

Nepal's Problem of Order and Political Culture

Dev Raj Dahal

Introduction

Modern state, as a rule-governed order,¹ seeks to minimize the utility of violence and maximize the well-being of citizens. In such an order constitution mediates the ties between the state and society and nourishes the feeling of a shared future. Politics is so deeply ingrained in native cultural traits that the society instinctively inherits the properties of its ancestors and produces its own persistent form of political culture. The state is the outgrowth of society. Its capacity to pursue policies and exercise sovereignty over native social classes and other states is based on Weberian “legitimate monopoly of power.” Anthony Giddens sees the state formation as the central component of the “creation of new civilization,” “surveillance of population and control of deviance” through the formulation of laws and use of sanction in a delimited territory (Tucker, Jr. 1998:118). The reason of state has sovereign values of its own derived from its embeddedness in society.

Nepal is a landlocked country, a chain of high Himalayas, mountains and hills all around except a thin belt of Tarai in the south which facilitated its exposure and circulation patterns more towards the South than Central Asia. Political attitudes of the Nepalese are linked to the heritage of the confluence of two cultures-Indo-Aryans and Mongoloids and their fight for competing zone of influence. The syncretic form of its culture derived from Hinduism, Buddhism and animism animated a respect for diversity and heritage of tolerance. The organic theory of state espoused by Hind-Buddhist worldview, however, nurtured a golden mean between individual freedom and public welfare. Nepal's long tradition of patrimonial governance made its citizens dependent on central political authority for vision, leadership and initiative and its strategic geography made its destiny of vital interests to outsiders.

Now, international community treats Nepal as a “fragile state,” a state which “barely holds together the elite consensus for civil peace” (Snyder, 2010:287). As a result, drafting a new constitution by 601-member Constituent Assembly, necessary institutional reforms to address the taproots of conflict and implement peace accord of November 2006 faced critical bottleneck. “A critical underlying cause of state fragility is the lack of elite incentives to create effective public authority, nurture economy and invest in public services” (IDS, 2010:19). The peace accord and Interim Constitution of January 2007 increased more social rights and promised a change to cope with the problem of class, ethnic, caste and regional disparity and put the vicious cycles of poverty, unemployment, inequality and conflicts in reverse. Building peace, however, requires the resolution of constitutional issues by enabling the state to develop democratic institutions, policies and programs to eliminate private use of force, prevent crime, enforce laws, protect human rights, deliver public goods and bring compassion to the victims. This paper narrates Nepal's political culture in historical perspective and the changing dynamics of state.

Origin of Nepal's Larger Public Order

The unification of Nepal in 1769 AD by King Prithvinarayan Shah ended the anarchy of “foraging order” of numerous competing micro-states and increased the salience of national identity based on organic unity of the state under one flag. His *Dibyā Upadesha*, as a policy science, bears some conception of higher virtues. It prescribes the roles and responsibilities of rulers to regulate society, protect people and state and provide justice to them. Conscious of spiritual, social and cultural pluralism, economic mercantilism and instinct for national survival between the British and Chinese empires, Shaha kings defined the country's sovereignty over social and physical space and mustered all available resources to defend it (Dahal, 2010: 11). The state classes—Bahuns, Chhetris-Thakuris, Magars, Rais, Limbus,

¹ Douglass C. North, J. J. Wallis and B. R. Weingast characterize social order by “the way societies craft institutions that support the existence of specific forms of human organization, the way societies limit or open access to those organizations, and through the incentives created by the pattern of organization” (2009:1-2). They refer three kinds of order: *foraging order* parallel to continuous instability and violence of mini identities, *limited access or natural state order* parallel to elite dominance and *open access order* based on democratic principles.

Gurungs, Khawas and Newars controlled most of the interest groups in society to weaken the ability of counter-elites to challenge the central power of “natural state.”²

The leadership acquired their status from “caste, residence and proximity to the center of political authority”(Regmi, 1995:65). Wary of the clash of civilization they prevented the freedom of *firangi* (foreigner) and took refuge to a policy of seclusion. This policy incubated an inward-looking, defensive and self-reliant attitude and behavior of Nepalese. The central role of loyalty³ to the state and king gave Nepali political elite certain coherence, stability and effectiveness. The art of survival of state was assured by a feeling of patriotism not unmixed of course with unusual aristocratic interests. The modern expression of loyalty, honor and courage of Gorkhas seems akin to orthodox Confucian doctrine which lays great stress on discipline, hard work, family values and loyalty to higher authorities of the state.⁴ Like orthodox Bahuns, traditional Confucian mandarins, also showed open disdain for menial work. But, due the growing impact of modernity there is a new orientation in culture. For example, modern Bahun gives more emphasis on science than Sanskrit and modern Confucian lays greater importance to physics, than classics.

