Preconditions of Democracy: An outsider's reflections and their reception in Nepal

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Early in 2003, as the second ceasefire that punctuated the Nepal Civil War (1996-2006) took hold, the Social Science Baha of Patan Dhoka, Lalitpur, invited foreign and local scholars to a conference on Inclusive Democracy to be held in Kathmandu. Over three days in late April 2003, 36 papers were presented in what was in those days called the Birendra International Conference Centre (today it houses the Constituent Assembly). I presented my paper, entitled at that time 'Inclusion, Hybridity, Social Order: Preconditions of Democracy', on Friday 25 April 2003.¹ The publicity and reception that the paper received immediately following the conference is recounted below and seems to have given me some renown as the scholar who emphasises hybridity in the Nepali context.

The idea that motivated the conference—that a new form of more inclusive democracy would be required to overcome the conflict—is today very widely accepted, but the question of how far to go in the direction of ethnic federalism is as controversial as ever (the very suggestion of federalism was radical at that time). Most of those who presented papers in 2003 have re-worked their ideas or published versions of them elsewhere. It seems unlikely that a collective publication of them now would serve much purpose. However, several people drew my attention to specific elements of this particular paper that they found valuable. Furthermore, the way in which it was received in Nepal is also, I hope, of more than passing interest.

The main body of the paper—though dated, particularly in its discussion of the Maoists' ideas about democracy, which undoubtedly have evolved considerably since that time—is presented here as it was at the time, i.e. as I revised it in November 2003 and April 2004. It reflects the times in which

See http://www.soscbaha.org/activities/conferences-and-workshops/161-the-agenda-of-transformation.html. A short Nepali summary of my paper, which I checked for accuracy, was published in 2004 along with summaries of other papers, in M. Mainali (ed.) Samaveshi Loktantraka Adharharu [The Conditions of Inclusive Democracy] (Gellner 2004). For comments I would like to thank D.P. Martinez, J. Whelpton, M. Hutt, and the members of seminars in Kathmandu and Hiroshima.

it was written, both the optimism of the ceasefire and the pessimism of the severe conflict and political polarisation after the renewal of hostilities, as well as the limited accessibility of the Maoists' writings.

Definitions of democracy and remarks on method

What is democracy? Putting aside classical roots, there is an enormous literature, and many long debates on this subject, starting in the seventeenth and eighteenth centuries in Europe and the European-settled parts of the Americas, spreading in the nineteenth and twentieth centuries throughout the globe. The very terms in which one frames the debate will, of course, have an impact on the conclusion one comes to. One need only look as far as the different terms by which 'democracy' has been translated into Nepali as an illustration of this point: <code>prajātantra</code> ('democracy', literally rule by the subjects [of a king]) vs. <code>ganatantra</code> (more common in Hindi, 'rule by the people', understood to mean republicanism as in India) vs. <code>janatantra</code> ('rule by the people') or <code>janbād</code> (lit. 'people-ism').

Reduced to its most basic elements, 'democracy' would appear to mean (1) government in the name of the people where (2) the presumption is that the individuals who make up 'the people' are intrinsically equal. What is not included in this definition is the particular constitutional, electoral, or other means by which this is put into practice; 2 nor does it presuppose that parliamentary, multi-party democracy is the only or the best form of democracy—an assumption that might be warranted as corresponding to the intuitions of the vast majority in western Europe, for example, but would not be so warranted in Nepal. Despite this, I shall not attempt to delineate common Nepali understandings of democracy in this paper, because my purpose here is not to produce an anthropological account describing how Nepalis perceive democracy (very valuable though such an exercise would be), but rather to distinguish, however briefly and sketchily, various concepts of democracy, to assess their adequacy, and to make some suggestions as to small but practicable steps that could be taken so that inclusive democracy might, in the long run, be achieved in Nepal. In other words, the paper is both analytical and prescriptive.

In signalling the distinction between description and prescription, I invoke

² For a highly informative survey on the actual history of the mechanisms of democracy (i.e. constitutions, secret ballots, universal suffrage, etc.), see Markoff (1999).

a key methodological precept. There is (or, as I shall argue, there ought to be) a fundamental difference between a descriptive account or explanatory model (which attempts to describe how a particular system works) and, on the other hand, a prescriptive model or template which attempts to provide an ideal towards which actual arrangements should be made, so far as is possible, to conform and in terms of which actual arrangements may be judged. In a classic essay Geertz (1973) pointed out that religions tend to combine, and indeed run together, both kinds of statement: they are both 'models of' (positing how things are) and simultaneously 'models for' (providing ideals of how things should be). It is a matter of empirical observation that Nepali intellectuals (as many elsewhere also) do not often observe a strict separation in these two different modes of analysis, or an awareness that there is a distinction to be made.3 No doubt the active engagement of Nepali intellectuals in the problems of their country (a good thing), and their consequent frequent employment as development consultants (an empirical and unavoidable fact), mean that they are highly used to making recommendations, and indeed finishing any piece of writing with a list of them. Making prescriptive recommendations is certainly unavoidable, and the present essay is no exception.

Furthermore, sophisticated theorists will argue that the fact/value distinction is in fact a chimaera, that even the most supposedly value-free investigation inevitably bears the marks of its creator's position and presuppositions. Many apparently empirical sociological investigations are driven by their authors' evaluative positions and ideological interests. All this may be true, but, even so, as an ideal, as an idea that can guide the organisation of analysis, the fact/value distinction is one that all analysts should keep constantly in mind. Empirical and descriptive analyses are the more powerful when the author's preferences or suggestions do not repeatedly intrude.

