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Power, Authority and Deliberative Politics: Explaining the Stalemate of Nepal's Terai Forest Governance

Andrea Nightingale
Hemant Ojha

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Andrea Nightingale
Environmental Geography Specialist
andrea.nightingale@ed.ac.uk

and

Hemant Ojha
Policy and Governance Specialist
ojhahemant1@gmail.com

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ForestAction Nepal
P.O.Box: 12207, Kathmandu, Nepal
Tel: +977-1-15550631, 5552924
Fax: +977-1-5535190
E-mail: fa@forestaction.org
Web: www.forestaction.org

Content

Summary

Nepal's Terai is suffering unabated loss of forest cover and the elites from all quarters of the society are usurping extra-legal benefits from the process of forest degradation. The socially marginalised groups are at times caught and prosecuted as offenders, when they actually look for basic livelihoods through some meagrely paid illegal jobs offered by the elites (such as tree felling), or when they actually look for a piece of land to produce food for survival. The research and analysis of the forest governance problem has often not gone beyond the optic of the elites, and the established language of forestry, donors, and feudal politics. This paper seeks to problematize the dominant received wisdom about explaining the current Terai forest stalemate, by bringing to bear ambitious theoretical lenses on power and authority to explore the possibility of genuinely democratic and inclusive forest governance.

We hope that this approach can animate discussions on some of the fundamentals underpinning the problem of Terai forest governance in Nepal. Certainly the language and concepts we employ are not directly accessible to those local people fighting for alternative forestry, and yet we hope it will engage nationally based scholars and activists to think beyond the boxes and explore more radical ways for transforming forest governance in Nepal's Terai.

Key policy conclusions:

1. In order to facilitate multiple communities claiming rights over Terai block forests, we need to innovate new institutional structure that go beyond the common practice of small scale 'community forestry' in the hills and the state-driven 'collaborative forest management'
2. The voices of the marginalised and disadvantaged groups have been mobilised by the local elites. So in this context, policy processes and strategies should find way to go beyond such 'gate keepers' to ensure the local voices are translated into policy development and implementation.
3. Much of the discourse about forest governance and policy reforms is guided by technocratic language and donor-driven processes. This has reinforced traditional relations of power and authority that sustains exclusionary forest governance.
4. Given the complex and historically entrenched forms of power and authority that surrounds forest governance, including the emergence of neo-elites through rights movements, the most pragmatic approach to forest governance reform should take adaptive and experimental approach starting with some locations in the Terai and involving all contesting actors. This can help develop new institutional modalities and also arrive at new ways of defining legitimate power structure for the governance of forest in a sustainable and equitable way.
5. In order to enhance the quality of policy debate and foster understanding among multiple actors, there is a need to promote critical knowledge capturing local experiences and innovations and issue-based diagnostic studies, without which policy forums cannot be expected to result in any meaningful outcomes.

1. Introduction

The post-structural turn in the social sciences has generated analyses that deconstruct the state and other institutions with authority. It is no longer a question of understanding what 'the state' does, but rather who, which department or unit and through which discursive and material means its power is asserted and legitimated (and resisted) (Scott 1998; Rose 1999; Sivaramakrishnan 1999; Hansen and Stepputat 2001; Ferguson and Gupta 2002; Lund 2007;). Yet in this work, how and why certain forms of authority emerge as more durable and legitimate than others has not been fully addressed. Why do some state actors come to have more power than others and of concern to us within a post-conflict context, why do non-governmental organisations, claiming to mobilise civic power and dedicated to challenging the authority of the state, take up state-like institutional forms as part of their legitimation strategies?[1] In this paper we bring together two bodies of thought to engage these questions: feminist theories of power and subjectivity and Bourdieu's ideas of symbolic violence in order to explore whether deliberative politics can transform entrenched forms of authority. Our purpose is to push forward theorising on power and authority—and thus deliberative politics—in the context of contentious political situations and institutional emergence. This unconventional theoretical synergy allows us to illustrate how power is exercised in relation to natural resource management and the ways that the conflict/post-conflict context in Nepal has created institutional forms and spaces wherein antecedent forms of authority have been simultaneously challenged and entrenched. To animate our theoretical concerns, we draw from work on community-based forestry in Nepal, specifically some of the conflicts that have arisen in relation to the valuable *Sal* forests of the Terai, or low-land plains. We begin with a brief background on the Nepali context, followed by an extended discussion of our theoretical arguments before discussing the case study.

Nepal's political system is in rapid transition following the end of the Maoist People's War and overthrow of the King in 2006, and the subsequent political commitment for the formation of a Federal Democratic Republic. The conflict period (1996-2006) animated the political agency of people in diverse localities with profound implications for state processes (Gellner et al. 1997; Hutt 2004; Thapa 2004; Gellner and Hachhethu 2008;), particularly the manner in which, and the types of institutions the Nepali state and donors sought to engage (see also Sturgeon 2004; Vandekerckhove 2009). Such 'institutional choice' (Ribot et al. 2008) by the state and donors significantly structured local autonomy and centralised authority. This was particularly true within the forestry sector. Forestry had already been an important crucible for political activism as several national NGOs, the national Federation of Forestry User-Groups (FECOFUN) along with other, and smaller NGOs successfully organised locally-based user-groups to agitate for

[1] We would like to thank Amy Poteete and Jesse Ribot for inviting us to present in The Politics of Authority, Land, and Natural Resources: Broadening the Analysis, Working Group for the Workshop on the Workshop (WOW) IV, University of Indiana, Bloomington (Elinor Ostrom's Workshop in Political Theory). The discussions we had with the participants were important for developing this paper.

community rights prior to (and during) the conflict[2]. Indeed, these NGOs were important actors during the conflict, supporting some user-groups to resist Maoist demands and acting as intermediaries between the state forestry officials and community groups in some Maoist controlled areas (Nightingale and Sharma 2010). As such, they challenged both old and new forms of authority.

Our analysis is predicated on the ontological presupposition that 'global' discourses of development and conservation intersect with antecedent conceptions and institutions in the forestry sector (Escobar 1995; Peet and Watts 2004). Such intersections subject people in a variety of different ways, producing subjectivities including: 'developed person', 'caste or indigenous' groups, 'village-user', and 'forestry official'. Here we are using 'subjectivity' as the process through which people come to be disciplined by and identified with certain discourses and practices (Foucault 1995; Butler 1997)[3]. These subjectivities arise within a historical-cultural context that we argue is vital to how and why these particular subjectivities come to be important. To make sense of this historical-cultural context, we identify three intersecting sets of cultural codes underpinning authority and power in the forestry sector. First, we explore how Nepal's feudal history has shaped the cultural codes that legitimate certain forms of authority. Second, we demonstrate the way that the techno-bureaucratic codes underpinning forestry reinforce the feudalistic codes of the larger polity (Ojha 2006), thus producing particular forms of authority and institutions. Third, as in most developing countries, post World War II development practice has generated developmentalist codes (Escobar 1995; Guthman 1997)—such as scientisation, modernisation, professionalisation—which intersect with the feudal and techno-bureaucratic codes to shape deliberative politics and the enactment of power and authority in Nepalese forest governance (Chhatre and Saberwal 2006; see also Timsina and Paudel 2002; Nuijten 2003; Ojha 2008;). Our analysis shows that there is a possibility in the deliberative processes of forestry management for profound, more equitable transformations in governance and subjectivities, but simultaneously there is a (re)entrenchment of hierarchical, feudalistic and technocratic codes of authority.

2. Enacting authority: blurry institutions and deliberative politics

Underpinning our analysis is an understanding of the state as "the quality of an institution being able to define and enforce collectively binding decisions on members of society," (Lund 2006a, pp. 676). In this sense, the state is not neatly separated from civil society and requires us to investigate the production of "*institutional forms* as well as the processes that bring about the *idea*

[2] FECOFUN continues to agitate for citizen rights in the present context of political uncertainty.