The annual system of *pajani*, transfer of officials from one place to another and one job to another, practiced by rulers, however, weakened the cohesiveness of political classes and the uncertainty of *jagirs* (jobs) for economic security stoked vicious political rivalry among them to the point of risking the state's *raison d' ere*. Still, Shaha kings contributed to an “enduring basis of continuity and stability through all complicated maneuvers and counter maneuvers of the elite families” (Joshi and Rose, 1964: 486). A vivid sense of national identity to which patriotic Nepalese now cling was sharpened by isolation policy of Sahas and Ranas, the radius of Shaivism, Buddhism, pagoda architecture and valor of Gorkha towards outside world notwithstanding. The Chinese for long projected their country's self-image of a Middle Kingdom and did not feel to learn from the outside world until the open door policy shattered that image. In contrast, India found its strength in intellectualism (Khanal, 1977: 19) while Nepal found in defensive nationalist crouch.

The duty to pay tax linked the people to the state. Local elites-- *mukhiya*, *jimmawal*, *jamindar*, *jagirdar* and *chandhary* --were recruited into the state revenue system for the collection of tax. “The imposition of an elite group on the local agrarian community for the benefit of *rajas*, *birta*-owners and *jagirdars* compelled the peasant to bear the costs of his own political and economic domination”(Regmi, 1999:96). Similar recruitment in bureaucracy, police and army provided apparatus of authority to control the life of society and direct activities for the maintenance of unified order. The Nepali political culture then, and even now, is preoccupied with the problem of order and stability, not competition where non-elites, such as Dalits, peasants, workers, women and marginalized groups of society were continuously exploited by elites. The culture of predation had reduced the society's potential for production and exchange of scarce resources, capital accumulation and investment of surplus, innovation, human resource development and economic performance. The positive side of this period is that within the chrysalis of feudalism the Nepali identity was consciously carved.

Rule by Fiat

The Rana's *bukumi shasan* (rule by fiat) following the putsch by Jung Bahadur Rana in 1846 survived for 104 years until 1950. The succession of Rana prime minister was based on the principle of primogeniture. The king held *de jure* power while Rana rulers *de facto* power. The Ranas promulgated

² A natural state “does not monopolize legitimate violence, but instead it brokers an elite consensus in which armed groups tolerate domestic peace in exchange for the rights to extract economic rents from economic monopolies, subsidies and tax heavens” (Snyder, 2101:287).

³ In the governance, the king perceived himself as a lord (*malik*) of his subjects (*raitis*) and handled distinct categories of land grants to diverse sections of people for their livelihoods, status and authority relationship such as tributary kings (*rajantas*) of the Gorkhali kingdom (*rajya*), military officers (*jagir*), civil administrators (*nonkar*), tenant cultivators (*raikar*), servants and artisans in the court (*rakam*, *jagera*, *jagir*), religious associations (*guthi*), individuals, such as saints, Bahuns, priests, war widows (*birta*) and Rais and Limbus of Eastern Nepal (*kipat*) (Burghart, 1984:103) in return for their loyalty.

⁴ Noted historian Baburam Acharya points that “patriotism, self-confidence, discipline, patience and indomitable courage are the key virtues of Nepal's culture” (1996:84).

muluki ain, the Civil Code, in 1854 and was amended in 1910 that defined the Hindu social order and located politics on sociological factors.⁵ The caste hierarchy defined the social organization, division of labor, exchange of goods and services and mutual dependence among different groups. The caste-based expectations and actions signified that those at the bottom of pyramid did not have any opportunity to thrive until the middle class revolt hollowed this order.

Ranarchy is characterized by closed system, patrimonial order, rigid caste hierarchy and patriarchy, traditional legitimacy, selective justice, a culture of *chakari* (sycophancy) and the monopolization of economic, political and administrative power in their own families. What emerged was the *ancien regime*, a social and cultural form, which venerated priestly authority in place of rational thinkers. The relation-based rather than rule-based equation has distorted the boundary between the private and the public sphere. But the coercive power of state to penetrate society and soft power of Sanskritization and Nepalization had constructed a state. The state enforced continuity, duty and authority among its *railis*, the subject. In no way they were eager to pursue social projects of common good. Conformity to Rana rule and external fear of *mlechha's* (alien infidel) invasion helped to breed a sense of Nepali nationalism, an intense attachment to history, religion and culture.