One of the most famous definitions of democracy is Lincoln's (implicit) definition in his 1863 Gettysburg address, when he spoke of democracy

³ That Nepalis have no monopoly when it comes to ignoring the fact/value or description/prescription distinction could be shown by any number of examples. I cite only one by an American journalist with a deep knowledge of Japan: Patrick Smith's Japan: A Reinterpretation is in many ways a fine piece of work but it is marred by too much preaching (i.e. too much prescriptive pleading to fellow Americans) and an insufficiently comparative framework.

as government of the people, by the people, and for the people. This is certainly fine rhetoric, but as clear analysis it elides the description/prescription distinction, begs many questions, and leaves us as confused as before (Lincoln, being a canny lawyer and politician, probably knew exactly what he was doing):

- 'by the people': all government is 'by people' and the question is to know how representative those in power are and what degree of involvement 'the people' should have in actually making decisions;
- 'of the people': this phrase likewise begs the question: who are 'the people'? All men owning property (a common criterion in nineteenth-century Europe and in earlier ages)? All men? All men and women? One way of making sense of this definition is to understand it in terms of the nationalist principle: government should be by the people of the nation and not by foreigners. But of course that only pushes the issue of definition back on to the question of how membership in 'the nation' can or should be defined.
- 'for the people': this final part of the Gettysburg definition may be translated as 'in the name of the people'. But on its own it is not enough to define democracy, because monarchies, authoritarian regimes, etc. all claim to be governing 'for the people'. The Panchayat system claimed to be governing 'for the people' and some would say, even now, that its claims were not wholly preposterous.

What Lincoln's formulation confused and ran together was the distinction between two radically different models of democracy:

- I. democracy as *participation*: in this Rousseau-ian, republican vision, democracy only works in so far as people make the decisions themselves; politicians are not representatives with freedom of action, but delegates of the people;
- II. democracy as *representation*: in this liberal vision the nation-state is made up of individuals who aggregate their preferences; politicians mediate between the people and the state.

For the most part, these two models of democracy have been in tension. On a small scale, in Swiss cantons or Israeli kibbutzim for example, the

participatory model has been shown to work, but on a larger scale it tends to lead to dictatorship. A complication for both models is raised by the ethnic or minority question, which is central to discussions of inclusion in the South Asian context: how far should ethnic or caste groups have rights, as groups? And should their members have rights, as individuals, that are not shared necessarily by all other groups or individuals? These questions raise important issues, which I will touch on below.

Participatory democracy: the Marxist variant

Currently in Nepal two broad models are actually in play. One could say that there are three models, if the Panchayat model of guided partlyless democracy, which was significantly different from the other two, is also included. However, almost no one today is openly advocating a return to the indirect democracy of the Panchayat era, and the bankruptcy of that model has surely been demonstrated by the drift and illegitimacy of governments since 4th October 2002. The two broad models are, of course, liberal democracy and Marxist democracy. The liberal democratic model presupposes that there should be competing parties, a free market, private property, and an independent judiciary. According to the Marxist model, which is still very popular on the left in Nepali politics and by no means confined to the Maoists, such institutions are inevitably captured by the bourgeoisie, so that they become a mere front for middle-class interests. In the Marxist model democracy consists in the rule of the working class, the majority, as represented by vanguard parties. Their task is to prevent the exploitation and inequality that occurs under other forms of rule. Whatever their rhetoric, most Nepali political forces appear to have come to accept, whether in principle or because of pragmatic considerations, the liberal democratic model. It was Madan Bhandari's great achievement to give the UML a language in which they could do this. Even the Maoist leaders gave statements to the press in March 2003 which seemed to imply that they might be able to bring themselves to do the same, though the Marxist doctrine of dialectics can be used to justify any amount of temporary doctrinal inconsistency and more recent statements suggest that classical Marxist and Maoist thinking continues to be their main guide to action.

One modern theorist who attempted to be even-handed in his description of the actual application of the term 'democracy' and who was optimistic about the possibilities for participatory democracy was

C.B. Macpherson. Writing at the time of the Cold War, he argued that at least three models of democracy actually existed: he recognised liberal and non-liberal democracies, and within the latter both communist and underdeveloped variants. He argued that developing countries had often rejected liberal means, but shared with liberal democracy 'the ultimate ideal of a life of freedom and dignity and moral worth for every member of society' (Macpherson 1966: 30). Developing countries could not afford 'the politics of extreme choice' (ibid.: 34) of developed liberal societies. But this did not mean that 'in the broader sense' they were undemocratic. By these criteria, Macpherson would surely have had to allow the Panchayat regime's claim, not to mention those of many other authoritarian, rightleaning Asian regimes of the period, to be called democratic as well.