[3] Subjectivity is often conflated with identity, but we distinguish between a conception of the subject and the identities people embrace and enact. The subject is constituted by power, and often refers to the discursive ways in which people become subjects of states or other types of authority (Henriques et al. 1984; Foucault 1991; Butler 1997; Malone 2000; Allen 2002). It is also used to understand the operation of power in society more generally (Scott 1991; Mahoney and Yngvesson 1992; Butler 1997; Gibson 2001; Probyn 2003). Feminist theorists often refer to the ways in which people are 'hailed by' or subjected by subjectivities such as gender, race and caste which while they may resist, they find very difficult to escape (Gibson 2001; Bondi and Davidson 2003; Longhurst 2003; Probyn 2003).

of the state," (ibid). In the context of Nepal, we see a particular blurring between 'the state' and 'civil society' in government sponsored forestry institutions such as District Forest Offices and state-donor sponsored programmes like Community and Collaborative forestry which are predicated upon civic associations. They are blurred both because of the ways they engage in forestry management, but also because of the ideas they draw upon to claim the right to govern (see also Sivaramakrishnan 2000; Nuijten 2003; Nightingale 2005; Vandekerckhove and Suykens 2008; Lund 2009; Nuijten and Lorenzo 2009; Ribot 2009;). Donor projects are ambiguous institutions as they are predicated upon 'temporary programmes', justifying their professional authority by positioning themselves outside of both the government and Nepalese civil society. Yet their staffs are often drawn from the government Department of Forests, or move into government positions after working in donor projects and have (understandably) a vested interest in continuing their projects long-term. Such overlaps are crucial means through which individuals and projects gain and exert authority (Sikor and Lund 2009). For example, having a good relationship with government ministers is vital to accomplishing project goals. As we explore how these groups engage in deliberative practices, we see more clearly how cultural codes of legitimacy produce authority and the ways the two processes shape (authoritative) institutional emergence.

When we take this analysis of cultural codes (Bourdieu 1977; Bourdieu 1998a; Ojha 2006) and bring it into conversation with work on power and subjectivity (Foucault 1991; Foucault 1995; Butler 1997; Nightingale 2006), we are able to demonstrate how authority and 'authoritative institutional forms' emerge out of the processes of subjection within particular social fields. Following Sikor, Lund and others, we are conceptualising 'authority' as a power considered legitimate, and insist that authority is a *process* that requires continual renewal and that any given power will be legitimate to *certain* actors (Sikor and Lund 2009). In other words, a village headman or a nation state needs to continually renew their authority through everyday practices, and even when widely considered legitimate, there will be some people and institutions who refuse to recognise their authority (Vandekerckhove and Suykens 2008; Nuijten and Lorenzo 2009; Vandekerckhove 2009;). Of great interest are the forms of authority that seem to have 'universal' legitimacy, in addition to the kinds of institutional forms that help confer authority, what we call, 'authoritative institutional forms' (Peluso 2009; Ribot 2009; Roth 2009). In this paper we add to these debates by developing a more careful conceptualisation of power and subjectivity that gives us new insights into how authority emerges as durable. This conceptualisation allows us to explore how multiple claims to power and authority are challenged—yet at the same time reinforced—in new institutional forms which at times appear quite radical.

We are placing this analysis within a context of deliberative politics as our overriding concern is to understand the contexts and practices through which authority is challenged, opening space for fundamental social change. The proponents of deliberative practice have attempted to illustrate various ethical, normative and epistemological values of deliberation in organising the governance of human beings (Habermas 1990; Habermas 1996; Smith 2003; Parkins and Mitchell 2005;). Deliberation is proposed as a process for enacting democratic governance

without engaging in the substantive directions of change (which is left up to the deliberating actors), yet inequalities between actors in terms of class, race, ethnicity, regional identities, cultural differences and gender have posed a serious challenge to the realisation of the ideals of deliberative politics. Recognising this challenge, a significant body of scholars has explored the conditions and possibilities of deliberative practices (Dryzek 2000; O'Flynn 2007). Yet much of this literature focuses on the institutional rules (cf. Ostrom 1990) that facilitate 'participation' by differently situated actors. Such approaches are unable to capture the exercise of power, but rather seek to exclude power from deliberative practice. We argue that there is a need to understand the cultural codes that entrench certain forms of inequality (see also Nuijten 2003) and recognise power as internal to deliberative practice, rather than as an externality that will derail an otherwise effective process.

3. Symbolic violence and subjectivity – the cultural politics of authority and power

To gain access to cultural codes, we use Bourdieu's concept of symbolic violence, which constitutes a key element of his well-known 'theory of practice' (Bourdieu 1977; Bourdieu 1998a; Bourdieu 1998b). His framework begins by delineating tentative social fields such as sports, music, education, politics and media, but the field is not a level space, nor is it a neatly demarcated arena impervious to the influences of other social fields. It is structured and differentiated through access to different forms of capital[4] —that is all the resources valued in the field by the various groups of social agents active in it. Symbolic violence refers to a situation in which more powerful actors continue to enjoy unchallenged privileges in accessing resources and power (as Bourdieu conceptualises it), through which they remain authoritative and dominate social interactions. Importantly, social agents occupying both dominant and dominated positions in the field accept the existing order and practices as being 'natural'. This idea also resonates with Gramsci's notion of hegemony.

Each field of practice contains an array of assumptions on values / significance / risks / uncertainties that are available to, and utilised by, social agents. These tacitly held assumptions are part of what Bourdieu calls a 'doxa', or cultural codes (Bourdieu 1998a). Cultural codes comprise principles and values embedded in a social field that serve two key functions: first, they limit the space of inquiry to a manageable level to make decisions, and second, they provide legitimacy to authoritative relationships. While useful in organising social practices and interactions, cultural codes are also a potential breeding ground for symbolic violence by those who are rich in various capitals and are able to deflect challenges from competing values by repressing their expression in decision-making contexts. In other words, people can draw on

[4] Bourdieu identified four different forms of capital: cultural, social, economic, and symbolic. When particular forms of authority become embedded and hidden from the conscious view of the agent, symbolic capital is 'claimed' by the dominant actors. There is thus a direct link between symbolic capital and authority. Note that while it is outside the scope of this paper, Bourdieu's idea of social capital is very different to the idea of 'social capital' that has gained currency within development practice (Putnam 2001; Woolcock and Narayan 2000; Adger 2003). For a good critique of this more recent use see (Fine 2001).

cultural codes, both consciously and unconsciously to exercise power over others, thus leading to certain forms of authority and power relations. Bourdieu's notion of human agency, therefore, assumes significant degrees of internal structuring, having a dialectical interface with wider social structures. When an actor's cultural codes mismatch with the field, a crisis occurs, through which the actor is likely to become more reflective in social practice, and the cultural codes are brought into view. Bourdieu argued that this was a precondition for social transformation.

In feminist and post-structural theory, power and agency are conceptualised somewhat differently (Foucault 1990; Foucault 1995; Butler 1997; Allen 1999;). Importantly, the subject is understood as the *effect* of power, and subjectivities such as caste, ethnicity, race and gender are produced out of practice (performance in Butler's words) as well as symbolic domains (Butler 1997; Allen 1999;). Subjects are both the product of external influences—the subjection of the state or other institutions, for example—and the internalisation of this subjection by the subject itself. In other words, the subject must at some level take up the subject position assigned to them (Mahoney and Yngvesson 1992; Butler 1997;). Power, however, does not necessarily imply 'power over'. Rather, the subject is produced out of the multi-dimensional aspects of power. It is power that produces the subject, and power gives the subject the ability to act, whether that be in compliance with or in resistance to the processes of subjection (Scott 1991; Mahoney and Yngvesson 1992; Butler 1997). The subject, of course, is not always a passive recipient of power, but rather we see the subject as emerging out of the exercise of power in contradictory and multifaceted ways (Butler 1997; Nightingale 2006). In each interaction, there is the possibility for power to be enacted as 'power over' and 'empowerment' *simultaneously*, in addition to more blurry movements of power that can be best visualised as lateral or diagonal (Nightingale 2010). In Nepal, caste is an excellent example of this whereby people of 'lower castes' accept (often not consciously) and participate in their own subjection every time they avoid entering a space considered off limits to them *as well as* when they claim to resist their caste status (Rankin 2004; Nightingale 2010;).

Power is thus always already present in all social interactions and is the means through which subjects *can* act. When we bring these ideas into conversation with Bourdieu's ideas of cultural codes, we can understand how symbolic violence creates, sustains and legitimates particular power relations in everyday practices. Here, we are conscious that Bourdieu's ideas are predicated on a structural understanding of society whereas feminist theories of subjectivity are post-structural, emphasising on how discursive forms (similar to what Bourdieu saw as 'structures') are dependent on practice. Yet, we suggest that such distinctions are less clear cut than many try to argue (Sheppard 2008). By recognising that subject performances operate within symbolic fields that are 'structural' in the sense that they are rooted in history and unconscious assumptions of 'how the world is', we are able to better explain why certain forms of authority are more durable than others. This conceptualisation allows us to offer a more nuanced theory of change and continuity in established systems of authority. Authority then, arises from the mobilisation of particular cultural codes and the performance of particular subjectivities. Which codes and subjectivities are invoked is not 'accidental' or random, but rather rooted in the field of practice.