The Ranarchy's main functions were tax collection, protection of the country and maintenance of order. Until the downfall of the Rana regime, the Hindu-Buddhist religions, the Nepali language, the caste complex and patriarchy shaped the social and political life of Nepal. The local society, dominated by folk heritage, history and territoriality was governed more by informal code of society than national laws. Local practices were largely autonomous from the civil code. It was an agrarian society sustained by the joint family system in which affiliations and organizations were inherited rather than self-chosen. Strong disproportion of regime power was, however, insufficient for economic development, intellectual innovation and peace. Like pre-modern society, religion, politics and economy were fused to create a largely self-reliant community. There was simple occupational differentiation and limited spatial mobility of people.

The social historians of Nepal do not often dismiss Ranas and Shahs rule as a sign of complete backwardness. The freedom of speech and organization, the lynchpin of modern democracy, was essentially missing but the scope for social reform and modernization was not completely clogged. Ranarchy, like Japanese Shoguns, brought a modicum of stability in Nepali politics to sustain national independence. It restored part of territory of Western Nepal lost during Anglo-Gorkha war of 1814-16 and abolished *sati pratha* (widow burnt to death on her husband's pyre) and slavery system. The country also witnessed a great literary and cultural efflorescence advanced by Bhanubhakta Acharya, Moti Ram Bhatta, Lekhnath Poudyal, Somanath Sigdya, Dharanidhar Koirala, Laxmi Prasad Devkota, Siddi Charan Shrestha etc. marking the origin of rational criticism in public sphere. Modernity in the sense of applying science to solve society's problems started with them though exiled Nepali intellectuals portray the Rana reign a complete darkness, *kal ratri*.

Many public intellectuals as critique of power articulated the ironies of society and elevated the personality of citizens above both the divine and natural order. Martyr Sukra Raj Shastri criticizing the Rana regime in the language of *Bhaghad Geeta*, argued that politics of *dharm*a should shape the code of conduct of leaders. Indigenous knowledge challenged fatalism and served a spring of rebellion to change the cognitive and material conditions of life. Democratic impulse of political openness in the 1950s abolished the Rana rule marking a transition from "natural state" and "rule by fiat" to an "open-access" political order.

Democratic Impulse

The success of Indian nationalist movement strongly influenced the Nepali emigrants in India, Burma and elsewhere as Nepali political parties became ideologically and organizationally coherent in anti-Rana struggle founded on the edifice of freedom, social justice and democracy. Educated elites sought

⁵ The Civil Code grouped the Nepali people into four main castes: *tagadbari* (sacred thread wearing castes), *matwali* (alcohol drinking castes), *pani nachalne chhito chhito balnu naparne* (castes from whom water can be accepted but whose touch does not require aspergation of water) and *pani nachalne choi chhito balnu parne* (untouchable castes) (Sharma,1977: 97).

a “rule-governed open access order” based on broad-based participation of citizens in impersonal organization” (Snyder, 2010:288), competitive party politics and institutional innovation. But vast majority of Nepalese were poor, illiterate and the socio-economic structures were nearly medieval. The movement’s success led to the signing of Delhi Compromise among the King, Ranas and Nepali Congress leaders which followed the legitimacy of political parties and reform in administrative, political and communication domain including the restoration of king’s power. Thereafter, a written Constitution became the basis of political power. Citizens were given both actionable civil rights and non-justiceable Directive Principles and Policies of the State.

Within a short span of time National politics grew selfish and vicious owing to internecine political conflicts and reaction against redistributive reforms thus causing political instability and security dilemma in the neighborhood. The geopolitical competition marked the marginalization of Dalits, gender and ethno-cultural identities as many Nepali leaders acculturated in India increasingly shared the *sanskritik* world-view evolved in Gangetic basin and accepted the hierarchic culture evolved there as way of life. Skilled at double-talk but incapable of enterprise, they put Nepal as a sort of dependent society which focused more on the production of raw materials than industrial goods and blocked the possibility for social transformation. Nepal’s small industrial bourgeois, a large peasant class and heavy influence of core society in material, ideological and technological terms, kept Nepal in a position of buffer zone against emboldened China. The regime also replaced organic, faith-based intellectuals by reason-based social scientists, lawyers and technocrats and gradual abdication of context-based policies for external development imperatives.

The elites were not independent of the nexus linking either the Ranas or the foreigners (Tssinger, 1970:9). “New Delhi’s indiscreet and at times abrasive intervention into political, administrative and military matters alienated many of Nepal’s political and bureaucratic elites, reinforcing Nepal’s traditional fear of domination by its southern neighbor” (Rose and Scholz, 1980:44) and “accruing from this was the danger of Nepali dependency from India and loosing her identity” (Kramer,1997:2). The politics of Nepal was rooted less on the periphery of rural Nepal than on Kathmandu, India and global power nodes, grandeur of party personalities and their freedom of acquisition and entitlements without public accountability. This means the national base of politics remained very small and then political classes sought top-down form of democracy that did not upset the traditional structures of power and authority as the political movement was not based on the mass mobilization of peasants. The middle classes had not emerged as mediating agencies to concretely articulate their interests in public policy. As a result, the successive “governments formed between 1951 and 1959 were so enmeshed in interpersonal, intra-and inter-party conflict that task orientation was all but lost from the public life of the country; the crisis in Nepal’s national identity became truly a crisis in the personal lives of all Nepali elites” (Joshi and Rose, 1964: X).