Even-handed and empirical though Macpherson's position would appear to be, it is questionable whether unliberal regimes really do anything to provide a life of 'freedom and dignity and moral worth'—we have the advantage over Macpherson of many more years of experience of such regimes. Thus the question remains, whether one should give any credence at all to the Maoist claim to represent true 'people's democracy'. In the most recent issue of The Worker, the two top leaders of the Nepali Maoists, Prachanda and Baburam Bhattarai, address this question explicitly (Prachanda 2004, Bhattarai 2004). What is remarkable, given the political ferment and constitutional discussion within the country as a whole, is that both of them-succinctly in Prachanda's case, more discursively in Bhattarai's—stick rigidly within the bounds of classical Marxism-Leninism-Maoism, citing well-known Marxist sources at great length and coming to classic Marxist and Maoist conclusions. Their thought runs strictly on Marxist lines, and discussion of rights, of ethnic or national questions and of gender are added or alluded to only as an after-thought; Dalits are not even mentioned—all of which goes to suggest that the Maoist adoption of these causes is indeed a short-term tactic, as is frequently alleged.

Both Prachanda and Bhattarai dismiss parliamentary democracy as a facade, and both see the new state they will establish as, by definition, non-coercive and democratic:

Whenever the state exists there cannot be anything like a 'democracy for all', 'the full democracy' or 'a free people's state'. When a situation in which the entire society acquires democracy develops, then the need

of democracy itself vanishes... In fact, the state is democracy and the democracy is the state. It can also be understood in other words—the state is dictatorship and the democracy is dictatorship... Democracy for the entire people is nothing other than the hypocrisy of the bourgeois class to confuse the working masses... (Prachanda 2004). [I]t is a bitter truth that in the past the proletarian state powers instead of serving the masses and acting as instruments of continuous revolution turned into masters of the people and instruments of counter-revolution, and rather than moving in the direction of withering away transformed into huge totalitarian bureaucracies and instruments of repression. The present day revolutionaries should draw appropriate lessons from this and should strive to lay proper foundations for the new type of state from the very beginning ... first ... GPCR [Great Proletarian Cultural Revolution] or continuous revolution under the dictatorship of the proletariat ... Secondly, to transfer the state power that had become master of the people in the past... methods of ensuring participation of the wider masses in the state or expanding greater democracy in society should be institutionalized... Withering away is, therefore, neither the abolition of the state... nor is it first developing in a bureaucratic form... Withering away means cessation of only the 'political' function of the state as a means of coercion... [I]t is a great paradox of history that whereas the proletarian state with an essence of dictatorship over the limited exploiting classes and that of democracy for a majority of exploited classes has been denounced as 'dictatorial', the bourgeois democracy with an essence of democracy for a handful of exploiting classes and that of dictatorship over the majority of the working classes is hailed as an ideal model of universal and eternal democracy... (B. Bhattarai 2004)

What Bhattarai dismisses as a 'great paradox of history' is simply the judgement of historical experience. Bhattarai himself is concerned above all to prevent the emergence of a rigid communist ruling class as has always happened after a socialist revolution. His solution—permanent revolution on the lines of the Cultural Revolution—is a chilling reminder that the Maoists have learned very little from history. In effect, it advocates endless participatory democracy, in which the voice of the loudest wins out, ensuring that all intermediate organisations below the top echelons of

the Party remain in fear of those who claim to be 'the people'. Ignorance of Russian, East European, Chinese, and South-East Asian history on the part of the semi-educated youth who make up the Maoists' cadres is excusable; that of their leaders is wilful and culpable.

Scalapino's forty-year-old analysis of the actual practice of 'democratic centralism' retains its validity:

[P]arty structure, established at the outset and modeled almost precisely after the Soviet party, is permanent... The very structure of the communist party—and the ideology that underlines that structure—are conducive to a struggle for supremacy that must culminate in the victory of one man. The absence of any tradition of minority rights, and of any mechanism for a peaceful alternation in power, makes every contest for power a final one. Hence the struggle must be ruthless, with no holds barred. Rivals are castigated in absolute terms: 'false Marxist-Leninists,' 'opportunists,' and 'traitors.' When the battle is decided, purges almost inevitably follow. In the end, one man tends to emerge as the supreme leader, without a serious competitor... It is not uncommon, however, for an element of oligarchy to persist, with the supreme leader sharing his power more or less voluntarily with two or three trusted colleagues who will never challenge his final authority... (Scalapino 1965: 18)

In short, for democracy actually to mean anything in practice it has to be combined with liberty and security. Without the freedom to associate, without a minimum of security, the 'rule of the people' is nothing more than a slogan. As long as the Maoists arrogate to themselves the right to designate any opponent a 'class enemy' and to 'cleanse', i.e. torture and/or kill, them, no real democracy can exist. Needless to say, the Maoists' claim to possess a scientific ideology is as bogus as their claim to be democratic.⁵

⁴ There are many personal memoirs attesting to the suffering of the Chinese people during the Cultural Revolution (e.g. Wong 1997, Gao 2001). See also Dittmer (1975), Weisner (1986), White (1991), MacFarquhar (1997), and Spence (1999).

⁵ The classic attack on Marxist pretensions to scientific status, by the greatest philosopher of science of the twentieth century, is Popper (1945).