Taking this understanding back to our concerns with institutions and deliberative practices, we understand them to be always already infused with power. It is through these deliberative processes that power is enacted among different groups; power *allows* them to be deliberative, rather than evidence that a deliberative process is not occurring. But, if the exercise of power in deliberative practice is simply 'power over', or 'empowerment' by marginalised groups, there is very little shift in the symbolic fields that constitute particular forms of subjection. We see more potential in the more complex, and multifaceted exercise of power—lateral or diagonal—for a deliberative process to bring cultural codes into view and cause a radical shift in the social field.

Bourdieu suggests that radical change occurs through crises that result from the dissonance between actors' mental codes and the regularities of the field, and from external pressures on the field challenging sub-consciously held assumptions. This may be triggered by changes in the wider socio-political or natural systems (such as a post-conflict state setting or rapid deforestation), or a radical change in the behaviour or discourse of the dominated agent. Feminists see this process as occurring through performance, and particularly when the performance of subjectivities explicitly (and consciously) challenges the subject, for example, when transgender people perform an ambiguous gender identity that unsettles hetero-normativity (Butler 1990). Feminist theory, however, shies away from understanding how such processes may occur at collective levels, for example institutionally (Nightingale 2011).

To take stock, our conceptualisation links together an understanding of the exercise of power that derives from feminist theory with attention to how deliberative spaces are produced out of crisis and the multi-lateral exercise of power. By retaining a partial commitment to structure—cultural codes—with a post-structural understanding of the importance of everyday practices and performances in the (re)production of those codes and forms of inequality, we are able to explore both how some forms of authority become entrenched *and* the conditions under which far-reaching shifts can occur. In other words, we argue that the (re)production of authority occurs through the performance of subjectivities in relation to certain authoritative forms that are rooted in underlying cultural codes. To be more specific, in Nepal's Terai forestry, we explore how community forestry, collaborative forestry, the District Forest Offices (DFO) and advocacy NGOs like the Federation of Forestry User Groups (FECOFUN) are all institutions that are able to claim authority by mobilising particular understandings of the state, particular subjectivities, as well as other forms of power that are widely considered legitimate. These other forms of power derive from antecedents that are particular to the Nepal case (but have resonances with other places as well (Sivaramakrishnan 1999; Lund 2006b; Chhatre 2007; Vandekerckhove and Suykens 2008). We want to emphasise, however, that we see significant potential for transformation in these processes when cultural codes are consciously brought into and challenged within deliberative practices.

4. Forestry and authority: where the feudalistic, technocratic and participatory meet

"Nepal's Wealth is her Green Forests"

Nepali proverb

Forests have taken a central place in national and local processes of authority in Nepal because of their importance to rural livelihoods and state revenues. The history of forest governance in Nepal is dominated by the strategic interests of ruling feudal elites and forest technocrats and, until recently, there was limited scope for civil society to participate in the formulation of policies. Yet, because of their importance to any attempts at accumulation, whether in the agricultural sector or through semi-legal commercial forestry endeavours, and their communal nature, forestry matters are able to mobilise people in ways that many other issues cannot (Nightingale 2005; Ojha and Timsina 2008).

As outlined above, there are three cultural codes that we believe are most important in the forestry field in Nepal: the 'feudalistic', 'technocratic' and 'developmentalist' and they operate at a variety of scales. While in some respects drawing clear distinctions between them is problematic, they have somewhat different historical antecedents. Subjectivities arise in the context of and as contestations of these cultural codes; and in what follows we show how certain actors came to claim a form of forestry management as 'theirs' despite the disadvantageous terms of that programme compared to other programmes in Nepal. In this section, we explain what we mean by these terms and briefly outline their origins.

Feudalism

Historically, forests were central to the Rana and Shah governments' strategies to maintain sovereignty in the nineteenth and early twentieth century. Ruling elites awarded large tracts of land to military leaders and other aristocrats to ensure their loyalty (Regmi 1978). While the tenure arrangements were varied and complex, they all allowed some form of taxation and control over natural resources by feudal landlords, in effect disenfranchising villagers from their resources, at least in part.[5] The old feudal terms '*luhar*' (servant) and '*bista*' (master), referring to bonded labour arrangements or '*mukiya*' (headman and tax collector) reflect subjectivities arising during that time. Until the Private Forest Nationalisation Act was enforced in 1957 all forests were controlled by state-sponsored local functionaries (Mahat et al. 1987; Bhattarai et al. 2002;).

Forests were thus institutionally embedded within (and significantly productive of) what was a hierarchical and highly feudalistic society. The feudal system was characterised by patron-client relationships where peasants had to provide labour and grain to the landlords in exchange for rights to tenure and share cropping arrangements. This system helped to materially as well as symbolically entrench exceedingly unequal social relations. Within this system, however,

[5] Not all people under the control of feudal landlords were technically 'tenants'. Many people owned their own land even if the landlord controlled the common lands.

landlords had obligations towards those less well off, and people could call on these obligations to receive food, money and other forms of support from their patron at certain times of year and during crises. These arrangements did not serve to unsettle the hierarchical nature of authority—rather we suggest it helped cement it—but nevertheless illustrates some of the complex workings of power.

In this feudalistic code, authority is claimed on the basis of right—whether that be by feudal masters or by 'tenants'—and rest firmly on entrenched subjectivities. Hierarchical subjectivities define how people sit within the social order and therefore what kinds of rights and power they can exercise in particular contexts (Ojha et al. 2007). In present day Nepal, the feudalistic mindset remains strong even as a number of recent processes, the conflict most notable among them, have significantly challenged these hierarchies (Hutt 2004; Gellner and Hachhethu 2008). As a result, there is still a strong sense that one needs to have 'source-force'[6] or their 'own' (*afnomanche*) people in privileged positions within various institutions in order to have influence (Kumar 2008). While this mind set remains strong, the cultural codes of the social field cannot be brought into conscious view and transformed through deliberative politics. This has been crucial in the forestry sector as different groups of people have come to see different institutions as beneficial to them (or not) on this basis.

The Technocratic

During the Rana period, in the early part of the twentieth century, 'modern' (Latour 1993) technocratic ideas of forest management began to infiltrate down to localities through the land grant process. By 'technocratic', we mean a system of forestry that is predicated on scientific management and controlled through a bureaucratic planning structure (Scott 1998; Berry 2009). Two features of this approach are important: the valorisation of 'professional' expertise in knowing how to manage trees properly (creating the subject 'forester'), and the homogenization of forests into stands of trees (often mono-culture, although in Nepal such stands are more accidental than planned) as opposed to diverse ecosystems. It is possible of course, to retain a technocratic approach and shift the emphasis towards ecosystem management (indeed, such schemes are highly technocratic), but in Nepal, technical forestry continues to be dominated by 'old fashioned' ideas of forest (timber) management.

Centralised and technically-oriented colonial approaches continue to be reproduced and dominate policies and day to day practices of forest management in the Global South more generally (Peluso 1992; Scott 1998; Shivaramakrishnan 2000; Roth 2004; Sarin 2005; Peluso 2009;). Over centuries, the process of scientisation and bureaucratisation have cemented into cultural codes—such that taken for granted values are enacted automatically in practice, without much questioning. As a result of such a culturally embedded techno-bureaucratic approach to forest governance, the institutions that have authority over forestry management need to be fluent in these cultural codes, and of course which institutions have authority are in part derived from those codes and 'professional' subjectivities.

[6] 'Source-force'—usually said in English—refers to the ability to mobilize relationships with 'powerful people' to gain access to political processes, rights or resources (Kumar 2008).

The Ranas, presumably influenced by trends emerging in Europe, began to propound ideas of technical forestry as early as 1918 by issuing guidelines on forest management (i.e. only dead wood could be used for firewood) (Nightingale 2010). But the technocratic symbolic code in forestry really took full force in the 1950s with the establishment of the Department of Forests and the promotion of technical forestry experts to run them. It is in this era that the forestry profession, schooled in colonial and professional practices of forestry, was transplanted into the bureaucracy and a series of laws[7] were enacted to enforce national control over forests (Bhattarai et al. 2002). Although it was assumed that state control of what were previously private (or village) forests would enhance people's access to resources, the state created a strong techno-bureaucratic field by instituting stringent regulations to exclude people from controlling forest resources (Malla 2001; Ojha 2008). In this regime, authority is produced through an idealised notion of the state and based on notions of expertise that give added legitimacy to state actors and create a subject, 'villagers', from whom the forest needs protection. Of great interest to us, many of institutions that have arisen to combat state power in the forestry sector, such as FECOFUN, have adopted many of the practices of the technocratic state in their own operation (Ojha and Timsina 2008; Ojha 2009) and make counter claims to expertise.