The elected government of 1959 led by charismatic leader B. P. Koirala tried to derive political stability by means of developing the infrastructures of “democracy, nationalism and socialism” while retaining the continuity of monarchy, state institutions and social order built by the Ranas which can be characterized by patron-client ties. The old feudal and aristocratic classes remained as the governing classes of the political state with corporate privileges in the land, army, judiciary and bureaucracy. “Political parties publicly debated their ideological positions, but once in power they were more concerned with using government resources to weaken other parties and strengthen their own organizations” (Rose and Scholz, 1980:45) than compete for policy alternatives.

Limited Access Order

The insidious influence of old political culture of revenge and conspiracy⁶ in the face of pusillanimous political leadership prompted King Mahendra to stage a putsch in December 1960 and introduce partyless Panchayat polity. He imposed the reasons of state-- social discipline, economic planning and

⁶ If one goes deeply into Nepal’s history one finds how conspiracy has served as a motive force of history, change in power equation, revenge and even elimination of elites and counter elites. Kot Massacre, *Bhandarkhal Parba*, *Alau Parba*, *Bayalish Sal Parba*, *Makai Parba*, and now *Narayanhiti parba*, etc are examples.

political order. Panchayat regime expanded the scope of state to contain ideological crosscurrents through Nepalization, Sanskritization, nationalism, public sector economy and diversification of external relations but created “limited access order” (Snyder, 2010:287) nourishing personalistic ties of kinship, patronage, social networks, cultural identities and exclusion of political parties.

A large section of self-assertive middle classes lent support to the putsch because of their dependence on the state for employment, social mobility and a number of economic entitlements, especially land grant, business opportunities and recruitment in civil and political institutions. During Panchayat regime (1962-1990) successive rulers selectively accepted the Western model of polity and set up a rigid registration system to weed out any civil society they considered threatening to their rule. The deep penetration by business, bureaucracy and aristocracy into the political economy made it difficult for the king to reasonably democratize the polity. The state capacity was high because party organizations were banned. But the state allowed four major openings: operation of social and cultural organizations of people, liberal type of educational and political activities in academic, media and civic circles, co-optation of critical mass of banned left and right parties’ leaders to expand the scope of governance and diversification of aid, trade and international relations which undercut any need to absorb dissident leaders as was done in the initial years.

The need for enlightened liberal education left the Nepali monarch in a familiar dilemma- a dilemma faced by many other modernizing monarchs. “Centralization of power in the monarchy was necessary to promote social, cultural and economic reforms. However, this centralization made difficult or impossible the expansion of the power of the traditional system and the absorption into it of the new groups produced by modernization” (Huntington, 1968:99-100). The prerogatives of monarchy had equally undergone sizeable change from active, captive, parliamentary, assertive and constitutional monarchy modeled on Spain’s or Britain’s one. Monarchy as an institution of power had also undergone transmutation in tandem with the king’s individual personality. Yet, it remained resilient and maintained a policy of constructive relations with world powers and institutions.

Panchayat subsumed an ensemble of several features: relatively closed system, active monarch, dominance of bureaucrats, paternalistic planning, redistributive land reforms, controlled media, political exclusion of extra-constitutional forces, conformist participation of citizens and diversification of aid dependence. It was largely devoid of civil society vibrant enough to inspire social change. The banned political parties had long been torn by internal feuds. Panchas were deeply suspicious of freedom of speech and organization outside their control. And yet, Panchayat is hardly comparable to Eastern Europe, North Korea and the Soviet Union because cultural factors of Nepali society were sufficiently plural to provide scope for opposition politics. Neither individual caste was powerful enough to capture the state by itself nor was there institutional hurdle to the political minority becoming a majority in the long-run. People could meet for large tea party gatherings of party leaders at banned political parties’ offices and exchange their political convictions. Ordinary citizens and government officials used to send letters in the name of banned political party office located in Jamal, Teku and elsewhere through post offices. The political power base had been moderately expanded through a co-optation policy which had been successful in bringing many talented technocrats, second generation of Nepali Congress and communist leaders and ethnic, Madhesis, Dalit, indigenous, women and lower caste sub-elites as “representatives” into the polity. Following referendum of 1980 many of them have undergone a process of political acculturation and reconciliation.