Representative democracy: The liberal variant

Discussions within political philosophy have all too often been carried on in terms of ideal models which bear little resemblance to 'actually existing' democracy. It is worth introducing briefly two theorists who attempted to base their theories on actually existing practice of democracy, rather than on some ideal model of how we would like things to be. In his classic book Capitalism, Socialism, and Democracy, Joseph Schumpeter argued that democracy consisted in political arrangements that allowed 'the people' to choose between competing sets of rulers in periodic elections; in other words, to remove existing leaders on a regular basis and peaceably:

...democracy does not mean and cannot mean that the people actually rule in any obvious sense of the terms 'people' and 'rule.' Democracy means only that the people have the opportunity of accepting or refusing the men who are to rule them...[by means of] free competition among would-be leaders for the vote of the electorate... [D]emocracy is the rule of the politician. (Schumpeter 1970 [1943]: 284-5)

Schumpeter thought that it was positively harmful to entertain any misty-eyed Rousseau-ian or Marxist notion that 'the people' could be involved on a day-to-day basis in the difficult questions that confronted rulers under the conditions of complex, advanced industrial society. The idea that politicians can come together to represent the 'General Will' of 'the people' is an illusion: 'just as firms compete for business in market systems, would-be political leaders compete for votes' (Shapiro & Hacker-Cordón 1999: 4).

In Schumpeter's view there were five conditions for democracy—understood as the competition of elites voted in and out by 'the people'—to function well. There needed to be:

- 1. politicians 'of sufficiently high quality';
- 2. consensus among politicians and parties on the overall framework within which they compete;
- 3. a well-trained and efficient bureaucracy 'of good standing and tradition, endowed with a strong sense of duty and a no less strong *esprit de corps*';
- 4. 'Democratic Self-control', i.e. acceptance of the outcomes of the legislative procedure, and restraint of criticism and action against the system: 'electorates and parliaments must be on an intellectual and

- moral level high enough to be proof against the offerings of the crook and the crank...':
- 5. an overall culture of tolerance of criticism and of differences of opinion (Schumpeter 1970: 290-5).

In outlining these conditions Schumpeter was evidently thinking of the collapse of liberal democracy before fascism in many countries of central Europe, and its survival in Britain and north America.

Hardheaded and cynical it might appear, but Schumpeter's theory also had the consequence of legitimating liberal democracies and delegitimising one-party states. Under his theory, one-party states, whatever they might say about governing for the people, could not be democratic. Schumpeter was clearly against the idea of introducing more and more democracy into the arrangements of government and local life, as has become a truism of contemporary political discourse, whether in Nepal or the West. In Varshney's terms (2000: 15), democracy is a 'continuous variable', something one can have more or less of, not a 'discontinuous variable', something one has or does not have, as in the Marxist view. One need not agree with Schumpeter's view that democracy should be restricted to an elite, to see the merits of his theory in capturing the difference between liberal democracies (in which politicians can be voted out of office) and regimes which merely claim to act for the people (where they cannot). What Nepal has experienced in the 1990s is something approaching the Schumpeterian model: a circulation of elites, voted out at each election by the people. In the glaring absence of several of the conditions Schumpeter thought necessary, the system has not worked well and has failed to gain the allegiance of many Nepalis.

A second political theorist who claimed to be taking as his starting point democracy as it is actually practised was Robert A. Dahl. In contrast to those, like Schumpeter, who saw democracies as dominated by elites, Dahl, along with other pluralist theorists, emphasised the numerous different interest groups and minorities which influenced policy outcomes, within a framework that was set by majority interests. He stressed that for democracy actually to work there had to be both *inclusiveness* (i.e. equal rights for all) and *freedom to contest* (i.e. people had to be able to bring their concerns to the public sphere without fear). Regimes that fulfilled these criteria he called polyarchies (since he felt that no society on earth

was fully democratic) (Dahl 1971). He produced a long list of factors which influenced the chances of a polyarchy surviving or functioning well: these included having a predisposing culture of pluralism, not having too low a per capita income, not having too much cultural diversity, and so on. He stated plainly that the different 'variables' could not be quantified and that any attempt to quantify and weigh them would be spurious and dishonest (ibid.: 206-7).

It has been argued (Lukes & Duncan 1977) that no amount of empirical data about the way in which various democratic polities work can, of itself, refute classical ideal models. In particular, just because currently existing liberal democracy functions with low levels of participation by most adults in most developed Western countries, that does not show that models positing high levels of participation are 'false' or 'irrelevant'. That is because ideal models are not theories to be refuted. They can only be refuted as practicable ideals if it is shown that the assumptions which underlie them are contradictory or otherwise impossible. As mentioned above, participatory democracy has in fact been shown to be possible, in small, more or less face-to-face contexts. It is thus certainly not the case that all participatory democracy is tainted by the experience of China's Cultural Revolution. However, the historical record has yet to show a Leninist or Maoist regime which was not oppressive and which managed to be democratic in more than name. This being the case, despite the manifold failings of actual liberal democracies, including Nepali liberal democracy from 1990 to 2002, my suggestions below focus on small steps that might possibly enhance it.

Democracy as global trend?

The collapse of the Soviet Union and processes of liberalisation in other authoritarian societies led to widespread anticipation that liberal democracy would eventually triumph everywhere, in Fukuyama's phrase that 'history' had 'ended'. The fall of the Panchayat regime in Nepal was part of that global trend. Previously full procedural democracy had been seen as a luxury that few developing countries could afford. In so far as development organisations supported democracy, it was of the formal and liberal sort. Now, suddenly, democratisation, full participatory democracy, at all levels, was seen as part of what development was about. Partly this was a welcome change from seeing development purely in terms of health,

education, and income indicators. But it was also the outcome of disillusion and disappointment with the failure of earlier models of development. Where before participation had meant the contribution of villagers' labour, now there was an attempt—within strictly managed (and some would say de-politicised) limits—to accept the political nature of development and to involve the beneficiaries in the decision-making.⁶

The kind of development that donor countries were pushing thus changed quite considerably. 'Empowerment' of the poor and disadvantaged segments of society (women, tribals—now called Janajatis—and the low castes—now Dalit) was a top priority, where previously local 'user groups' were sufficient. The same problems with the whole development process remained, namely, that control of the budget and parameters for spending it came from the centre. None the less, there was a marked evolution of the discourse and vocabulary in which development objectives were couched.