Developmentalist-state

The state, thus, began the process of planned development after World War II, and national bureaucracies assumed political-economic control of society as per the interests of the ruling elites (Blaikie et al. 2001). State control of forests proved to be unsuccessful, however, generating demands to take a different approach (Gilmour and Fisher 1991; Guthman 1997; Malla 2001). International concern over an impending environmental crisis in the 1970s (Eckholm 1975) led to an environmental turn in the development discourse away from an emphasis on infrastructure and technology transfer (Cameron 1998) to environmental conservation and community participation (Escobar 1995; Metz 1995). Nepal's fragile environmental condition and strategic geopolitical situation (being located between China and India) attracted multilateral donors (Metz 1995; Guthman 1997;)[8], who took forestry and environment as the central elements of integrated conservation and development projects.

Thus, the twin crises of environment and poverty in the late 1980's led to the evolution of participatory forestry practices (Hobley 1996; Malla 2001), catalyzing a substantial shift in how the technocratic state approached forestry and opening up more space for local scale actors (yet retaining an emphasis on standardised technologies). 'Developmentalism', therefore, use to capture the environmentalist/conservationist discourses that have permeated the forestry sector and helped to cement the importance of 'expertise' in management. In the developmentalist era, the importance of management plans, training and record keeping, as well as decentralisation became the norm (Nightingale 2005; Ojha 2006; Berry 2009;), along with subjectivities based on ideas of 'awareness', 'education' and their opposite, 'backwardness' (Pigg 1996; Rankin 2001; Leve 2007;).

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7 Two laws are noteworthy here – Forest Act 1961 and Forest Protection Special Act 1967. The latter even authorised local forest guards to shoot people illegally using the forest.

8 Initially the World Bank and FAO were the key donors, then a group of bilateral and international actors influenced the national government towards devolution of forest governance.

Nepal was at the forefront of a global trend. Over the past few decades, community-based forest management has evolved as a key strategy of conservation as well as promoting local livelihoods, especially in developing countries (Arnold 1998; Taylor 2003; Colfer and Capistrano 2005; Sikor and Lund 2009). Efforts towards decentralisation, which have emphasized the devolution of power, and hence providing greater autonomy to local communities, have been advocated across the developing world and increasingly, in Europe and the USA (Agrawal 2001; Ribot 2003; Colfer and Capistrano 2005). One of the assumptions behind this strategy is that local communities, when legally empowered to take control of forest resources, can develop local-level institutions to organize sustainable use of forest resources (Poteete and Ostrom 2004). Yet, it remains unclear if these efforts can unsettle the persistence of the taken-for-granted hegemony of 'forestry science' in management institutions. Despite popularization of participatory and deliberative approaches to natural resource governance (Fischer 1999; Dryzek 2000; Smith 2003; O'Flynn 2007;), there is still a predominance of technocratic values, practices and subjectivities in environmental decision-making (Bäckstrand 2003; Bäckstrand 2004; Pokharel and Ojha 2005). Such a technocratic emphasis tends to hide the politics inherent in policy making and local-level forest management (Nightingale 2005; Berry 2009; Peluso 2009), and hence minimize the opportunities for deliberative and participatory policy processes that can unsettle entrenched authoritative institutional forms.

5. Authority in Nepal's forest sector

To further illustrate how processes of symbolic violence, subjection and the kinds of authorities they produce play out, we use the example of recent forestry conflicts in the Terai. First, we give a bit more background on forestry in the Terai and then explore community forestry vs. collaborative forestry management to illustrate a deliberative process wherein authoritative forms were challenged and also entrenched. The story of community forestry versus collaborative forestry management in the Terai shows how deliberative space was opened up by multi-scalar actors and yet the complex ways in which this led to both radical social change and an entrenching of authoritative forms.

The Terai is known colloquially as *madesh*; a flat sub-tropical, low-lying plain along Nepal's southern border that directly supports the livelihoods of about half of the country's people. The region is unique in Nepal from various points of view. It contains the nation's most productive agricultural land, it has relatively large blocks of high value *Sal* hardwood forests (Brown 1998), and it is the habitat of endangered wildlife such as tigers, rhinos and crocodiles. The country's only east-west highway passes through the heart of the Terai, in which are situated most of Nepal's major cities (apart from Kathmandu and Pokhara) and containing an expanding network of growing small towns and industries. Despite these important cultural and ecological assets, the Terai is under-studied (Lal 2002), and its value as a region and the influence of its residents in national governance has been limited. This has caused numerous protests, blockades and violence in the Terai over the past few years (beginning in the post-conflict period) as groups have galvanised politically (Dahal 2008). These movements are complex, but are certainly linked to issues of justice in resource governance.

The Terai has been a particularly contentious site for community-oriented forestry programmes for three key reasons: 1.) the valuable hardwood- *Sal* forests of the Terai have been a vital source of income and wealth for contractors, government forestry employees and, to some extent, villagers (especially village headmen or user-group chairpersons). Any attempt to unsettle locally specific bargains and 'understandings' between different players is thus fiercely resisted; while at the same time, there is agitation for new players to have a bigger stake, particularly at the village level. 2.) Usufruct and historical tenure rights to the Terai forests are not necessarily spatially contiguous and have been complicated by large scale migration of people from the Middle Hills to the Terai over the past 50 years (Shrestha 1990). Three subjectivities are increasingly the focus of separatist movements and violence: a) indigenous groups such as *tharu* and *dhimal*: (two ethnic groups living in the Terai) who have been eclipsed in population terms by both b) Cross-border immigrants, and c) *pahade* (hill) settlers (Muller-Boker 1999; Conway et al. 2000; Dahal 2008). 3.) The institutions established to manage forests (both legal and 'illegal') are complex and are increasingly embroiled in multifaceted and rapidly shifting political party processes. In other words, questions of authority and governance are complex and bound up in the ecological context and proliferation of political subjectivities and institutions that have a stake in forestry management. As a result, particular forms of authority and contestations of those authorities emerge in the Terai that are different from, yet embedded within processes of institutional emergence in other parts of Nepal.

Most Terai forests (about one-third of the total Terai area[9]) are still officially 'government-managed forests', but in reality this is the domain of forest bureaucrats, timber traders and feudal politicians, and not 'government forest' in the spirit of public property, where citizens can decide what they want. In the past three decades, about a fifth of the Terai has been afforded protected area status, largely under the influence of the western environmentalist discourse which coincided with the interests of the local feudalistic and techno-bureaucratic actors. The three dominant cultural codes (feudalist, technocratic and developmentalist) together have been able to create the misrecognition among local people that a large proportion of high-value forests with *Sal*, 'big trees' cannot be owned by local 'small' people.[10] People who need forest land, timber or fuelwood for their subsistence have to engage with any or all of the three groups either in the form of *chakari* (a cultural practice of sycophancy) or bribery, unless they have an *afnomanchhe* (i.e. a connection to powerful people) through which they can mobilise 'source-force' to acquire needed forest land or products.

The table below outlines some of the key state-sponsored institutions that govern forestry in the Terai. These regimes are constituted through historical processes of struggle over meanings and forest resources, and currently each reflects a particular configuration of institutions and subjectivities that allow particular actors to access material and symbolic benefits from the regime. The boundaries of these regimes are, to varying degrees, under constant dispute among diverse sets of social agents.

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[9] Calculation of data from Government of Nepal records (GON/DFRS 1999) gives 1149 km^2, and 34% of Terai area as forest and formally under 'government management'.

[10] An NGO coalition called TECOFAT, co-coordinated by another NGO, WATCH, campaigned during the mid 1990s for 'big trees for small people' and raised CF related awareness on local rights.

Table 1: Regimes of Forest Governance, Regulation and Current Status in Nepal Terai

Regimes of Governance	Existing Regulatory Arrangement
1. Community Forestry (CF)	Forests handed over to local communities when 'willing and able to manage' (Article 25 Forest Act 1993).
2. Government Managed Forest (GF)	National forests managed directly by the government (Chapter 3 of the Forest Act 1993)
3. Collaborative Forest Management (CBFM)	Local Self-Governance Act, 1999 and provision of District Forest Coordination Committee
4. Protected Area (PA)	Wildlife Conservation Act 1976
5. Buffer Zone (BZ) Management	Buffer Zone Regulation 1995 as per the Wildlife Conservation Act
6. Conversion to Agricultural Lands (CA)	Illegal according to the Forest Act 1993, but some provisions for land registration exist in the Land Registration Act
7. Leasehold Forestry (LF)	Section 32 (1) of the Forest Act, 1993, and Rule 40 of the Forest Regulation 1995; MPFS***
8. Private Forestry (PF)	Forest Act, 1993 MPFS
9. Religious Forestry (RF)	Forest Act 1993

Source: (Ojha 2008)

*BISEPT-ST: Biodiversity Support Programme for Siwalik and Terai (funded by Dutch Government); **LFP: Livelihoods and Forestry Programme (funded by DFID); ***MPFS = Master Plan for the Forest Sector

As mentioned earlier, local people have started to challenge the hitherto unquestioned sphere of resource control exercised by the state, and many government forest areas in the Terai are now under some form of citizen intervention. These challenges are embedded in popular movements demanding democratic rights—or at least these are the claims made by NGOs seeking to make their deliberative space larger by demanding some form of decentralisation.