The initial reluctance of Panchas to integrate the demands for reform on political system and growing crisis of legal-rational authority polarized the political culture of Panchas into “conservative” and “liberal,” each of whom feared the other would let down the basic foundation of the polity. The traditional aristocracy continued to retain elite status in the garb of conservative Panchas who rejected the popular appeal for social justice favored by socialists and freedom claimed by banned political parties and liberal Panchas. Instead of social justice and freedom, they invoked conformity, tradition, religion, authority and loyalty to the system. In a contradiction of conservative versus liberal Panchas, the hard fist of conservative circle naturally promoted a cause for the Nepali public to come out of their silence and join dissident elites for system change.

Panchayat allowed the associations of women, youth, ex-service men, peasants and workers which purported interest representation from the basic structures to superstructures of polity. But neither had they the rights to free collective bargaining and co-determination nor autonomy from the polity. Still, the politics of class coordination invoked by Panchayat became a “vehicle for serving the interest of the urban and rural elites, and an arbitrator when conflict of interests developed between landed interests and urban business and industrial interests” (Lohani, 1989: 92). The legitimacy of Panchayat was justified on grounds of indigenous construction and custom and bolstered by the recruitment of elites into the institutional triad - executive, legislative and judicial branches of governance thus subjecting the people to the will of state classes and transforming the participant and parochial political culture into a subject one.

The rationality of polity was rooted into an ethics of personal authority of leaders and officials rather than institutional culture, duties and roles. The habit of excessive obsession with authority spawned inflexible attitude towards the citizens and created systemic imperfections. The state-directed nationalist- modernist discourse “back-to-village national campaign” provided a spurt for grassroots mobilization of political contradictions along the line of the “end of ideology” with a single model of culture, value and symbols, tried to overcome some systemic deficiency in its political life and attempted to re-conceptualize development mediated by the state apparatuses. Panchayat harmonized the old left’s belief in communism and right’s faith in free market into a middle path of mixed economy. Schools, university, hidden rooms and private media offered place for political discourse precisely because Panchayat generally maintained relatively liberal attitude towards these institutions. These agencies articulated citizens’ grievances and became a potential rallying point for political discontent. Expansion of education, income and occupational status made the people better informed about politics and more inclined to join political activities. Many poets and literary figures like Laxmi Prasad Devkota, Gopal Prasad Rimal, Bhupi Sherchan, B. P. Koirala, Agam Singh Giri, Kedar Man Vyathit, Parijat, and many others not only claimed to break away from a tradition of silence and cynicism but also awakened public consciousness through patriotic poems, essays, symbolism, imagery, searing sarcasm, jokes, cartoons, reasoning and advocacy of social reforms. The literary activities of civil society reflected a robust public life cutting across identities.

In the late eighties, the elite balance was disturbed by three-cornered challenges: international regime initiating Democratic Pluralist Initiative (DPI), while hostile India imposed economic blockade and liberal Panchas and extra-constitutional political forces led by Nepali Congress and United Left Front organized democratic struggle for fifty days and replaced the Panchayat system with multi-party democracy in 1990. The transition of Panchayat into democracy had been facilitated by the growth of critical mass of intellectuals - professional groups, media, academia, lawyers, doctors, engineers, civil servants, students, etc- who increasingly viewed the Panchayat system dispensable and triggered an upsurge of popular mobilization for modernity, human rights and democracy. The concern for the sovereign viability and independence of a small country and the temptation of nationalism, however, remained strong in the mind of the rulers.

Neo-Liberal State

Inspired by the “end of ideology,” the post-democratic rulers transformed Nepali state into the neo-liberal market-driven Washington Consensus assuming that externally-manufactured policy is the best solution of Nepal’s problem of underdevelopment. The neo-liberal regime subverted the liberal spirit of constitution and maintained an odious continuity of Panchayati style of governance (Panday, 1998:3) as there has been too much concentration of power and too little accountability of action. It has privatized over 3 dozen national industries for rent-seeking, dichotomized health, education and communication to discriminate poor citizens from their very birth and adopted financial capitalism in tune with external advice than national need. As a result, “a perverse counter political culture”(Panday, 1999:278) was incubated by Maoists’ People’s War in 1996 and the fight of disadvantaged groups for redistributive justice. The increasing delinquency of governing classes to act purposively in the pursuit of larger economic and geopolitical goals undermined the state autonomy from family, caste, class and capital and create “open-access impersonal state” capable of standing above subsidiary politics.

