In the Name of the Mother: Gendered and Regional Exclusions in Nepali Citizenship

I am a woman -
half Madeshi, half Pahadi,
half Indian, half Nepali,
married to a foreigner, so,
half traitor, half foreign,
half independent, half claimed,
under attack on all fronts

Facebook status update, Itisha Giri, June 26 2015

Introduction

In late December 2014, my friend Bidita, a young woman in her mid-20’s, sat with her back against the wall of the large compound of the Constituent Assembly. She held a piece of paper bearing the phrase “ra hoina wa ho” (“No to and, Yes to or”) and was joined by about 15 other young Nepalis, mostly women. The protest that day had begun as a march of several hundred people, but transformed into a sit-down demonstration after one of the protesters, a male journalist, was arrested by police after attempting to push through the barricaded perimeter about 50 yards from the outer walls of the CA compound. Most of the marchers had melted away when the protest took this more directly confrontational turn, but Bidita and her fellow protestors had decided to take advantage of the fact that male police officers would be reluctant to physically arrest women or handle them roughly. Like Bidita, many of them were veterans of the Occupy Baluwatar movement and other violations of security for women in Nepal does occur, as these protestors were well aware: the Occupy Baluwatar protests in which many had participated were, in part, a response to a highly publicized case of police exploitation and rape of a young woman named Sita Rai (Koyu and Pokharel 2014: 347).

The protesters’ sense of safety from rough treatment by police in this specific instance was clearly conditioned by a number of factors, such as the fact that the protest was taking place in broad daylight, on a busy street, in the presence of journalists and several foreign observers such as myself. Without question, police violence against women in Nepal does occur, as these protestors were well aware: the Occupy Baluwatar protests in which many had participated were, in part, a response to a highly publicized case of police exploitation and rape of a young woman named Sita Rai (Koyu and Pokharel 2014: 347).

3 The Occupy Baluwatar movement in late 2012-early 2013 was a street protest movement that continued for over 100 consecutive days, demonstrating against a constellation of issues including violence against women and impunity for the perpetrators of such violence. The movement received some criticism for perceived elitism (for instance, the protest site in Baluwatar, chosen for its proximity to the Prime Minister’s residence, was difficult to

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1 An earlier version of this chapter was co-written as an article with my colleague Barbara Grossman-Thompson. That article, titled “Citizenship in the Name of the Mother: Nationalism, Social Exclusion, and Gender in Contemporary Nepal” is forthcoming in late 2017 in positions: asia critique.

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non-violent protests, skilled actors in Kathmandu political street theater. They sat defiantly with their backs against the wall, chanting slogans and demanding the release of their fellow protester.

Inside the building, the Constituent Assembly of Nepal debated constitutional language that would require Nepali citizenship of both mother *and* father to confer citizenship to the child. This change threatened to undo previous laws stating that citizenship could be granted via mother *or* father (hence the slogan “No to *and*, Yes to *or,*” which was not immediately comprehensible to observers who were not already familiar with the point of the protest). The laws, passed only a few years earlier in 2006, effectively gave Nepali women the right to confer citizenship to their children regardless of the father’s presence or nationality, and the protesters were attempting to ensure that this right would not be rescinded in the new constitution.

A crowd surrounded the group as they chanted loudly, alternating between “ra hoina, wa ho” and “Aamako naambata nagarikta paunaiparchha, paunaiparchha” (Citizenship must be granted in the name of the mother). A curious older woman walked by the protesters and asked another bystander to explain the scene. Upon hearing the cause, she nodded approvingly and said stated “Thik bhanu bhayo” (“They are saying the right thing”). A man in his mid-50s weaved purposefully through the crowd and heckled the protesters to “get a job” before disappearing into the bustling sidewalk traffic. A high-ranking female police officer was called to the scene, but she opted to merely monitor the protestors rather than calling in more female officers to arrest them. An hour or so after Bidita and the others had begun their sit-down protest, the well-known lawyer and former CA member Sapana Pradhan Malla arrived on the scene. She made a few phone calls and swiftly

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reach by public transportation) and for perceptions of being funded by international donors (although those involved in the movement eschewed such funding and strove for financial transparency). These criticisms of elitism and foreign influence are frequently leveled against various forms of women’s activism in Nepal. For reflective analyses of the Occupy Baluwatar movement by women who were involved as organizers and activists, see Dhungel (2014), Koyu and Pokharel (2014), and Pudaisani (2016).
secured the release of the young man who had been arrested. The remaining protesters adjourned to a teashop nearby.

