolving a tension between the authority of customary and civic power. In Latin America, civil society discourse is pivoted on seeking the autonomy of politics and development. In Europe and North America, it is concerned with the liberation of people from techno-bureaucratic domination. In Asia, civil society is concerned with recapturing the spirit of local self-governance rooted in popular sovereignty. The functions of civil society very much depend on the nature of the state, the market and international regime because they define the space for its role, legitimacy and social utility.

What sort of civil society can moderate the state of anarchy and attain stable peace? Immanuel Kant finds this answer in civil constitution of a democracy where human beings as rational creatures are ends in themselves. The liberals find the utility of civil society in cultivating the harmony of freedom of economy and functional interdependence, the political realists in the balance of power and idealists in the establishment of world government. How does civil society defend the supremacy of public in a world dominated by the anarchy of wills of powerful actors? How can they develop consensus out of varied traditions of civil society, such as right-based vs duty based, utilitarian vs charity-inclined and legal vs ethical norm-mediated one? How does civil society invent knowledge to mediate these competing traditions taking into account different contexts such as industrial and agrarian, core and periphery and

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[1] Dahal is head of Nepal office of Friedrich-Ebert-Stiftung, Kathmandu

developed and least developed and even indigenize the rationalistic, industrial and modernist tradition of Western social sciences in rural, agrarian and folk Nepali context and combine reason and faith in public life and public policy? This paper attempts to explain basic value premises of civil society, main contending approaches, the fusion of ritual and rationalistic Nepalese tradition, its relations with state, society and market, political culture and development discourse.

Basic Value Premises

Pre-modern politics is based on hierarchy, exclusion and inequality and governed by natural will of citizens. Modern politics is based on subdiarity, inclusion, equality and participation and governed by rational will of citizens. "Democracy loses meaning if both rulers and ruled cease to be a part of a community tied to a specific territory" (Kaplan, 1997:12). Effects of associational revolution and the growth of neo-institutionalism have been salubrious in terms of deepening democracy, broadening the social base of politics and attaining human identity. Due to diverse nature, size, complexity and orientations civil society groups have offered countless channels for popular influence in public affairs. It has democratic bearing on politics and human progress. Participatory and people-centered development endorses collective decision-making with the participation of all affected by the decisions.

Unending scientific and technological change is the cornerstone of secular modernity and the evolving complexity of society from the fused to the diffused model. The current leap into pluralist modernity has marked the transition of society from pre-rational to rational, inherited to self-chosen and *Geminshaft* to *Gesselshaft*. The technological and ideological processes are marking a shift of social integration process from vertical to horizontal innovating new and flexible organization, management, leadership and human relationship. Scientific revolution has brought a change not only in the rationality of thinking but also in the mode of production, institutional and cultural change and the separation of religious faith from scientific and social scientific reason. But, warns Kaplan, "If democracy, the crowning political achievement of the West, is gradually being transfigured, in part because of technology, then the West will suffer the same fate as earlier civilizations (1997: 12)."

Society's power to self-organize, articulate, aggregate and communicate rests on the civic capacity of citizens to generate soft power of ideas and initiatives and lower the economic cost of cooperation. There are three dominant spheres of human society: *homo politicus* is the habitat of politics that fosters freedom and rights of people, *home economicus* is the home of economy that helps to realize human needs through production and exchange; and *homo cogitans* is the abode of knowledge and enlightenment that helps to emancipate the people from the irrationality of society for self-fulfillment, bliss, happiness and peace. The indispensability of civil society for human life has been aptly described by Ignatieff: "Without civil society, democracy remains an empty shell; without civil society, the market becomes a jungle" (1995:6). The core values underlying civil society are:

- *Freedom, social justice, solidarity* and *peace:* These values are mirrored in the three generation of human rights, equal voice in participation, discursive contestation of dominant ideas and institutions and openness of public access to institutional resources of governance.
- *Intermediary and mediating associations to facilitate the collective life of people*: Civil society prevents the societal dualism and extremism by creating overlapping interests, common ground and associational sociability for the peaceful mediation of disagreement and conflict.
- *Link base to super structures, particular to general interests and macro to micro processes:* Civil society helps the formation of cross-institutional social capital at various layers for cooperation, coordination and collective action.