The most obvious indication of people's growing control over government forests is community forestry (CF). Community forestry was initiated by donors in response to the Himalayan degradation crisis in the late 1970s and is now considered a very successful mode of governance in the hills (Hobley 1996; Nightingale 2010; Ojha 2008). CF first emerged in the Terai in the mid-1990s and over a thousand community forestry user-groups (CFUGs) have been formed there (Kanel and Kandel 2004). In an earlier study, we found that CFUGs in the Terai consider themselves more independent than those in the hills because the former were patronised less by forest officials, and some had to struggle to get the forest handed over to them (Ojha et al. 2002). This resonates with another case in west-central Terai, where squatters became

empowered through community forestry and mobilised themselves to protect the forest better than government management could (Pokharel 2000). These CFUGs mainly consist of new hill migrants and often include civil society activists who are able to understand and act to claim their rights. Here we suggest that through the processes of deliberation—processes that were very much infused with power as village level actors sought to network with national NGOs (FECOFUN being the prime one) to exercise power laterally. They avoided the kind of hierarchical relationships that go with bribing forest department officials for access to resources, and rather (re)produced new subjectivities that allowed them to claim the right to community forestry. Importantly, because this process was so fraught, their subjectivities were reworked and a radical transformative deliberative politics played out. We've seen other, less transformative outcomes in the hills when user-groups have not had to struggle for their rights in the same way (cf. Nightingale 2005; Nightingale 2006). The NGOs themselves are the product of CF, and their symbolic space is legitimated by defending the boundaries of CF against any other forms of government forestry (Ojha 2009)—'CF user' as well as 'FECOFUN member' have become potent new political subjectivities.

Perhaps because of these successes, the government's 2000 Terai Forest Policy cancelled the community forestry program (GON/MFSC 2003) on two grounds: first, Terai forests are not only the property of local communities, as CF required, but also the property of the nation and the larger public due to the spatially dis-contiguous claims to Terai forests; and second, the forest needs to be retained for its protective function on conservation grounds. The notion of equity in forest product sharing was the basis upon which techno-bureaucrats legitimated CBFM in the 2000 Forest Policy. They argued that people residing at the far south of the forested areas also had antecedent rights to forests in the northern belt and a new institutional structure was required to deal with this spatial discontinuity. These divisions are highly significant as party politics in the Terai have begun to fracture along such regional and cultural-identity lines, producing even more complex subjectivities than those we outlined above. The national state (specifically the Ministry of Forests as well as the more locally based District Forest Officers) thus fought back, mobilising both technocratic and developmentalist cultural codes to do so. They used a narrow and literal interpretation of community forestry legislation in order to curtail the spaces within which it can be implemented. In this instance, while deliberative politics seems to have failed in retaining community forestry in the Terai, as the government's alternative policy was rolled out, it also opened up new deliberative spaces.

Collaborative Forest Management (CFM), which resembles India's Joint Forest Management (Agrawal and Ostrom 2001), was the alternative to CF provided by the 2000 Forest Policy (GON/MFSC 2003). The techno-bureaucratic state and donor alliance was able to design an alternative to CF that gave the state more control over management, and crucially, 75% of all revenues (CF allows user-groups to keep and control all revenue). Kathmandu-based community forestry NGOs, particularly FECOFUN, sought unsuccessfully to fight this new policy believing it to be a dangerous new direction in the participatory development field (Shrestha 2001). Yet,

we believe one of the reasons they failed, is because of the failure to exercise power laterally and assert subjectivities that moved outside the 'government official-village user' binary. They sought to engage in deliberative politics but within a dominant/dominated perspective and were thus unable to open out the debate sufficiently to gain the crucial radical space needed for transformation of hegemonic cultural codes. The reigning feudalistic code meant that even the popularly-elected government endorsed the policy with little prior public debate (Ojha et al. 2007), let alone the incorporation of the views and concerns of people on the margins of power and politics or the people in the south of the Terai who are not necessarily represented by FECOFUN (Ojha 2009). This was instituted before the conflict moved into most parts of the Terai otherwise we doubt the state could have acted so unilaterally with impunity. Indeed, the Maoist's push to claim community forestry land to settle landless people is perhaps reflective of their overall goal to undermine the authority of any state programmes or state-donor supported actors. Yet, of interest to us in terms of authority, the logic used by the state to justify the CFM programme (multiple claims to CF areas) was co-opted by the Maoists to claim and settle CF lands.

CFM pilots were soon implemented after 2000 in three Districts with financial and expert support from donors and the government. Forest officials and development agencies were able to create a few villagers loyal to themselves and to CFM at the pilot sites. The symbolic violence was such that even the groups that initially demanded the establishment of forests as CF (where CFUGs have the right to use all forest products) were later said to prefer to CFM (which provides only 25 percent of the benefits and the management of which is driven by forest officials).[11] This shift in alliance towards CFM has shaped the conflicts over participatory forestry in the Terai since. Here, the kinds of alliances and blurring between the 'users', the 'state' and 'donors' are important. CFM became a context wherein the exchanges of funds, interests and investment in the institution helped to cement particular authoritative forms.

Those economically and symbolically excluded from the CF system because of their distance from the forest were keen to acquire some space in forest control and management, and it was natural for some of these southern people to be part of CFM, despite the limited entitlements compared to community forestry (see Table 2). For us, what is particularly interesting, is that rather than trying to modify CF provisions and actively support such excluded southern people in developing measures that would accommodate them, forest officials devised an alternative program – CFM – which secured state bureaucratic power, further allowing discretionary power for manipulation and misappropriation (GON/MFSC 2003); reflective of power politics as usual: feudalistic rights claimed by the state and legitimated through technocratic justifications. Here, the 'institutional choice' by donors—collaborating with the state and some Terai groups—was vital for the state to be able to institute this programme.

[11] James Bampton, former head of the DFID funded Livelihoods and Forestry Programme's Terai division (personal communication).

Table 2: Comparison of CF and CBFM on Key Aspects of Governance

Aspects of Governance	Community Forestry (CF)	Collaborative Forest Management (CFM)
Legal policy formation	Legal arrangements for CF was formulated by the elected parliament, with substantive prior debate by civil society actors.	Legal arrangements formulated at governmental and techno-bureaucratic levels without parliamentary or civil society debates.
Degree of local autonomy in organising forest governance	CF user-groups are fully autonomous organisations in forest management wherein local people have the right to elect their own executive committee.	The local committee for CFM is dominated by forest officials with some local representatives (officials have discretionary power on how these are selected).
Sharing of benefits between state and local people	100 percent of production is kept by user-group members	25 percent of timber yield and 'waste' braches of forest harvesting are kept by user-groups.
Extent of openness to civil society in programme planning and implementation	Extensive participation of civil society in the planning and implementation of the programme.	Largely implemented by Ministry of Forests and Soil Conservation and bilateral donor projects.

Source: Ojha 2008 (based on (GON/MFSC 2003; GON/MFSC 1995)).

In CFM, then, we see very clearly the ways that deliberative politics has the potential to both undermine entrenched hierarchies and to (re)produce them. The state drew from feudalistic and technocratic cultural codes to create a new institution of forest governance that fit better within its own authoritative framework. State actors at a variety of levels were also keen to establish clearer authority over community-based groups. At the Ministry level, they are concerned with ensuring a flow of revenue into their budgets from timber sales in the Terai. CFM allows them to do that by having more control over the type and level of harvesting as well as rights to the revenue generated from timber sales. At the District level, many District Forest Officers were suspicious of community-based management and wanted to retain their semi-feudalistic relationships with villagers and contractors seeking timber concessions. They benefit personally in the bribes they can receive, but also in the reinforcement of their subjectivity as *hakim* (boss/overlord). Community forestry NGOs, particularly FECOFUN, attempted to retain a voice in the process by continuing to demand that CF is implemented in the Terai (Ojha 2009). Finally, villagers and activists in the so-called indigenous communities of the southern Terai saw CFM as an opportunity for them to have a voice in forest management and to regain access to and control over forest resources that were governed by different institutional arrangements prior to large scale settlement from the Hills. Given the importance of regional and ethnic subjectivities in Nepalese politics, these indigenous people of the Terai did not see FECOFUN as *able* to represent their interests because they were hill 'others' (*pahade*).