As a result, ordinary citizens underwent re-colonization by market forces as they did not have any more say in politics other than their power of electoral choice. The new political classes did not seem brave enough to break with their habits of patronage and wise enough to rationally plan for the future. National political parties and leaders succumbed to a nihilist “now it is our turn” mentality and produced a sort of "polyarchy,"⁷ rather than democratic governance in the country by means of providing security, protecting the weak, solving conflicts and delivering public goods to people. The growing failure of democratic institutions to satisfy citizens' demands for economic growth, social justice and personal security had made the governance devoid of substance as the power elites were not sufficiently liberal to legislate fundamental transformation and overcome crisis of performance.

Strengthening democratic norms requires enabling public accountability of constitutional bodies to function impersonally of partisan influence. The transparency and legitimacy of these institutions are other two vital aspects of Nepal's body-politik. “The country has plenty of laws but very little rule of law” (Panday, 1998: 2). Nepali citizens had to suddenly cope with the reality that their leaders were rulers and their manifestoes and legislative programs were unenforceable like Directive Principles and Policies of State. “The state was seen as partisan; it represented the ruling elite and its focus was the preservation of the status quo in the distribution of political and economic values as long as possible” (Lohani: 2000,4). Political change hardly meant either tangible change in the socio-psychological dimension of power or a move towards the democratization of political structure and political culture. Still, the rural masses produced party functionaries while urban elites produced emotionally neutral decision-makers unconcerned with public expectation. The image of rural mass was not one of assertive discourse communicating with urban elite in a dialogue of equals until People's War exposed the structural determinants of the state and elites.

A sense of instability in political culture was discerned from the migration of citizens *en masse* from the opposition to the government party in a relatively short time with every alteration of power. This emerged from a sordid fact of insecurity –both personal and organizational - of opposition and a noticeable lack of respect to it. This civic divorce inspired extra-constitutional agitation and social movements of disadvantaged groups. The other was the existence of *nomenclatura*, meaning incumbent parties deciding appointments of the most important academic, administrative, managerial and political posts from their own party ranks and providing patronage to rent-seeking, corruption and impunity. For majority of leaders, democracy had now become more closely related to strong personal career interests and ambitions than the pursuit of happiness for the citizens. One general evil of Nepal is, says Nepal's eminent poet Laxmi Prasad Devkota, “Brains of high level are helpless, limbs of high strength lie inert” (1997:38). This condition has weakened the social bases of unified collective action producing a sort of social void and subjecting the citizens to partiocracy where party manned committees dominated Nepal's entire decision-making structures from the village to cabinet. Institutionalization of citizens' behavior requires long-term political attachment by making them self-conscious, rational, thoughtful and responsible. Only active citizenship nourished through civic education can set a link between the voters and their representatives and an attachment of citizens to the state.

Fragile Order

Nepal's inheritance of a mix of feudal and neo-liberal features into its political culture oiled by patronage further exposed the state into fragility. The feudal society is, by nature, hereditary in the transmission of status and authority within a few social groups in commanding height of political economy.⁸ The execution of market fundamentalism and its anti-thesis class-based People's War

⁷ A polyarchy is one in which a small sector of the population is in control of essential decision making for the economy, the political system, the cultural system and so on. And the rest of the population is supposed to be passive and acquiescent. They are supposed to cede democracy to the elite elements who call themselves rather modestly the responsible men" (Chomsky, 2001:17).

⁸ “Between 1770-1951, there were at least four momentous upheavals at the top level. In 1806, the Thapa family attained a virtual monopoly on political power; in 1846, the Rana family reached a similar position; in 1885 power shifted into the hands of the Shamsher branch of Rana family; and in 1834, the A class Rana group of the Shamsher Ranas came at the top” (Joshi and Rose, 1964: 185-6). “The elite power structure has remained unchanged even after the introduction of a

intensified the assertion of women, workers, indigenous, ethnic, Dalits, Madhesis and minorities who underwent a process of self-organization, articulation and collective action. Grievances formed on the historical conditions of patriarchy, economic and agrarian inequalities and lack of any possibility for transformation of this situation provided them an opportunity to negate the domination of certain caste elements over the state machinery and political power and their ability to exclude others (Ghimire, 1998:170). Nepali nationalism has also come to “face with the postmodern politics of culture, identity and ethnicity” (Shrestha and Dahal, 2008:1809).

The tendency of Nepalese political elites of all hues to stand above the state and society has eroded their power to generate affection beyond their respective cohorts of supporters and enable the state to engage with society at various levels for peace building. The success of April 2006 mass movement based on 12-point agreement between ruling Seven Party Alliance and rebel Communist Party of Nepal (Maoist) mediated by India has transformed the base of historical unity of this state as the new ruling classes declared Nepal inclusive, secular, federal democratic republic and cancelled the National Day without discovering the new sources of social and system integration. The post-state challenges of technology, climate change, commerce, migration and cross-border terrorism connected to a new awareness of modernity are further eroding the state capacity for external adaptation. In the absence of new incentives and sources of national cohesion and fundamental change in the basic conditions of life the state appears too weak to subdue chaos and create legitimate public order. The power struggle between the Maoists and old parties following the outcome of Constituent Assembly election in 2008 continues to cause vicious cycle of class, caste, ethnic and communal tensions and deadlock and exposing the state to “fragility.” This has contributed to internal instability and external meddling.