- *Consciously oppositional to hegemony, domination, coercion and anti-democratic spiral:* Civil society seeks the maintenance of equilibrium with the state, the market, and international regime and regenerates democratic public life.
- *Means for public opinion and collective will formation:* The public communication function of civil society helps the removal of false consciousness including the manufacturing of consent so that ordinary people do not find a mismatch between the words and actions of their leaders. It liberates them from indoctrination and manipulation of their consciousness.
- *Protective of collective and social good:* Civil society strengthens public sphere where public issues are debated, refined and endorsed for resolution and implementation.
- *Promoters of civic virtues:* The essence of civil society is character building for citizenship through continuous civic education, moralization of public and private life and humanitarian action.

The Main Contending Approaches
The main contending schools of civil society can be subsumed under the following headings:

Social Contract between the State and Society: Greeks tradition of discourse, Roman laws, contractual instinct of Thomas Hobbes, John Locke and Jean J. Rousseau and utilitarian tenet of J. S. Mill defended the entrenchment of property rights to provide the solution of the state of nature, creation of sovereign authority based on general will and constitutional state for the good life of citizens. They believe that individual freedom, innovation and public order are means to achieve highest end of politics—attainment of plural human existence (Arendt, 2005: 202). Liberals consider civil society "a public space" for communication, deliberation and lobbying to influence the decision of officials for the well-being of all citizens.

Class Mediation of Political Power: Marxists consider civil society a "bourgeoisie space" which has the potential to mediate class differences while post-Marxists consider it an imposition of the ideology of ruling class what Antonio Gramsci calls "hegemony." The radical left forces consider civil society "a petty bourgeoisie sphere" as they coordinate the class position thus becoming an obstacle to the structural transformation of society.

Communitarians: Robert Bellah, Michael Walzer, Amitai Etzioni, Jean Bethke Elshtain, Robert Putnam and Mary Ann Glendon think civil society a "community-building project" against the tendencies of both the state to hierarchise society and the tendencies of market to capitalize society. They are "skeptical of the rights-oriented, legalistic and interest group politics of the liberal state" (Boynton, 2003:25). Etzioni argues that "to have a civic society is insufficient," for "a virtuous society requires a core of shared values and common ground" (1996: 93). His golden rule combines moral order of society based more on ethical commitment than law and autonomy of individuals to live a full life in social space.

Third Way Approach: This approach is articulated by Tony Blair, Gerhard Schroeder, Anthony Giddens and Thomas Meyer. They view civil society as people's institution to trigger emancipatory politics and restore social justice in society smashed by neo-liberalism and bureaucratic and praetorian variety of communism. The third way sought a golden mean of politics to addresses the challenges of third wave technology, globalized economy, social movement, ecocide, conflict, violation of human rights of minorities, etc. Giddens' argument for the autonomy of civil society from the government can be possible if they serve the institutional centers of rights and freedoms and create overlapping public spheres (Tucker, 1998:176).

Critical Theorists: Jurgen Habermas following Kantian tradition views civil society a means for the "liberation of life-world" from the oppression of the modern mechanics of power. He views that rationalization of the system can facilitate the communication between the people and the system. Only people-centered development can mediate "social integration" and "system integration." John Rawls defines the principles of social justice to assign "rights and duties in the basic institutions of society and the appropriate distribution of the benefits and burdens of cooperation" (1972:4) so that people have common background condition for competition. Emancipation "takes place whenever people are able to overcome past restrictions that resulted from distorted communication" (Capra, 2004:69).

Nepalese Civil Society: Ritual or Rational?
Civic ideals are not only the monopoly of any particular civilization. Vedic civilization of South Asia around 2000 BC marked the age of enlightenment when the use of *dharma* (virtuous conduct), *shastra* (ethical treaties) and *shastrartha* (discourses of all in public places) shaped the knowledge and attitudes of citizens and rulers towards different institutional ordering -- *barnashram dharma* (social division of labor), *raj dharma* (ethical statecraft) and *sanatan dharma* (cosmological duty) of human action (Dahal, 2008:154-162). Unlike Hobbes who considered human nature self-seeking and brutish Hindu-Buddhist philosophy defines human nature as divine. The purpose of enlightenment is to attain this divinity. The righteous conduct of *dharma* emphasized the need for the dissolution of ego for *nirvana* (enlightenment). Societal self-organization has, however, emerged much earlier than the formation of state and the dispersion of powers. Balancing forces existed in the sphere of rule, religion and society and regular discourse bridged the gap between those who knew and who did not and made all morally conscious of their authority and responsibility in society. It helped to civilize the use of power.