This modest rally was but one in a much larger series of protests held throughout the Kathmandu Valley and Nepal in 2014 and 2015 on the issue of granting citizenship through mothers. The protests were intended to raise questions in the minds of observers: Why was the Nepali state backsliding into a more socially regressive stance on citizenship? Why was women’s citizenship up for debate after decades of hard-fought social progress through the active participation of women?

Despite rigorous protest, on September 20th 2015, a new constitution was promulgated, which included the “and” language that effectively eliminated citizenship through the maternal line only. In this chapter, I argue that the Nepali state’s gender-discriminatory approach to citizenship is rooted in the historical, social, and geo-political tensions between Nepal and India, especially nationalist fears about Indian encroachment into Nepali territory and politics. Resurgent resistance to equitable citizenship laws reflect both hegemonic Hindu patriarchal norms as well as a nationalist reactive stance against Indian influence, as embodied by the real and potential coupling of Nepali women and Indian men whose children would further “Indianize” Nepal. I argue that constitutionally restricting Nepali women’s right to bestow citizenship on their children is a form of policing the boundaries of the state body via policing women’s bodies, especially their sexual and reproductive capabilities.4

4 The restriction of citizenship through mothers is related to other forms of state and social policing of women’s bodies, especially through regulations surrounding migration and labor. As Grossman-Thompson (2016), Joshi (2004), and Richardson et al (2016) have discussed in detail, women have faced legal restrictions on their mobility as the state has assumed a paternalistic role in “protecting” women from sexual exploitation that they might face while working abroad (for example, forbidding women under 30 from traveling to the Gulf countries). Of course, these restrictions serve to push women who feel economic pressure to migrate for work toward more risky, less regulated channels of migration. Similar discourses of the Nepali state as protective patriarchal home are evident in programs that attempt to “rehabilitate” women who have been “trafficked” to India for sex work, erasing the agency of women who turn to sex work out of economic necessity (Pigg and Pike, 2004).
Understanding Nepali women’s struggle to access their full rights is important for several reasons. First, the citizenship-through-mothers debate elucidates rising nationalist sentiment in Nepal, which reflects a broader turn toward nationalism in South Asia generally. Just as India and Sri Lanka grapple with an upsurge in conservative political rhetoric, the politics of contemporary Nepal reflect a tension between pursuing ‘modern’ (and more inclusive) socio-political policy and lionizing a so-called traditional past rooted firmly in hegemonic religious histories (Dhattiwala and Biggs 2012; Arambewela and Arambewela 2010; Rampton 2011). This trend toward nationalism in South Asia merits close scholarly attention in light of evidence linking nationalism with geo-political instability in other world regions (Schrock-Jacobson 2012; Malešević 2012). Second, this debate points to the importance of embodiment in notions of citizenship, specifically with regard to gendered bodily autonomy. Moves to deny women the ability to convey citizenship provide a compelling example of the opportunistic jettisoning of gender equality within self-proclaimed progressive movements, raising questions as to whether women are ever fully included in such movements as equal participants. In recent years, citizenship as an inherently gendered status has received extensive scholarly attention, particularly with regard to South Asian contexts (Hasan and Menon 2004; Lister 2003; Roy 2005). As numerous studies have shown, women’s bodies, as sites for the reproduction of potential citizens, are often the particular objects of attempted control by states and other political forces (Berlant 1997; Bier 2010). In situations involving migration across national borders, these contestations over the meanings of citizenship become especially salient (Friedman 2015; Hansen and Stepputat 2005; Smith 2011; Smith and Bakker 2007). I expand ongoing discussions in this literature by providing an in-depth case study of the intersections of gender and national boundary in Nepal’s ongoing citizenship debate.

**Gender, Modernity and Identity in Nepal**
It is clear that there is no single set of experiences or dispositions that defines the “Nepali woman.” Seira Tamang, in writing about the difficulty of achieving a single unified feminist agenda in post-1990 Nepal, has argued that a singular women’s movement in Nepal “can only be achieved at the expense of respecting the radical diversity and difference that is covered over by the ‘theoretical fiction’ of the unified nation of Nepal” (2009: 61). Like “Nepal” itself, the category of “Nepali women” contains multitudes, and is cross-cut by multiple axes of difference and oppression (Gururani and Berry 2015).