Given the present trajectory of Nepal, one could well imagine some observers doubting whether the heavy emphasis on empowerment and democratisation by NGOs and international donors was in fact supportive of democracy. Did it perhaps undermine it, by making the gap between what was supposed to be happening and what villagers were actually receiving—how little they were in fact being empowered—only too obvious? In short, were the NGOs who taught empowerment actually preparing the ground for the Maoists and their insurgency?⁷

There can be no doubt that, in material and psychological terms, Nepal has gone backwards since 1996. Without a minimum of peace and security, simple survival—let alone development activities—cannot be ensured. It is doubtful whether democracy is valued by the majority of the Nepali population for its own sake, regardless of its relationship to development. So it is worth asking whether the conditions exist in Nepal for democracy and development to advance hand or hand, to reinforce each other. In a recent survey of different views of the relationship between development and democracy, Gordon White concluded that democracy and development

⁶ For descriptions and critiques of this in the Nepali context, see the contributions by Harper and Tarnowski and by Campbell in Gellner (ed.) 2003, and also Shah (2002). For a useful survey of the ways in which politics was first kept out of development and then brought in as 'good governance', see Leftwich (2000). See also Jenkins (2001) for a critique of USAID's use of the concept 'civil society'.

⁷ There is anecdotal evidence and much speculation; but nothing that I know of that would settle the issue.

had the best chances of proceeding together under the following conditions:

- socio-economic system: in societies at a higher level of socio-economic development, with a relatively homogeneous population, a relatively strong sense of national identity, a relatively cohesive social structure, and a lack of gross inequalities of condition.
- *civil society*: not just whether or not civil societies are 'vibrant', but also the extent to which the forces of civil society can forge broad developmental coalitions to strengthen the strategic capacity of the state and tackle problems of poverty and insecurity. The nature and impact of political coalitions is a crucial determinant of the trajectories of different forms of democratic governance.
- political society: where party systems are relatively well developed, concentrated rather than fragmented, broadly based, and organised along programmatic rather than personalistic or narrowly sectional lines.
- state institutions: in societies where political power is organised to allow
 a concentration of executive authority, whether this be within the
 institutional integument of a presidential, parliamentary, or hybrid
 system, and where the state apparatus is staffed by professional civil
 servants.
- *international environment*: in societies where the autonomy of national elites is not so undermined by external political or economic dependence as to reduce significantly their capacity to rule and the principle of democratic accountability (White 1998: 45-6).

White goes on to suggest that the kinds of societies which might come close to fulfilling these demanding criteria would be 'South Africa and possibly Ghana in Africa; Chile, Costa Rica, and Venezuela in Latin America; Poland, Hungary, and the Czech Republic in Eastern Europe; certain states within India in South Asia; and Taiwan in East Asia' (ibid.). Once again, it would seem that the cards are stacked against Nepal. More specifically, in the South Asian context, the obvious contrast is with India, which has had sixty years (longer if you include the independence struggle) for democracy to become embedded in society. Despite autocratic tendencies by various rulers, none has been able to last, and all, with the exception of Nehru, have been voted out of office.

Requirements in the Nepali case

1. Public order

It is evident that for many ordinary Nepalis the experience of democracy since 1990 has been a massive disappointment. That has partly fuelled the Maoist insurgency. But the insurgency itself has demonstrated a massive failure of the democratic regime and has generated further disappointment, both with democracy and with the Maoists. It should be evident that without a secure public space in which to come forward there cannot be genuine or democratic participation. Unfortunately, with the exception of John Whelpton and Saubhagya Shah, the participants in the conference at which this paper was first presented do not appear to have addressed this issue at all, sharing as they mostly do the leftist presupposition that oppression and the state are problems, but security and public order are ideological demands of a feudal and/or bourgeois establishment.

The decline of the authority and the power of the Nepalese state in the years between 1980 and 2003 is a complex issue, a compound of many trends. One of those has been the rise of private, non-state, marketled provision in health and education, so that state institutions in these fields have steadily lost resources. Development functions have also been increasingly contracted out to NGOs—partly a response to failures of government institutions, but also contributing to their increased decline. Squeezed by World Bank and donor demands, the Nepalese state has itself attempted to reduce the number of its employees. And, since 1990, there has been a process of privatisation of state enterprises, supported by both the Congress and the UML.

At the same time there has been a gradual politicisation of ordinary voters, advancing most rapidly after, and as a consequence of, the collapse of the Panchayat regime in 1990. This has meant that 'traditional' authority, expressed through multi-faceted allegiance to dominant lineages, has markedly declined.⁸ At the same time many arms of the state were delegitimised by the actual process of the revolution of 1990: this applied in particular to the police, whose low pay made them liable to abuse their authority, which made them even more unpopular in rural areas. The actual

⁸ The best description of this process is Philippe Ramirez's political anthropology of Argha Khanchi (Ramirez 2000).

political process since 1990, whereby appointments were made subject to the demands of political parties, meant that the state was even less able to appear as any kind of arbiter or neutral guarantor of rights or goods than it had been before 1990. Local party political leaders came to play many roles that had previously been carried out by lineage elders or rich men. The Maoist insurgency, which has decimated political activists in the villages, and forced those who have survived to flee to district headquarters or to the cities, has undermined even this source of authority at the local level. The parties have been still further undermined by the king's dismissal of Sher Bahadur Deuba and his government on October 4th 2002, and his refusal to cooperate with them since then.