State in the Vedic and post-Vedic age did not monopolize the powers of society and institutionalize gender, caste and religious inequality. It was a duty-based society which linked individuals to human values and social context and sought to achieve higher order than self-will and self-interest. *Rishis and munis* (sages and ascetics) together with kings and subjects created a vision, set social codes and standards, like modern constitution, and led societies to ordered lives. King Janak, Gautam Buddha and Ram Shah linked politics more to the moral and spiritual domain than constitutionalism and domination of reason. The classical Nepalese aphorism "Go to Kashi if treatises are lost, go to Gorkha if justice is denied" captures the condition of Nepal's traditional social life. Hindu-Buddhist religion did not deny the possibility of rational discourse rather they contributed to its formation. Still, the South Asians' concern is more on mutual prudence and accountability of state and society to each other in a web of duties than rights for the creation of peaceful society.

The charity-based *ashram* (common homes for sages), *gurukuls* (residential schools), *ghats* (old-age public residence), public inns, etc in Nepal and India still resonate the resiliency of ancient civil society (Dahal, 2001:21-24) in socialization and character building. The growth of civility in Nepal can neither be de-linked from the sedimentation of genealogy of traditional knowledge nor the oppression of power during *ancien regime* of various sorts though structural context of topographical, social and cultural diversity and classical treatises of Nepal offered civic groups an opportunity to inspire dissent, freedom and emancipation of oppressed. "Tradition is not merely a pre-capitalist residue but a structural determinant of civil society and the state" (Shaw, 2000:49). The fusion of the reason-based Western intellectual tradition with the faith-based Nepalese scholarship has hybridized the political culture of Nepalese society. The result is: knowledge is de-linked from its accountability of social reforms and transformation because this fusion rid the Nepalese intellectuals from spiritual discourse and their engagement in the public sphere.

Decline of Faith and Revolt of Reason
The modern civil society movement in Nepal marks the steady decline of *dharma*-based politics, cohabitation of public intellectuals into the materiality of state power and the opening of larger society to class based politics, its representative institution (political parties) and rights-based civil society (trade unions and human rights groups) through the growth of new ideology and political economy. In some cases, for example, women, indigenous, Dalits, ecology, peace, etc and their movements are undertaking "inversionary discourse" (Apter, 1993:33) through social movements and transcending class-based, patrilineal and patrimonial political culture and its development discourse. The social movement has become a "structuring force in the moral development of society" (Honneth, 1995:93). But, it has not opened civil society to each other to embrace social learning and transcend primordial, ethno-territorial and communal politics. Societal civility and social learning cannot grow if civil society becomes group-enclosed, develops patronage character and, for their own purpose, ignite hostility at the social, political and territorial level.

Many civil society groups of Nepal at the grassroots level have performed important roles in education, health, community development, network building, organizing discourse, providing relief to the needy and social cooperation. These efforts have also provided sustained impetus to a peaceful transformation of Nepal's political structure and political culture and capture the essential conditions of modernity. The silent social revolution carried by civil society groups in thousands of villages and towns of Nepal has provided the political parties and the general citizens' vital social energy to speak, agitate and reclaim the sovereignty rooted in them and rationally shape the power relationships in society. What marks a difference between a ritual and rational civil society in Nepal is that rational civil society is self-chosen by the citizens themselves and emerges from a process of rational contestation of ideas about good life while ritual form of society is group-enclosed, ascriptive, inherited and non-discursive in orientation. The effects of domination of reason-based over the ritual one is clear: The invisible threats of rational society springs from its power excess as they "lay seize to the citizen's vulnerable environment" –their benefit calculation infiltrate the old "unconsciously known traditions and take root in pre-political, private and family spheres" (Assheuer, 2009:23).