More deliberative space was created in the Terai as various actors sought to promote their interests in the CF vs. CFM debate, yet the actors drew on entrenched authoritative forms and subjectivities to do so. Power was exercised both hierarchically and laterally having the effect of simultaneously opening up and closing down space for radical transformations in the social field. State actors at all levels mobilised the technocratic cultural codes to argue that the District Forest Office needed to be more closely involved in 'helping' communities manage their forests. This was only successful, however, by their engagement with the developmentalist codes that cast the programme in the language of 'participation', 'equity' and 'conservation'. Ironically, (some) villagers and local NGOs took up these codes in opposition to FECOFUN and became invested in CFM. They exercised power laterally to effectively claim more space for themselves in the forestry debate, even if the consequence of that was a diminished material access to forests (vs. CF).

Yet, we believe that this occurred in part *because* of the power exercised by FECOFUN. They have become strongly aligned with one political party in Nepal and seek to colonise the space of advocacy for community groups in Nepal. As a consequence, 'indigenous' groups in the Terai saw them as another dominating institution rather than one that represented their interests. In a highly contradictory move, Terai indigenous people aligned themselves with the technocratic state on the basis of their subjectivity as 'other', to claim authority for themselves, separate from FECOFUN. In that sense, they were both able to move laterally within the social field and gain greater voice and authority, but also set themselves firmly under the authority of the state.

6. Conclusion

The case of Nepal's Terai forest politics, especially over the past decade of ensuing conflict and transition, clearly demonstrates a situation of both change and retrenchment of power relations and authority. By using Bourdieu's lens of symbolic violence and post-structural notions of subjectivity, we examined the deliberative politics around claims to material and symbolic resources in the field of forestry, and problematised the process of deliberation itself, as well as the ways through which authority is legitimated and de-legitimated. We demonstrated that authority in Nepal's forests is asserted through the techno-bureaucratic codes nurtured within state agencies—the Ministry of Forests and District Forest Offices. This has been reinforced by a) feudalistic codes, which are further entrenched despite the intensified politics for autonomy and self-governance in the post-conflict period, and b) the developmentalist codes that reinforce formal and apolitical subjectivities, providing limited space for actors to understand and question the reproduction of power relations and hegemonic authority.

Nonetheless, the national political movements of 1990 and more recently, 2006, have contributed to bringing into view the taken-for-granted cultural codes—and the corresponding structure of authorities—that have dominated forestry politics in Nepal. Local forest-dependent people have now started to challenge the hitherto unquestioned authority of state officials in restricting deliberation in forest governance. We can already see their successes and 'failures' in the CF vs. CFM debate. On the one hand, as people agitate for their rights, refusing to buy into the kinds of authority claimed by the state, they are transforming their subjectivities. Space is

opened for more deliberative practices. Yet on the other hand, older forms of authority are (re)entrenched and the importance of speaking the languages of development and conservation is reaffirmed. The analysis here has shown the value of recognising cultural codes that shape how processes of subjection occur and which ones become dominant.

We want to conclude by arguing that the deliberative agency of local citizens is being capitalized upon by elites through the same institutional forms—including community federations and new political parties based on ethnic or regional identities. As such, we see the strategic interests of donors, NGO and government leaders dominate deliberative politics. As a result, local forest dependent poor people are subjected by hegemonic codes in new ways to advance the interests of those leaders, rather than to advance their own agenda and expectations. In many cases, villagers are choosing a regime that may not in fact serve their interests, but they see it as aligned to who they are and their people (*afnomanche*) (the feudalistic codes reinvented) and therefore support it. Our case study has demonstrated these contradictions between deliberative politics and the reproduction of hegemonic institutional forms. The analysis helps to explain why some actors seek alliances and support programmes that may in fact not support their material interest but allow them to gain greater stake in particular authoritative institutions.

Conceptually, we have developed a theoretical framework for understanding power and authority. Through a partial commitment to structure—cultural codes—and bringing that together with a post-structural understanding of how processes of subjection help (re)produce those codes and forms of inequality, we are able to explain how some forms of authority become entrenched *and* the conditions under which fundamental social change can occur. Authority and 'authoritative institutional forms' emerge out of the processes of subjection that are grounded in particular cultural frames. When we recognise that cultural codes shape how processes of subjection occur, and the symbolic violence necessary to achieve particular modes of subjection, we are able to gain a more nuanced understanding of how and under what conditions change can occur (or not). We argue there is a need in deliberative politics and among those committed to fundamental social change to attend carefully to the cultural codes they mobilise, seek opportunities to bring them into view, and tread cautiously when mobilising subjectivities—even those that appear to be radical and emancipatory—to enact political change. Rather, it is crucial to create spaces wherein actors can deliberate their choices in such a way that cultural codes and subjectivities are continuously and consciously queried and challenged with the goal of creating more truly equitable and transformative social fields.

References

Adger, N. W. 2003. Social Capital, Collective Action and Adaptation to Climate Change. *Economic Geography,* **79**(4): 387-404.

Agrawal, A. 2001. Common Property Institutions and Sustainable Governance of Resources. *World Development*, **29**(10): 1649-1672.

Agrawal, A. and Ostrom, E. 2001. Collective Action, Property Rights, and Decentralization in Resource Use in India and Nepal. *Politics and Society*, **29**(4): 485- 514.

Allen, A. 2002. Power, Subjectivity, and Agency: Between Arendt and Foucault. *International Journal of Philosophical Studies*, **10**(2): 131-149.

Allen, J. 1999. Spatial Assemblages of Power: From Domination to Empowerment. In: Massey, D., Allen, J. and Sarre, P. (Eds.), *Human Geography Today* (pp 194-218). Cambridge: Polity Press.

Arnold, J. E. M. 1998. *Managing Forests as Common Property*. Rome, Food and Agriculture Organization of the United Nations**:** 67.

Bäckstrand, K. 2003. Civic Science for Sustainability: Reframing the Role of Experts, Policy-Makers and Citizens in Environmental Governance. *Global Environmental Politics,* **3**(4): 24-41.

Bäckstrand, K. 2004. Scientisation vs. Civic Expertise in Environmental Governance: Eco-Feminist, Eco-Modern and Post-Modern Responses. *Environmental Politics***, 13** (4): 695-714.

Berry, S. 2009. Property, Authority and Citizenship: Land Claims, Politics and the Dynamics of Social Division in West Africa. *Development and Change*, **40**(1): 23-45.

Bhattarai, K., Conway, D. and Shrestha, N. 2002.The Vacillating Evolution of Forestry Policy in Nepal. *International Development Planning Review,* **24**(3): 315-338.

Blaikie, P. M., Cameron, J. and Seddon, D. 2001. *Nepal in Crisis: Growth and Stagnation at the Periphery*. Oxford Clarendon Press.

Bondi, L. and Davidson, J. 2003. Troubling the Place of Gender. In: Anderson, K., Domosh, M., Pile, S. and Thrift, N. (Eds.), *Handbook of Cultural Geography* **(**pp 325-344). London: Sage Publications.

Bourdieu, P. 1977. *Outline of a Theory of Practice*. Cambridge: Cambridge University Press.

Bourdieu, P. 1998a. *Practical Reason: On The theory of Action*. Cambridge: Polity Press.

Bourdieu, P. 1998b. Social Space and Symbolic Space. In: Bourdieu, P. (Ed.), *Practical Reason* (pp 1-18). Polity Press.

Brown, K. 1998. The Political Ecology of Biodiversity, Conservation and Development in Nepal's Terai: Confused Meanings, Means and Ends. *Ecological Economics*, **24**(1): 73-87.

Butler, J. 1990. *Gender Trouble: Feminism and the Subversion of Identity*. New York, Routledge.

Butler, J. 1997. *The Psychic Life of Power*. Stanford: Stanford University Press.

Cameron, J. 1998. Development Thought and Discourse Analysis: A Case Study of Nepal. In: Bahadur, K. and Lama, M. L. (Eds.), *New Perspectives on India-Nepal Relations*. New Delhi: Har-Anand Publications.

Chhatre, A. 2007. Accountability in Decentralization and the Democratic Context: Theory and Evidence from India. *Representation, Equity and Environment, Working Paper Series* Working Paper 23 (January): 1-24.

Chhatre, A. and Saberwal, V.2006. Democracy, Development and (Re-) Visions of Nature: Rural Conflicts in the Western Himalayas. *Journal of Peasant Studies*, **33**(4): 678-706.