The lack of consensus among four major forces—Maoists, NC, CPN-UML and United Democratic Madhesi Front (UDMF) as none of which has a parliamentary majority to form the government of its own casts a serious damper on Nepal’s constitution drafting, peace process and democratic path. A mere coalition of four forces for power-sharing without any coherent constitutional vision would degenerate politics into a syndicated system beyond the control of conscience of minorities to check it from becoming tyrannical. The post-conflict period reflects a critical phase of Nepal’s history as public authority of the state has been totally weakened to manage conflict, promote modernization and execute social transformation. The restoration of “monopoly” of state power is crucial to avert competitive violence, anti-institutional social movements, proliferation of armed groups and erosion of governance. The Nepalese rulers are at liberty, both in law and ethics, while ordinary citizens are afflicted by inflated promise of politics, human insecurity and leadership vacuum.

The attributes of Nepali political culture unveil today are: constant reproduction of leaders from the same castes, incongruity between promises and behavior of leaders, more specifically, to run into action without seriously debating on consequences, atrophy of civic virtue, that is, the life of political community is increasingly de-coupled from ethics, subordination of common good to private profit, lack of broad-based citizen participation in decision-making, culture of impunity, absence of professionalism in public institutions and hyper dependence on outside for aid, advice and legitimacy. There is a “tendency to discredit the predecessor government by the successor” (Khanal, 1997: 149). The post-2006 governing classes and their media cohorts have deliberately banished the contribution of the leaders of 1950 movement because of their strong attachment to national identity. The current leaders’ abdication of consensus politics and incessant jockeying for power devoid of public interest continue to threaten the stability of state from within and straining the need for rebuilding lives, livelihoods, reconciliation and peace. The catastrophic deadlock on electing the prime minister leaves no option other than to encounter political uncertainty for some time and drift towards litigious culture, where personal and political questions enmesh with the legal system posing challenge for “democratic habituation” (Spiess, 2009:15). The partisan bickering has already made the “doctrine of

democratic regime in 1951. Of the 16 prime ministers appointed during 1951-2001, eight were Bahun, five Chhetri, two Thakuri, and one Newar. Patterns of political contest in recent elections demonstrate entrenchment of traditional elite castes”(Gurung, 1998:129).

necessity” a rule to forgo people’s mandate, justify regime interest and set vicious link between state and society. The best hope of “open-access order” lies in the fact that instruments of social justice provides incentives for the stake of all citizens in building a national community and push for a participatory democratic trajectory.

Conclusion

The solution of Nepal’s problem of public order requires liberation of its political culture from feudal, caste and dynastic domination of governance. On the facade Nepal’s leaders falter to reflect their predecessors’ contribution and onslaught on everything associated with history. Beneath the surface, however, there exists the continuity of traditional habits of mind and behavior even in modern era of civic nationalism though they justify themselves with “communistic and capitalistic symbolism” (Lasswell, 1965: 92) regardless of their policy relevance to Nepali aspiration for responsive state, well-being and peace. Today’s rulers are very different from the Shahas, Ranas and Panchas of yesterday in the style and rhetoric: but they are rulers yet and share the same motive-- personalization of power, resource and authority and distribution of patronage to families, friends and clients (Dahal, 2010:1). This tendency continues to provoke identity-thirst subsidiary movements with negative effect on national identity. Policy-making is still the prerogative of senior bureaucrats, technocrats and influential donors who lack the insight of public need that only visionary politicians can apply. The catch-all parties of Nepal, no matter whatever their ideological inclinations, use the state power to exclude, restrict access and minimize the role of political opposition, ordinary citizens and independent intellectuals seeking public goods. For them losing election is no constraint to confiscate state power and weaken opposition, the resiliency of democracy to adapt as well as infuse fresh leadership into the polity.

Nepal’s problem of order is largely the problem of accountability, of building a coherent system of public authority whose power contributes to the creation of impersonal members of state such as “citizens,” not sub-impersonal ones such as ethnicity, caste and class. This goal is unlikely to be attained unless public accountability and the sequence of penalizing the crime are firmly established in the system thereby enabling the state to govern. Nepalese leaders have learned the art of playing party politics for their personal survival but appear weak in four areas of public interest: create constitutional order for improved governance, formulate contextual public policies to resolve contending issues, meet the essential needs of citizens, provide social equity to marginalized and settle political disputes. If governance is to be made accountable, the public must be able to exert democratic influence on the conditions of its existence, create an open access order and make its functioning democratic. International solidarity is essential to overcome the obstacles to democratic peace.