The Nepalese civil society groups have now begun to contest the relationship between popular sovereignty embedded in individual liberty and representative democracy legitimized by majority rule and between group rights and individual rights. In this contestation they naturally defend popular sovereignty rooted in human rights and the accountability of power to those affected by its exercise. Still, what is crucial for them is to act as a unifying symbol of popular will, prevent the possible anti-democratic spiral in politics, economics and social life and foster a culture of constitutionalism. In search of good life Nepalese citizens have invented *vision and values*, formed *structures and institutions*, defined the institutional *environment where they had to operate* and left their *positive impacts* on the life of ordinary public. Locating Nepalese civil society groups requires us to see their relationships with other actors of governance.

Changing Nature of State--Civil Society Interface
Nepal has undergone through various nature of state system: patrimonial state (PN Shah), extractive state with all sorts of technology at its disposal to crush disobedience (Rana Regime), welfare constitutional (1950s), authoritarian and centralized state evolved as a critique of mass culture (Panchayat), neo-liberal subsidiary state which celebrated consumer culture (1990s) and fragile state (2006-)now as it is encircled by widespread revolt, social movement, armed groups and external penetration. Analysis of the state on the basis of internal power structure (composition of pressure groups, system of election in the party and parliament and selection of public authorities, judiciary, autonomy of disciplinary and public service institutions), its embeddedness in society, its relation to the system of power and authority, and its autonomous roles in governance and development is essential to understand what determines its public life.

State-society relations are generally mediated by representation, interface between society and public authorities, legitimacy through law and politics, media that illuminate substantive social issues, rational construction of social and political order rooted in constitutionalism and cycles of public policies and programs. The election of Constituent Assembly and subsequent public consultation reflects further the opening of the state to the perspectives of diverse civil society groups to position itself to various stimuli, feedback, and adaptation including state restructuring to address class, caste, ethnic, gender and regional imbalances and eliminate the structural causes of conflict.

Nepali state, as the only locus of democracy and central organizing element of foreign affairs, is now very weak to mediate between citizens and the polity and build the state wholly supported by its own tax resources which contributes only 12 percent to GDP. A decade-long Maoist insurgency and counter-insurgency operations by various governments have eroded the state's monopoly on power, taxation and loyalty of citizens, exposed the deeply undemocratic and corrupt character of political classes and corporate behemoths and clientalist of policies of key donors. It is the civil society groups which have been complementing the development and political functions of the state and provided the resiliency to citizens' initiatives to cope with their needs for justice, peace and identity. The social movements of civil society helped to liberalize the nature of traditional politics from status-bound to social contract, altering the functions of state and seeking to universalize the human rights of Nepalese citizens. The vision of civil society groups based on freedom, social justice, solidarity and peace-building will continue to hold relevance for Nepal as universal reference points to improve the condition of Nepalese citizens caught in poverty, inequality, hierarchy and patriarchy and combat post-modern inclinations of intellectuals defined by a spirit of cynicism, estrangement and withdrawal from national affiliation. The task ahead is how to establish a symbiosis of interest between the sectoral social action of civil society groups and national action of the state and make both sets of actors inclusive, visible, representative and accountable to larger public action. Building strong networks of association can lead to enhanced faith in the possibilities of modern politics, law, ethics and morals and build up a sense of ownership of citizens in the state.

Democracy requires not just political and economic institutions but also voluntary social and civic ones to mediate power and wealth in society, create checks and balances and hold the state and market institutions accountable. Modern civil society groups have equally played a role in the construction of citizens' civic identity and emancipate people from their pre-rational, pre-political, non-political and anti-political orientations through the project of education and enlightenment. As an infrastructure of democracy constituted through citizen-based initiatives they set a strong social base for true participatory democracy. In the field of democratization what is challenging for Nepalese civil society groups is how can they overcome their partisan character, develop autonomy from the interest groups, build coalitions across the various civic group, enable socially legitimate collective action on matters of public good and affirm that political action can be affected by what Gandhi calls "non-violent means."

Participatory democracy driven by information revolution does not become functional if civil society groups do not generate the habits of debate and offer political leadership effective opposition and competition on matters of public and national importance. It is imperative for the Nepalese civil society to take interest in the open-ended politics of Constituent Assembly and ensure that the questions of common good such as constitution, public security, peace, democracy, livelihood and national identity are not neglected even for the marginalized and a rule-governed public order is evolved.