Colfer, C. J. P. and Capistrano, D. (Eds.) 2005. *The Politics of Decentralization - Forests, Power and People*. London and Sterling: Earthscan.

Conway, D., Bhattarai, K. and Shrestha, N. 2000. Population-Environment Relations at the Forested Frontier of Nepal: Tharu and Pahari Survival Strategies in Bardiya. *Applied Geography,* **20**: 221-242.

Dahal, D. R. 2008. The 'Madhsi' People: Issues and Challenges of Democracy in the Nepal Terai. In: Gellner, D. N. and Hachhethu, K. (Eds) *Local Democracy in South Asia: Microprocesses of Democratization in Nepal and its Neighbours* **(**pp 128-149). Delhi: Sage.

Dryzek, J. S. 2000. *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. Oxford: Oxford University Press.

Eckholm, E. P. 1975. The Deterioration of Mountain Environments. *Science*, **189**: 764-770.

Escobar, A. 1995. *Encountering Development: The Making and Unmaking of the Third World*. Princeton, NJ: Princeton University Press.

Ferguson, J. and Gupta, A. 2002. Spatializing States: Toward an Ethnography of Neoliberal Governmentality. *American Ethnologist,* **29**(4): 981-1002.

Fine, B. 2001. *Social Capital Versus Social Theory: Political Economy and Social Science at the Turn of the Millennium*. London: Routledge.

Fischer, F. 1999. Technological Deliberation in a Democratic Society: The Case for Participatory Inquiry. *Science and Public Policy,* **26**(5): 294-302.

Foucault, M. 1990. *The History of Sexuality: An Introduction, Volume 1*. New York: Vintage Books.

Foucault, M. 1991. Governmentality. In: Burchell, G., Gordon, C. and Miller, P. (Eds.), *The Foucault Effect: Studies in Governmentality* **(**pp 87-104). Chicago: University of Chicago Press.

Foucault, M. 1995. *Discipline and Punishment*. New York: Vintage Books.

Gellner, D. N. and Hachhethu, K. 2008. *Local Democracy in South Asia: Microprocesses of Democratization in Nepal and its Neighbours*. Delhi: Sage Publications.

Gellner, D. N., Pfaff-Czarnecka, J. and Welpton, J. (**Eds.**). 1997. *Nationalism and Ethnicity in a Hindu Kingdom: The Politics of Culture in Contemporary Nepal*. Studies in Anthropology and History. Amsterdam: Overseas Publishers Association.

Gibson, K. 2001. Regional Subjection and Becoming. *Environment and Planning D: Society and Space,* **19**: 639-667.

Gilmour, D. A. and Fisher, R. J. 1991. *Villagers, Forests and Foresters: The Philosophy, Processes and Practice of Community Forestry in Nepal*. Kathmandu: Sahayogi Press.

GON/DFRS.1999. The Forest Resources of Nepal. Kathmandu. Department of Forest Research and Survey. Kathmandu: Government of Nepal.

GON/MFSC. 1995. Forest Act 1993 and Forest Regulations 1995. Ministry of Forest and Soil Conservation. Kathmandu: Government of Nepal.

GON/MFSC. 2003. Directives for collaborative forest management. Ministry of Forest and Soil Conservation. Kathmandu: Government of Nepal.

Guthman, J. 1997. Representing Crisis: The Theory of Himalayan Environmental Degradation and the Project of Development in Post-Rana Nepal. *Development and Change,* **28**: 45-69.

Habermas, J. 1990. Discourse Ethics: Notes on a Program of Philosophical Justification. In: Benhabib, S. and Dallmayr, F. (Eds.), *The Communicative Ethics Controversy* (pp 60-111). Cambridge: MIT Press.

Habermas, J. 1996. *Between Facts and Norms - Contributions to a Discourse Theory of Law and Democracy*. Masachusetts: MIT Press.

Hansen, T. B. and Stepputat, F. 2001. *States of Imagination: Ethnographic Explorations of the Postcolonial State*. Durham and London: Duke University Press.

Henriques, J., Hollway, W., Urwin, C., Venn, C. and Walkerdine, V. 1984. *Changing the Subject*. London: Methuen.

Hobley, M. 1996. *Participatory Forestry: The Process of Change in India and Nepal*. London: Rural Development Forestry Network, Overseas Development Institute.

Hutt, M. (**Ed**). 2004. *Himalayan 'People's War': Nepal's Maoist Rebellion*. London: C. Hurst and Co.

Kanel, K. R. and Kandel, B. R. 2004. Community Forestry in Nepal: Achievement and Challenges. *Journal of Forestry and Livelihoods*, **4**(4): 55-63.

Kumar, D. 2008. Obstacles to Local Leadership and Democracy in Nepal. Gellner, D. N. and Hachhethu, K. (Eds.), *Local Democracy in South Asia: Microprocesses of Democratization in Nepal and its Neighbours* **(**pp 25-44). Delhi: Sage.

Lal, C. K. 2002. Cultural Flows across a Blurred Boundary. In: Dixit, K. M. and Ramachandran, S. (Eds.), *State of Nepal* **(**pp100-118). Kathmandu: Himal Books.

Latour, B. 1993. *We Have Never Been Modern*. Cambridge: Harvard University Press.

Leve, L. 2007. Failed Development and Rural Revolution in Nepal: Rethinking Subaltern Consciousness and Women's Empowerment. *Anthropological Quarterly*, **80**(1): 127-172.

Longhurst, R. 2003. Introduction: Placing Subjectivities, Spaces and Places. In: Anderson, K., Domosh, M., Pile, S. and Thrift, N. (Eds.), *Handbook of Cultural Geography* **(**pp 282-289). London; Thousand Oaks; New Delhi, Sage Publications.

Lund, C. 2006a. Twilight Institutions: An Introduction. *Development and Change*, **37**(4): 673-684.

Lund, C. 2006b. Twilight Institutions: Public Authority and Local Politics. *Development and Change*, **37**(4): 685-705.

Lund, C. (**Ed**). 2007. *Twilight Institutions: Public Authority and Local Politics in Africa*. Oxford: Blackwell.

Lund, C. 2009. Recategorizing 'Public' and 'Private' Property in Ghana. *Development and Change*, **40**(1): 131-148.

Mahat, T. B. S., Griffin, D. M. and. Shepherd, K. R.1987. Human Impact on Some Forests of the Middle Hills of Nepal. Part 4. A Detailed Study in the Southeast Sindhu Palchok and Northeast Kahbre Palanchok. *Mountain Research and Development***, 7**(2): 111-134.

Mahoney, M. A. and Yngvesson, B.1992. The Construction of Subjectivity and the Paradox of Resistance: Reintegrating Feminist Anthropology and Psychology. *Signs***, 18**(1): 44-73.

Malla, Y. B. 2001. Changing Policies and the Persistence of Patron-Client Relations in Nepal: Stakeholders' Responses to Changes in Forest Policies. *Environmental History,* **6**(2): 287-307.

Malone, K. R. 2000. Subjectivity and the Address to the Other: A Lacanian View of Some Impasses in Theory and Psychology. *Theory and Psychology,* **10**(1): 79-86.

Metz, J. 1995. Development in Nepal: Investment in the Status quo. *GeoJournal,* **35**: 175-184.

Muller-Boker, U. 1999. *The Chitwan tharus in Southern Nepal: An Ethnoecological Approach*. Stuttgart: Franz Steiner Verlag.

Nightingale, A. J. 2005. The experts taught us all we know: Professionalisation and Knowledge in Nepalese Community Forestry. *Antipode,* **34**(3): 581-604.

Nightingale, A. J. 2006. The Nature of Gender: work, gender and environment. *Environment and Planning D: Society and Space,* **24**(2): 165-185.

Nightingale, A. J. 2010. Bounding Difference: the embodied production of gender, caste and space. *Geoforum* (**in press)**.

Nightingale, A. J. 2010. A Forest Community or Community Forestry? Beliefs, meanings and nature in north-western Nepal. In: Guneratne, A. (Ed.), *Under the Roof of the World: Critical Himalayan Environments*. London: Routledge.

Nightingale, A. J. 2011. Beyond Design Principles: subjectivity, emotion and the (ir-)rational commons.*Society & Natural Resources***, 24**(2) **(in press)**.

Nightingale, A. J. and Sharma, J. R. 2010. Resilience of Community Forestry User Groups:Experiences of a Donor Supported Community Forestry programme in Nepal. *Development in Practice* **(under review)**.

Nuijten, M. 2003. *Power, Community and the State: The Political Anthropology of Organisation in Mexico*. London: Pluto Press.