References

- Acharya, Baburam.1996. *Nepalko Sanskritik Parampara* (Nepal’s Cultural Tradition), Kathmandu: Sri Krishna Acharya.
- Burghart, Richard. 1984. “The Formation of the Concept of Nation-State in Nepal,” *Journal of Asian Studies*, Vol. XLIV, No. 1, November.
- Chomsky, Noam. 2001. "Face to Face With a Polymath," Interview in *Frontline*, December 7.
- Dahal, Dev Raj. 2010. Reflection on Leviathan: State and Governance in Nepal,” *Heidelberg Papers in South Asian and Comparative Politics*, Working Paper No. 58, Heiderberg University.
- Dahal, Dev Raj. 2010. “Elections and Conflict in Nepal: Country Analysis,” *International Policy Analysis*, FES August.
- Devkota, Laxmi Prasad.1997. “We Think of Ourselves First,” ed. Brijesh Shrestha, *Janmostab*, Kathmandu: Projaal Maleku.
- Ghimire, Krishna. 1998. *Forest or Farm? The Politics of Poverty and Land Hunger in Nepal*. New Delhi: Manohar.
- Gurung, Harka, 1998. *Nepal: Social Demography and Expressions*, Kathmandu: New Era.
- Institute of Development Studies. 2010. *An Upside Down View of Governance*, Brighton:

- Institute of Development Studies.
- Joshi, Bhuvan Lal and Leo E. Rose, 1964. *Democratic Innovations in Nepal: A Case Study of Political Acculturation*. Berkeley: University of California Press.
- Khanal, Krishna P. 1997. *Constitution and Political Parties in Nepal*, A Report Submitted to Friedrich-Ebert-Stiftung, Nepal Office.
- Khanal, Yadu Nath. 1977. *Nepal: Transition from Isolationism*, Kathmandu: Sajha Prakashan.
- Kramer, Karl-Heinz. 1997. "Political Parties and the Development of Civil Society in Nepal," paper presented at the Panel on *Political Parties and Civil Society in Asia*, organized by the International Political Science Association, Seoul, August 17-21.
- Lasswell, Harold D. 1965. *World Politics and Personal Insecurity*, New York: The Free Press.
- Lohani, Prakash Chandra. 1980. *People's Participation in Development*. Kathmandu: Center for Economic Development and Administration.
2000. "The National Scene," *The Kathmandu Post*, January 8.
- North, Douglass C., John Joseph Wallis and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*, Cambridge: Cambridge University Press.
- Panday, Devendra Raj. 1998. "Transparency in the Context of Good Governance in Nepal," Kathmandu: NESAC.
1999. *Nepal's Failed Development: Reflection on the Mission and the Maladies*, Kathmandu: Nepal South Asia Center.
- Regmi, Mahesh C. 1995. *Kings and Political Leaders of the Gorkhali Empire 1768-1814*, Calcutta: Orient Longman.
1999. *Thatched Huts and Stucco Palaces: Peasants and Landlord in 19th Century Nepal*, Delhi: Adroit Publishers.
- Rose, Leo E. and John T. Scholz. 1980. *Nepal: Profile of a Himalayan Kingdom*, New Delhi: Select Book Syndicate.
- Sharma, Prayag Raj. 1977. "Caste, Social Mobility and Sanskritization in a Tribal-Hindu Society: A Study of Nepal's Old Legal Code," ed. Shigeru Ijima, *Changing Aspects of Modern Nepal*, Tokyo: Institute for the Study of Languages and Cultures of Asia and Africa.
- Shrestha, Nanda R. and Dev Raj Dahal. 2008. "Nepal," eds. Guntram H. Herb and David H. Kaplan, *Nations and Nationalism: A Global Historical Overview*, California: ABCCLIO.
- Snyder, Jack. 2010. "The State and Violence," *Review Symposium*, Vol. 8, No. 1.
- Spiess, Clemens. 2009. *Democracy and Party Systems in Developing Countries: A Comparative Study of India and South Africa*, London: Routledge.
- Tisinger, Catherine Anne. 1970. *The Modernization of Nepal: A Socioeconomic Perspective*, a Ph. D. Dissertation submitted to the University of Pennsylvania.
- Tucker, Jr. Kenneth H. 1998. *Anthony Giddens and Modern Social Theory*, London: Sage Publications.

Note: Readings on Governance and Development, Vol XIV, 2012.