Social Microcosm and Civil Society

The irreducible pluralism in Nepalese civil society reflects not only diverse life-forms of the nation's class, caste, ethnicity, gender, region and religion but also an essential aspect of a

democratic society. These groups draw sustenance from this diverse ecological and social contexts and historical spirit of citizens' "community-mindedness" and "public-spiritedness" entrenched into the political culture of duty-bound behavior, *dharma* and its liberation ideals—emancipation of all citizens and not just those of the oppressed. The social diversity of Nepalese society with 103 ethnic and caste groups, over 93 languages, multiple religions and practices made it impossible for the state to silence the noise of freedom, justice and peace for a long time under all regimes—monarchy, Ranacracy, democracy, Panchayat regimes and multi-party dispensation. Tolerance to liberal values has provided Nepalese citizens rich associational life, a culture of autonomy, mutual trust and cooperation. Democratic impulses have also broke the social closure for Dalits, women and underclass in public life and the illusion of perpetual calm in society though many political parties still nurture parochial politics of negation.

The concept of *dharma* played a role not only in socialization and civilization of citizens but also in their Kant called "moralization" (Hastie, 1891:20-21). The decadence of this culture followed with the propensity of intellectuals and rulers to think for themselves first before the nation and people (Devkota, 1997:35) and minimal interest of wealthy in social investment and change. One reason is that political leaders as a role model under different regimes seemed "concerned more about their personal, clan and party gains than about national welfare" (Shrestha and Bhattarai, 2004:34). The other reason is that there was no real understanding of the notion of democratic accountability and the crucial counterweight of media, civil society and judiciary. Recent democratic upsurge and integration of the movements of subsidiary identities is a good example of how social capital operates in Nepalese civil society and how basic value changes are orienting the citizens to self-expression and freedom of choice in the negotiation of a new social contract based on the discursive formation of laws. A healthy social transformation requires all adults to undergo sustained civic education encouraging critical thinking and values able to carry out public responsibilities to provide expression and representation of public in the rational reconstruction of the nation's future.

The central challenge for Nepalese civil society groups in the realm of "social" now is to expand the domain of particular form of social capital, such as *guthi, dhikuti*, *volunteers associations*, public-interest federations, micro-credit associations, Community-Based Organizations (CBOs), Non-Governmental Organizations (NGOs), etc located at certain place into the national scale, beneficial to various communities (Bhatta, 2003). This helps to transform diverse people into equal citizens corresponding to the expansion of their rights from civil and political to social, economic, cultural and ecological and avoid the new sources of conflict induced by new social formation of individualization of social inequality introduced by modernization itself (Beck: 1986: 21 and 99). In every political change of 1950, 1960, 1980, 1990, 2006 and Madhesi movement of 2007 new groups of people are entitled to come to power but they have also fanned class, caste, communal and ethnic resentment against other groups thus leaving the excluded society face contradiction, tension and collective stress. The civil society groups in Nepal, supposed to be liberated from prejudice, hatred and cant that grip the nation's political culture, should work to find the solution of the problems of blatant disregard for good governance through the regeneration of democratic life and the recognition of shared national identity.

Civil Society and the Market
Market cannot be de-linked either from society or from politics as it is embedded in certain ideology, actors, institutions and incentives. It requires a reliable system of property rights, contract enforcement, rule of law and conflict resolution mechanism. Economic decisions are made by politicians and economic policy has attendant affects on politics. Market fosters efficiency, the ability to fight, not equality and free will. It rewards those who can compete in the market transactions, not those who are inefficient and dispossessed. Nepal has more than hundreds of pockets of markets not articulating to each other and even in some cases strongly

monopolistic in tendencies. Its implications for majority of people living below poverty line facing shortage of natural resources, climate change and erosion of the natural foundation of life are enormous. In Nepal, the implementation of class-blind neo-liberal policies founded on Washington Consensus disrupted not only constitutional vision of social justice and equilibrium among the executive, legislative and judiciary branches of the government but also a balance between labor and capital. Nepalese policy makers socialized in a different educational context and far removed from local society read the farewell of nation-state in the 8th Five-Year Plan, ignored macroeconomic realities and compounded economic ills of masses in favor of economic growth.