For all these reasons, and no doubt others, there has been a rise of gangsterism at the local level. Shah (2002: 155) refers to the 'hyperfragmentation of society'. In the terms of Stepan and Linz (2001), Nepal is not yet a 'consolidated democracy': democracy is not secure from attempts at overthrow (even though the attempts to overthrow it are always in the name of democracy).

2. Inclusion

It has been widely recognised, on all sides of the political spectrum, that more inclusiveness is required. It is perhaps also recognised that when the 1990 constitution was drawn up, despite the large changes from previous constitutions, and the many suggestions which the committee received, sufficient time was not allowed for various groups to mobilise and come forward in the new, much freer atmosphere. Had more time elapsed between the collapse of the old regime and the promulgation of a new constitution, the drafting might have been more suited to the new system as it actually began to develop. Taking that consideration into account, it is perhaps appropriate for reform of the constitution, if not actual redrafting, to be undertaken.

There are several symbolic gestures that could be taken to improve the feeling of inclusion on the part of ethnic and religious activists. Much was made of the insertion of a comma in the final draft of Article 4 of the Constitution, which, it is argued, had the effect of making Nepal a Hindu

⁹ See Hachhethu (2002; also 2003).

kingdom, where before it was only the King who had to be Hindu. ¹⁰ If the removal of a comma can cause so much happiness, why not remove it? In a similar vein, some further steps could be taken to enact *dharma-nirapeksatā*: this is usually translated as religious secularism, but it means something like 'not being dependent on (one) religion'. Public holidays could be declared on at least some of the Muslim and Christian holy days as well, to recognise the significant number of Nepalis who follow those religions. (Buddha Jayanti has had such recognition since 1951.)

A more procedural step would be to introduce some kind of federal system, or at least some degree of federalism, i.e. much greater powers than currently exist for devolved units of government. This would surely necessitate the creation of administrative units larger than the present districts, but smaller than the current zones, which would be able to support greater responsibilities. Harka Gurung (2002) has already suggested a reduction of the number of districts from 77 to 25 on the grounds of efficiency. Such units would need to be given substantial local responsibilities, as well as possibly limited tax raising powers, thereby also enabling a long-term goal, never properly achieved, of decentralisation. If such reforms also enabled certain regionally concentrated ethnic groups to have an administrative unit within which they formed a majority, as was done for the Sikhs in India with the creation of the state of Panjab, some of the aims of the ethnic activists would also be met (the desire for autonomy), without the need for ethnically designated voting rights.¹¹ Any system which depended on defining all members of the population as belonging either to one or other ethnic group would cause even more problems than it solved, given both the considerations about hybridity (see below), and the fact that all populations in Nepal inhabit highly mixed areas. Nepal has no ethnically pure enclaves.

Should there be reservations in higher education, government employment, and political representative bodies for disadvantaged social groups as there are in India? Whether and how exactly to institutionalise

¹⁰ Where previously the draft had read samvaidhānik hindu-rājtantrik rājya, it became samvaidhānik hindu, rājtantrik rājya. For a recent discussion which argues that 'it is quite redundant on the part of the Constitution to characterise the kingdom as "Hindu"—i.e. that the position of the King would not be affected if the offending word was removed—see Sharma (2002: 36).

¹¹ For examinations of the claims of ethnic activists, see Bhattachan (2000) and Krämer (2003).

such reservations is one of the more difficult issues facing Nepali politicians today. In the rapidly changing situation at the centre, Prime Minister Chand acceded to the principle in 2003, and some initial steps were taken in educational institutions (e.g. some reserved seats for Janajatis in the Teaching Hospital). If the aim is inclusiveness, there is a strong argument to be made that those groups which have suffered under the stigma of Untouchability deserve special consideration in this regard.

A final suggestion concerns the voting system: the current Westminster or majoritarian system of 'first past the post' or 'winner takes all' single-member constituencies encourages national coalitions to win elections, but it leaves large numbers of people disenfranchised. Of all the voting systems used in liberal democracies, it is the least democratic in the sense of providing representation in proportion to the support in the electorate. Unlike in India, there are no reservations to counterbalance this, to ensure the representation of disadvantaged groups. A simple way of getting more inclusiveness and having more people feeling that their representative is in Parliament, would be to have much larger, multi-member constituencies. Whether with a single vote, or a single transferable vote, it would have the effect of giving more people a voice. 12

3. Hybridity (or: Giving up the myth of purity)

It is something of an irony that Western academics and intellectuals have discovered the idea of hybridity just as many activists are taking up the notion of 'pure', primordial ethnic groups.¹³ But it cannot be gainsaid that, in actual practice, ethnic boundaries are flexible, contextual, and liable to change over time. The practice of censuses and other kinds of classification beloved of states and bureaucracies tends to hide this. Everyone must be counted, and no one must be counted twice. Furthermore, as Baumann has incisively shown in his pathbreaking theoretical ethnography, *Contesting Culture* (1996), there are good political reasons why essentialised cultural identities survive and are propagated even by those who know full well that the social reality on the ground is fluid and far more complex.