Nuijten, M. and Lorenzo, D. 2009. Ruling by Record: The Meaning of Rights, Rules and Registration in an Andean Comunidad. *Development and Change,* **40**(1): 81-103.

O'Flynn, I. 2007. Divided Societies and Deliberative Democracy. *British Journal of Political Science*, **37**(4): 731-751.

Ojha, H. R. 2006. Techno-Bureuacratic Doxa and the Challenges of Deliebrative Governance - The Case of Community Forestry Policy and Practice in Nepal. *Policy and Society*, **25**(2): 131-175.

Ojha, H. R. 2008. *Reframing Governance: Understanding Deliberative Politics in Nepal's Terai Forestry*. New Delhi: Adroit Publishers.

Ojha, H. R. 2009. Civic Engagement and Deliberative Governance: The Case of Community Forest Users' Federation, Nepal. *Studies in Nepali History and Society*, **14**(2).

Ojha, H. R., Pokharel, B. K., Paudel, K. R. and McDougall, C. 2002. Comparative Case Studies on Adaptive Collaborative Management: A Review of Eight Community Forestry Sites in Nepal. Kathmandu and Bogor: ForestAction and CIFOR.

Ojha, H. R. and Timsina, N. 2008. From Grassroots to Policy Deliberation - The Case of Federation of Forest User Gourps in Nepal. In: Ojha, N. T. H., Chhetri, R. and Paudel, K. (Eds.) *Knoweldge Systems and Natural Resoruces: Management, Policy and Institutions in Nepal* (pp 60-85). India and Canada: Cambirdge University Press and IDRC.

Ojha, H. R., Timsina, N. and Khanal, D. 2007. How are Forest Policy Decisions Made in Nepal? *Journal of Forestry and Livelihoods,* **6**(1): 1-16.

Ostrom, E. 1990. *Governing the Commons. The evolution of institutions for collective action*. Cambridge: Cambridge University Press.

Parkins, J. and Mitchell, R. 2005. Public Participation as Public Debate: A Deliberative Turn in Natural Resource Management. *Society and Natural Resources*, **18** (6): 529-540.

Peet, R. and Watts, M. 2004. *Liberation Ecologies: Environment, Development and Social Movements*. London: Routledge.

Peluso, N. L. 1992. *Rich Forests, Poor People: Resource Control and Resistance in Java*. Berkeley and Oxford: University of California Press.

Peluso, N. L. 2009. Rubber Erasures, Rubber Producing Rights: Making Racialized Territories in West Kalimantan, Indonesia. *Development and Change*, **40**(1): 47-80.

Pigg, S. L. 1996. The Credible and the Credulous: The Question of "Villagers' Beliefs" in Nepal. *Cultural Anthropology*, **11**(2): 160-201.

Pokharel, B. K. and Ojha, H. 2005. *Community Forestry in Nepal: A Platform for Public Deliberation or Technocratic Hegemony?* International Union for Forestry Research Conference, Brisbane.

Pokharel, R. K. 2000. From practice to policy - Squatters as forest protectors in Nepal - an experience from Shrijana Forest User Group. *Forests, Trees and People Newsletter,* **42**: 31-35.

Poteete, A. R. and Ostrom, E. 2004. Heterogeneity, Group Size and Collective Action: The Role of Institutions in Forest Management. *Development and Change,* **35**(3): 435-461.

Probyn, E. 2003. The Spatial Imperative of Subjectivity. In: Anderson, K., Domosh, M., Pile, S. and Thrift, N. (Eds.), *Handbook of Cultural Geography*. London: Sage Publications.

Putnam, R. 2001. Social Capital: Measurement and Consequences. *ISUMA* **(Spring)**.

Rankin, K. N. 2001. Governing development: neoliberalism, microcredit, and rational economic woman. *Economy and Society*, **30**(1): 18-37.

Rankin, K. N. 2004. *The Cultural Politics of Markets: Economic Liberalization and Social Change in Nepal.* London: Pluto Press.

Regmi, M. C. 1978. *Land Tenure and Taxation in Nepal.* Kathmandu: Ratna Pustak Bhandar.

Ribot, J. C. 2003. Democratic Decentralisation of Natural Resources: Institutional Choice and Discretionary Power Transfers in Sub-Saharan Africa. *Public Administration and Development,* **23**: 53-65.

Ribot, J. C. 2009. Authority over Forests: Empowerment and Subordination in Senegal's Democratic Decentralization. *Development and Change*, **40**(1): 105-129.

Ribot, J. C., Chhatre, A. and Lankina, T. 2008. Introduction: Institutional Choice and Recognition in the Formation and Consolidation of Local Democracy. *Conservation and Society***, 6**(1): 1-11.

Rose, N. 1999. *Powers of Freedom: reframing political thought*. Cambridge: Cambridge University Press.

Roth, D. 2009. Property and Authority in a Migrant Society: Balinese Irrigators in Sulawesi, Indonesia. *Development and Change,* **40**(1): 195-217.

Roth, R. 2004. On the Colonial Margins and in the Global Hotspot - Park-People Conflicts in Highland Thailand. *Asia Pacific View Point* **, 45** (1): 3-32.

Sarin, M. 2005. Laws, Lore and Logjams: Critical Issues in Indian Forest Conservation. *Gatekeeper Series,* IIED.

Scott, J. 1991. The Evidence of Experience. *Critical Inquiry*, **17**(3 (Summer)): 773-797.

Scott, J. C. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press.

Sheppard, E. 2008. Geographic Dialectics? *Environment and Planning A*, **40**(11): 2603-2612.

Shivaramakrishnan, K. 2000. State Science and Development Histories: Encoding Local Forestry Knowledge in Bengal. *Development and Change,***31**: 61-89.

Shrestha, K. 2001. The Backlash - Recent Policy Changes Undermine User Control of Community Forests in Nepal. *Forests, Trees, and People Newsletter*, FAO. **44**.

Shrestha, N. 1990. *Landlessness and Migration in Nepal*. Boulder: Westview Press.

Sikor, T. and Lund, C. 2009. Access and Property: A Question of Power and Authority. *Development and Change*, **40**(1): 1-22.

Sivaramakrishnan, K. 1999. *Modern Forests: Statemaking and Environmental Change in Colonial Eastern India*. Stanford: Stanford University Press.

Sivaramakrishnan, K. 2000. State Science and Development Histories: Encoding Local Forestry Knowledge in Bengal. *Development and Change***, 31**: 61-89.

Smith, G. 2003. *Deliberative Democracy and the Environment*. London: Routledge.

Sturgeon, J. C. 2004. Border Practices, Boundaries, and the Control of Resource Access: A Case from China, Thailand and Burma. *Development and Change*, **35**(3): 463-484.

Taylor, P. L. 2003. Reorganization or Division? New Strategies of Community Forestry in Durango, Mexico. *Social and Natural Resources*, **16**(7): 643-661.

Thapa, D. 2004. *A Kingdom Under Siege: Nepal's Maoist Insurgency, 1996-2004*. London: Zed Books.

Timsina, N. and Paudel, N. S. 2002. State Versus Community - A Confusing Policy Discourse in Nepal's Forest Management. *Journal of Forestry and Livelihoods,* **2**(2).

Vandekerckhove, N. 2009. We are Sons of this Soil. The Endless Battle Over Indigenous Homelands in Assam, India. *Critical Asian Studies***, 41**(4): 523-548.

V**andekerckhove, N. and Suykens, B.** 2008. The Liberation of Bodoland: Tea, Forest and Tribal Entrapment in Western Assam. *South Asia: Journal of South Asian Studies*, **31**(3): 450-471.

Woolcock, M. and Narayan, D.2000. Social Capital: Implications for Development Theory, Research, and Policy. *The World Bank Research Observer*, **15**(2): 225-249.

About Authors

Dr. Andrea Nightingale is the Director of the MSc in Environment and Development and Lecturer in Environmental Geography at the University of Edinburgh. Her academic interests include pioneering work on socio-natures, critical development studies, and methodological work on mixing methods across the social and natural sciences. She has worked in Nepal since 1987 on questions of development, natural resource management, community forestry, gender, social inequalities and governance. She has also worked in India, Indonesia and South America during the course of her studies and short term consultancies.

Dr. Hemant Ojha has over 18 years of experience in research, development actions and post-graduate teaching. He is a founder of ForestAction Nepal where he served for 10 years as team leader, executive coordinator and board chair. He has recently co-founded Southasia Institute of Advanced Studies (SIAS) based in Kathmandu. He did doctoral research in Development Studies (with a focus on Natural Resource Governance) from School of Development Studies, University of East Anglia, Norwich, UK. His research spans a wide range of issues related to society and environment.