Retreat of the state from segmental market institutions made poor vulnerable and created insecurity to the middle class—the mediating agencies of society. State took the side of capital and the middle class left the society of their origin and is attempting to migrate in safer areas. Democratization was not consolidated because post-democratic regime did not enlarge, rationalize and modernize public institutions and expand productive sector of economy corresponding to population growth. Methodological destruction of public enterprises and privatization of essential services, such as education, health and communication for rents (Ghimire, Kinley and Shakya, 2000) reflects the failure of political classes to fulfill their democratic mandate and enable public sector to play strategic role in investment, production and trade. Market economy, like democracy, cannot function in the absence of institutional vision of strong government policy, social support and security. Ironically, de-industrialization in Nepal compressed the process of social modernization and the growth of a democratic citizenship. The primacy of market over democracy allowed governments skate back politics "into the control of privileged elites in the manner characteristic of pre-democratic times" (Crouch, 2004:6) and transform citizens into economic migrants, jobless workers and consumers. Civil society has to prevent this counter-revolution of elites against the egalitarian effects of democracy.

Globalization has internationalized the Nepalese market. But, it has also contributed to the regional and global participation of national civil society and ignited fresh reasons for hope from a sort of global political renaissance articulated in the social charter, emerging social movements and world social forums. The universality of human rights has endorsed the legitimacy of the plurality of liberal values in the country. But, political sovereignty would be meaningless if there is no "policy sovereignty," to enable the Nepalese decide the type of political, economic and social system they prefer for themselves and their children. The competitive spirit of the Nepalese citizens, farms and the state, however, requires strong economic and social foundation of politics. Nepalese civil society groups can help the leadership to articulate the policy sovereignty of politics in economic matters, define national priorities for action, seek the support of international community and achieve the economy of scale through market efficiency and social integration. There is also an imperative to build trust and seek the synergy of civil society-private sector partnership, politicize the welfare state policies and enable the fragile state to assume basic governance functions—security, rule of law, voice and participation, delivery of public goods and conflict resolution.

Political Culture
Genuine civil society groups lubricate the scope of cooperation, radiate trust among diverse citizens and animate the power of rural society to converse their interests to political power. Civic culture cannot be evolved simply by "making institutional changes or through elite-level maneuvering" rather it is based on the "values and beliefs of ordinary citizens" (Iglehart, 2000:97). Character building, says Gandhi, is the aim of education. One must make a distinction between economic society like chambers of commerce and industries which works under the utilitarian domain but also spares part of surplus to public welfare and those which works only for pecuniary motive such as commercial banks. Similarly, these groups differ exclusively from social and cultural associations in Nepal such as *Guthi*, *Mithila Samaj*, *Rhodi, Dalit Utthan*

Manch, literary society, artists' group, etc formed to sustain cultural resiliency and jolt alive civic spirit from deep snooze.

Compared to cultural groups, however, educational and informational associations are more secular but in no way they can claim their autonomous identity above partisan politics. A number of civic groups organized to protect class and professional rights such as trade unions and federations of locally elected bodies, consumer groups, irrigation and community forestry, etc have larger membership and are better organized but their formations are largely partisan rather than holistic as they are group-closed and discipline-bound. Still, unions are struggling for their autonomy from party politics, introduce reform in Trade Union Act and influence the CA process for the inclusion of workers' legitimate rights including social security provisions.

Many advocacy groups such as Nepal Federation of Ethnic Groups and Nationalities, Nepal Dalit Association, Khas-Chhetri Ekta Samaj and the societies formed by Bahuns on the basis of lineage, etc face similar criticism for appearing pre-civil and biological than cosmological as they tend to institutionalize group power and instrumentalize identity conflict. Many doubt whether they represent secular modernity for they resort to primordial form of reactive re-tribalization of society, social differentiation, exclusion and drained out cross-cultural social capital necessary for nationa-building, production and peace. Countless civic and human rights groups have played vital role in deconstruction of Nepalese society through individualization and its universalization, democratic movement and peace process. But, they have created a gap between popular consciousness of citizens about their rights and lack of state resources for the fulfillment of those rights. They are therefore blamed for making Nepalese politics aspiration-fuelled and offensive. Scores of trusts established to glamorize party leaders follow a politics of clientalism and retreat their democratic contribution into parochial background (Bhatta, 2009: 64). Only relief associations, such as Maiti Nepal, Paropakar, Nepal Red Cross Society, Netra Jyoti Sangh, etc seem to offer the prospect for genuine civil society working voluntarily to support the needy and projecting humanistic face of larger Nepalese society. Inspired by spirituality of public service, well off individuals in Tarai, the southern flatlands, have constructed *pati, pauwa* (resting places), *dharmashalas* (public inns), Sanskrit schools, colleges, hospitals and public places. These various forms of civil society have difficulty in moving from the particular to general interests to capture the complex interests of society and mobilize social energy of people for their collective well-being.