In Nepal before 1990, census data on castes and ethnic groups were not published, and we had to wait for the results of the 1991 census to

¹² The considerations here are extremely technical (see, for example, Lijphart 1994) and I leave discussion of them to experts.

¹³ See Werbner & Modood (1997) for a representative collection of essays on hybridity.

discover exactly what proportion of the country the Bahuns, Chetris, Tamangs, and Tharus were. The figures are interesting but, as with all such figures, deceptive. What they do not reveal is how many people might have belonged to more than one category. What they impose is a 'one and only one category per person' uniformity. The traditional ethnic and caste situation was, in fact, far more fluid with identities being adopted, changed, and combined strategically.¹⁴ A particularly striking example of such changing identities comes from the Rana family itself: Jang Bahadur raised the Ranas from Chetris to Thakuris, a status which no one denies them today. There was evidently also considerable fluidity across the Magar-Chetri boundary in the eighteenth, and possibly well into the early nineteenth century. Even the royal family very likely has some Magar ancestors, hence Whelpton's conclusion that 'it is surely time for the House of Gorkha to reclaim its Magar heritage' (Whelpton 1997: 73). In short, as Prayag Raj Sharma pointed out long ago, 'the Chhetri caste in Nepal has been one of the most open-ended in its making, and represents the greatest instance of cultural-biological admixture in Nepal' (Sharma 1977: 288; cf. Sharma 1978).

The point of this excursus is to say that there has in fact been—contrary to the ideology of the caste system—an enormous amount of ethnic and caste intermixing in Nepal's history. It would be ironic now if, as an artifact of modernity, ethnic groups and castes were to acquire a rigidity and a purity that they never possessed in the past. Those who want to 'build the nation' as well as to protect and preserve ethnic cultures (and the vast majority of ethnic activists do so claim) would surely welcome that these heritages should 'belong to' the nation as a whole, and not just to a few purists.

My suggestion is that in future the census should acknowledge this hybridity by allowing, and perhaps even encouraging, people to tick more than one box in the ethnicity/caste question. (An alternative, less satisfactory in my opinion, would be to introduce numerous 'mixed' categories as is done in the USA census; or a single 'mixed race' category as was done in the last UK census.) Today's computer-aided statistical techniques would surely be adequate to analysing the results so collected.

¹⁴ The classic statement of this social fact in the African context is the essay 'The Illusion of Tribe' by Aidan Southall (1969). The theme has been explored for Nepal by various authors (see Levine 1987, Holmberg 1989, Whelpton 1997, Gellner 2001, 2003a, Fisher 2001).

This argument can also be extended from ethnicity to religion, though such a step would doubtless run into vociferous objections from religious activists. Numerous observers, both Nepali and foreign, have noticed that the actual practice of religion in Nepal very rarely falls neatly into boxes labelled 'Hinduism' or 'Buddhism'. The story has often been told of the foreigner who asks a Newar, 'Are you Buddhist or Hindu?' and receives the answer 'Yes'. The foreigner, ethnocentrically, assumes that the Newar is confused. In fact the Newar has answered truthfully, and it was the exclusive use of the word 'or' that was at fault. It would be far more accurate, and would demonstrate the much-vaunted 'religious tolerance' (dhārmik sahishnutā) of Nepal (at least as between Hinduism and Buddhism), if Nepalis were able to tick both boxes.

Activists have deeply internalised the idea that they must be *either* Hindu *or* Buddhist, and have rejected as domination by subordinate inclusion the attempt of the Panchayat regime to view Buddhism as a part of Hinduism. Fierce fights (Fisher 2001) and several social movements (Lecomte-Tilouine 2003, LeVine & Gellner 2005) have been based on the presupposition that one must be one or the other.

The advantage of encouraging this recording of hybridity is that it will work against the countervailing tendency to separation. The granting of rights to minority groups, as is likely and certainly needed, could be combined with discourses of 'unity in hybridity and equality' (as opposed to the unity in hierarchy that was envisaged under earlier regimes). A functioning federalism would be another context in which Nepali people would be able to have politically what they have long had and managed socially, namely nested, contextually activated, and multiple identities.

Conclusions

I have made a number of descriptive claims and normative suggestions:

- democracy cannot function without peace and security, i.e. public order (this is, I hope, a factual truism);
- there needs to be greater inclusiveness (this also is truistic: it is a prescriptive statement, but not one anyone is likely to oppose today);

¹⁵ Many ethnographies have demonstrated this: for example, my own doctoral research on Newar Buddhism (Gellner 1992); recently Fisher found the same for Thakali religion (Fisher 2001).

- greater inclusivity can be had both by symbolic steps and by greater decentralisation, i.e. the introduction of some degree of federalism (this is a factual statement, which presupposes agreement on the value of inclusivity);
- this will probably have to be accompanied by specific rights for disadvantaged groups (this too is a descriptive statement aimed at those who may be opposed to positive discrimination);
- furthermore there is a great deal of hybridity in Nepal (a fact), and that this needs to be both recorded and celebrated (a prescription);
- doing so may be one way in which greater minority rights can coexist satisfactorily with greater national unity (a factual prediction and suggestion).