One can also find the success of stories of Nepalese civil society in a number of areas from inducing CPN (Maoist) to join democratic politics to April Mass Movement of 2006 to Comprehensive Peace Accord the same year to the provisions of property rights for women and their substantial representation in legislative body and institutions of governance. Women's social movements and their caucus group in the parliament across the party lines have framed all gender mainstreaming efforts within a broader governance framework, recognizing state's responsibilities for creating enabling conditions for political mobilization, participation and influence in decision-making (Acharya, 2008:2-5). They are now seeking to transform paternalistic institutions into socially inclusive, gender responsive, rule-governed and transparent institutions for gender justice. Many laws regarding Local Self-Governance 1999 have been passed due to the lobbying of the federation of elected bodies.

The introduction of Civics Course for school students has been possible due to the efforts of representatives of Higher Education Board, Friedrich-Ebert-Stiftung and National Democratic Institute for International Affairs. Human rights organizations are condemning the violation of human rights in Nepal and exerting pressure on the government to abolish the culture of impunity. Many NGOs have the ability to launch vibrant civic education and civic action whereby citizens can learn rights and duties, actors and institutions, the habits of free assembly, dialogue and social initiative, develop leadership and legislate social transformation. There is constant transfer of knowledge through CSOs, CBOs and NGOs to improve the opportunities for young people and strengthen institutional cooperation (Bhattachan, 2003). Civic groups are

reporting about famine, viral influenza, domestic violence, girl trafficking and many ills of society and even providing early warning for an immediate state response.

Development Discourse
Both the government and international community in Nepal find NGOs and civil society handy partners for development projects considering that they are less bureaucratic, more flexible, adaptable and issue-based. "Many hands approach" is useful to capture the hierarchy and complexity of Nepali society. But if civil society groups become extended arms of either donors or political parties or even the government they cannot become a space for articulation of different, partly competing and partly conflicting, interests and carry out democratic accountability functions. It is also difficult to critically engage them in diverse spheres of mini-publics as autonomous entities and utilize their strength for social transformation. In Nepal, civil society groups are providing useful information to increase public understanding of development goals, policies, strategies and means and have become a partner in development. Many of them are articulating alternative vision, perspectives, methodologies and proposals, providing information that are useful in policy formulation, implementation, evaluation and critical review and offering means by which people as stakeholders fulfill their legitimate needs.

Media headlines in Nepal reveal a myriad of themes articulated by civil societies of Nepal, such as violence, corruption, poverty, inequality, discrimination, ecocide, increased defense expenditure, girl trafficking, impunity, refugees, etc. By articulating these themes civil societies have offered discursive arenas and interactive forums for solution oriented knowledge-building. The Interim Constitution of Nepal 2006 underlines several basic provisions: sovereignty of people, which means power should spring from bottom-up; right to information which means conditions of liberty must be established with the transparency of decision-making; social rights including right to work, that is economic and social policies should be geared to social justice; Local Peace Committees for conflict resolution and public-private partnership for development synergy. The contribution of civil society is fully appreciated by 9th Plan Documents and Local-Self-Governance Act, 1999 in problem identification, proposal formulation, approval, operation, supervision, policy dialogue, service delivery, evaluation, monitoring, repair and maintenance, conflict-resolution and feedback.

There are other equally essential considerations. First, civil society groups have provided legitimacy (societal acceptability) in policy making and outcome in the preparation of Plan Documents, Country Cooperation Framework, Nepal Development Forum, etc though the outcome is contested by ordinary citizens. The social acceptability of a development policy can limit its polarizing effects and build coherence in different actors' goals, means and strategies. Second, they have offered useful mechanism for the accountability of dominant actors through Public Account Committee, Commission for the Investigation of Abuse of Authority, Auditor-General, media, academia, donors and voters. Third, they have established transparency and openness in decision making and finance through the right to information act and opposed the consent manufacturing of media. Fourth, many civil society groups have helped to establish ownership and representation of diverse interests on Poverty Reduction Strategy Paper (PRSP), Millennium Development Goals and Post-Conflict reconstruction programs by leading stakeholder consultation (workshop, seminars and discussion) and obtaining necessary feedbacks. Fifth, social movement oriented civil society are engaged in fostering equity in the distribution of development outcome (gender, caste, region, age, class, ethnicity etc), environmental sustainability (sustainable development), delivery responsiveness of the development actors and even in partnership and consensus building culture for development synergy.

A vibrant civil society can counterbalance the power of the state and moderate the appetites of government for arbitrary use of power, resource and authority and temper the ferocity of market forces. But, the civil society debates in Nepal have been weakly

institutionalized and poorly sustained. Donors and government mostly use clients, consultants, patronage-based NGOs and powerful individuals in the name of consultation with civil society to justify the legitimacy of their initiatives. Many of these groups are detached from the larger public sphere and public action. The challenges for civil society groups in Nepal, however, are varied and complex. Barring exceptions of community forestry, irrigation, local governance federations, cooperatives etc they also suffer from contradictions especially in areas of autonomy, membership, charity work, supporting the marginalized, rural-orientation, transparency of resource utilization and self-governance measures. In this critical juncture of the nation's history, there is a need to redefine what is possible for civil society to do, what is legitimate for them to do and what they should not do. They should definitely not do any action that weakens citizen's capacity for self-governance. Largely atomized and particular form of initiative is unable to create enough social capital to expand economies of scale, transcend particular interest and minimize transaction cost. This is why stronger parochialism than citizenship in Nepal's political culture has posed a problem in making collective choice.

Similarly, there is uneven distribution of civil society in different geographical regions. The capacity of donors, government and political parties to absorb civil society has also made them weak in altering paternalistic planning tradition to facilitate their outreach to a broad mass of society. Due to partisan formation these civil society groups are less efficacious in coordination, communication and solidarity building within and across the country. Likewise, they also lack the requisite ability to effect collective action due to tight party control, such as trade unions, students union, human rights organizations and women's associations. They are fissiparous and un-free for free collective bargaining. The popular criticisms labeled against urban civil society are that they are in-organic, donor-dependent, culturally-insensitive and context-free and have anti-state tendencies (especially those of right-based ones). Therefore, they have completely failed to nurture civility, bring the connectors of society for post-conflict reconciliation and establish state-society harmony. Some important issues have yet to be addressed in Nepal: legal status of civil society, its ability to indigenize public policy and its relevance to the state, the market, and international regime.

Conclusion

The responsibilities of Nepalese civil society groups are monumental in scope. Of foremost importance is to compensate the modernity's assault on social fabric. First, democracy building in Nepal requires a political consensus on social contract and establishing the legitimacy of the state action. Second, modernization of the infrastructure of democracy, such as political parties, NGOs, CBOs, public interest groups and the agencies of socialization is a precondition to democracy consolidation and develop citizens' compliance to the rule of law. Third, capturing the sovereignty of policy domain is another area to enforce the accountability of governance to public and push for conflict-sensitive programs. In a governance regime, however, a sound mechanism of mutual accountability of internal and external stakeholders must be built so that resources can be concerted into humanitarian action to be undertaken at multi-track levels. Fourth, development of the linkages of micro and macro institutions of civil society is essential to enable their efficacy in the realization of the vision of good governance that is both just and legitimate. Similarly, broadening civic awareness of the citizens about the changing nature of the national and local environment for all the actors, their interest positioning and shift from hostile position to identifying enlightened interests for shared gains for democracy, peace, social justice and progress is crucial. A nation grows with the civility of its citizens and declines with the decay of its civil society.

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Note: *Vikas* (Development), Vol. 30, no. 10, 2010 (A journal of National Planning Commission of Nepal).