Now all of these steps may help democracy in the liberal, procedural sense to function better. Many of them may also help to advance democracy in the more Rousseau-ian, participatory sense as well—but, desirable though this might be, this should not, for sceptical Schumpeterian reasons alluded to above, be made the main aim or criterion for reform.

I do not claim that these suggestions would, on their own, lead to a healthy, functional liberal democracy. There are, of course, many other factors—such as the 'good quality' politicians and strong bureaucracy cited above by Schumpeter, and the vibrant civil society, strong political parties, and international support cited by White—which are highly important too.

Furthermore, the suggestions I have made are only sketched in the briefest possible way. An enormous amount of work would need to be done by those more competent than me—specifically by political scientists, by legal experts, and by practising Nepali politicians. I agree with Alfred Stepan (2001: 18) that 'it is of the highest priority to think about how federalism, democracy, and multinationalism can cohere'—not just in general, but specifically in the Nepali case as well.

Postscript: what happened after

Four days after I presented the above paper, on Tuesday 29th April 2003, a report by Sagun S. Lawoti appeared on the front page of the *Himalayan Times* under the headline 'Oxford scholar urges Nepalis to come terms with "hybrid past". About half way through, the article correctly reported that I had said that acknowledgement of hybridity could begin at the top,

with the King adopting the surname Bir Bikram Shah Magar Dev. I did not immediately notice that the article slipped into its penultimate paragraph the sentence 'The implied inference of accepting hybridity means there should no mobilisation based on caste or ethnicity'—thus claiming, contrary to the tenor of my talk and with no evidence from anything that I had said, that I was speaking against positive discrimination (affirmative action) for Janajatis and Dalits. The article concluded by reporting (entirely correctly) that Dr Harka Gurung had pointed out that 'hybrid' translates in Nepali as *khachhar* (mule), which is a highly derogatory term, and that furthermore mules are infertile.

In the week that followed I was astonished (because I took myself to be attacking high-caste pretensions to purity) to be the butt of fierce attacks in the *Himalayan Times* letter columns from Karma Tamang (1/5/03), B.K. Rana (6/5/03), and Krishna K. Limboo (7/5/03); there were also one supportive letter from Prem Gyan Thakuri (6/5/03) and two even-handed editorials (24/4/03) and (24/4/03) and (24/4/03). This was not what I had expected, and it was a relief to discover on the internet an article by M.R. Josse, widely alleged to be a royalist commentator, in which he attacked me for stating obvious facts that every Nepali knows and simultaneously for being dangerously inflammatory and impertinent:

I don't know if you have noticed it, but these days one is constantly hearing or reading about how this or that foreign scholar or expert has offered spectacular, if unsolicited, advice to us simple folks from how to grow rice to how to understand ourselves, including our past!... Could the 'Oxford scholar's' hidden agenda be to transform Nepal from a tolerant Hindu kingdom where inter-communal harmony is the norm into an intolerant secular state, a la India, where racial riots are all too frequent? Most obnoxious about this Johnny's advice is that the King should call himself Gyanendra Bir Bikram Shah Magar Dev! Even accepting that there may be some Magar blood in the royal lineage, isn't it the height of interference or sheer impropriety for him to make such a public suggestion right in Kathmandu at this particularly volatile time?... (Josse 2003)

What Josse and the Janajati letter-writers agreed upon was that Nepalis do not need foreigners to tell them what to think (in Limboo's words: 'We,

Janajatis, oppressed socially and economically for centuries, are the ones who know best how to deal with our own problems. We do not want a white university lecturer to dictate terms to us'). This is a sentiment with which I have much sympathy, and I hope that the tenor of the paper (which none of my interlocutors had either seen or heard before penning their attacks, so far as I know) reassures them on that score: no one is 'dictating terms' here.

What the Janajati letter-writers had divined—correctly—is that an emphasis on hybridity could possibly undermine what might be called the 'strong Janajati programme'. In Karma Tamang's words:

What we propose is to look at the last three centuries as a period of colonial rule of the invading Indo-Aryan tribes. So, in effect, post-colonial Nepal will be administered by the janjatis. We will not hybridise, we will organise—on community lines.

Or in B.K. Rana's terms: 'Hybridity offers no meaning when you are seeking to establish your fundamental rights.' As far as this goes, the letter-writers were quite right to attack me, despite the unfortunate *ad hominem* way in which they did it. I would not support 'ethnic cleansing' of Janajati areas or the restriction of civic rights only to those who were 'pure-bred' Janajatis. This would substitute one outdated form of hierarchical inequality with another and, very likely, racist alternative; the recent history of Israel/ Palestine ought surely to act as a warning against going down that route.

I think that the hybrid facts of Nepal's history are there in the historical record. My suggestions were indeed meant to enable positive discrimination to co-exist with a new multi-culturalist sense of Nepali national unity, one which recognises diversity while simultaneously emphasising equality and shared cultural heritages. If Nepalis find my suggestion on hybridity at all plausible, there should be no problem responding to Harka Gurung's objection by substituting some high-flown neologism in place of the derogatory khachhar. Time for a new slogan perhaps: shuddha? ko shuddha? sammishrit bhaera haami nepaali sabai garv maanchaun.

About a week after the letters had stopped appearing in the *Himalayan Times*, and the day before I was to leave Nepal, I was sitting in a friend's shop in Lalitpur (Patan). My friend popped out to talk to someone and came back, saying: 'David, why didn't you tell me? Everyone in the bazaar is talking about it. Apparently you said that the king was a Gurung!'

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