However, across the profound diversity of Nepali women’s lives, there are some broad similarities of experience (Cameron 1998, March 2002). In particular, widespread dominance of Hindu patriarchal norms have, to a greater or lesser extent, circumscribed the privileges and opportunities afforded to women and girls in comparison to boys and men (Pigg 1992). This is reflected in the ongoing gaps in educational attainment, earning, and political involvement between men and women (Chapagain 2006, LeVine 2006, Tamang 2009). Women’s systematic marginalization can, in part, be traced to the founding of Nepal as a Hindu kingdom by Prithvi Narayan Shah. Successive kings codified Hindu doctrine into state law, which used Hindu cosmological understandings of hierarchical social order as the basis for social prestige and legal standing (Bennett 1983, Höfer 1979). Nepal’s social and legal systems were structured by explicit caste and gender-based discrimination until 1950, when reforms overturned some, but not all, discriminatory laws (Rankin 2004). Even with legal reforms and social revolutions, the social hegemony of high-caste gender norms persist in institutions and everyday interactions (Leve 2007).

The historically male Hindu government has promoted a message of Nepali prosperity through development, but access to the promises of development – including education, job opportunities, and political power – have been unequally distributed (Ahearn 2001, Pettigrew and Shneiderman 2004). For much of Nepal’s history as a state, most women have been actively
excluded from the public and civil spheres of society (Tamang 2000). Consequently, Nepali women face a tension between meeting normative gender expectations and being participatory citizens. Patriarchal ideas discouraging female mobility, education, or political involvement continue to hold widespread popularity and are still recognized as influencing women’s behavior and decision-making (Brunson 2014; Laczo 2003; Sharma 2014). Current constitutional language that denies women’s ability to confer citizenship to their children is an extension of historically state-sponsored exclusion of and discrimination against women.

The kinship system common to high-caste hill Hindus has also contributed to women’s subordinate socio-legal standing. In the dominant Hindu system of kinship, women are regarded as temporary, rather than permanent, members of their families of origin (Bennett 1983). While women may continue to maintain ties with their families of origin after marriage, daughters are members of their parental households (maiti) only until marriage, at which point they join their husbands’ households (ghar). The marriage ceremony transfers a woman from her own family to her husband’s family through “the gift of a virgin” (kanyadan). By contrast, sons are regarded as permanent members of their father’s patriline. This crucial difference affects laws pertaining to inheritance, land ownership, ability to seek legal redress and numerous other issues where women may interact with the state (Kunreuther 2009, 2014). As I discuss in later sections, the idea that women are part of, and subordinate to, their father’s then husband’s household is deeply implicated in the issue of constitutional language around citizenship.

State Building and Social Exclusion

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5 To the limited extent that women’s participation in formal politics or in civil society is seen as socially acceptable, it is most acceptable when it is linked to topics that are perceived as “women’s issues.”
Nepal has weathered several decades of geo-political and social unrest. Between 1950 and 1990, Nepal was ruled by a single-party Panchayat “democracy” that disallowed political dissent and strengthened the socio-political dominance of high-caste Hindu men from the hills, who were considered by the state to be the prototypical Nepali citizens (Whelpton 2005). Widespread dissatisfaction with the repressive system bubbled up into massive protests in 1990. This series of protests known as the “people’s movement” ushered in major political reforms, including the institution of political parties. Amongst the newly formed parties were several Maoist groups professing an ideological commitment to armed struggle against the reigning Hindu monarchy. In 1996, one such group initiated violent attacks in rural Nepal, which sparked a ten-year conflict marked by protracted guerrilla warfare. The Maoist insurgency is estimated to have caused the death of at least 13,000 people and the displacement of hundreds of thousands (Adhikari and Samford 2013; Joshi 2013). Nepal’s Maoist movement has also been noted for its ability to attract women’s involvement, due at least in part to its initial promises of thoroughgoing gender reform. The violence ended in 2006 with the signing of a peace accord that brought together rival factions of Maoists against the monarchy. Faced with unified opposition, the monarchy ceded political power and allowed a democratic election that culminated in the installation of the former leader of the Maoist rebels as Prime Minister. The push to destabilize old social hierarchies continued after the first post-conflict elections and the drafting of an Interim Constitution in 2007. In 2008, the Hindu monarchy was officially dissolved and Nepal became a secular democratic republic. Further, a Constituent Assembly was formed and given an initial two-year term to finish a new constitution that would reflect Nepal’s new social and political openness evident in the 2007 Interim Constitution. The 2-year deadline was extended multiple times due to repeated failures to reach consensus on a number

\begin{footnotesize}
\footnote{Since the Maoists joined mainstream politics after 2006, their practical commitment to gender reform has more or less evaporated, although they (like all the major parties) espouse a rhetorical commitment to promoting women’s equality.}
\end{footnotesize}
of contentious topics. The first Constituent Assembly left Nepal without a constitution for over four years and was finally dissolved. A second Constituent Assembly was elected in 2013 and finally delivered a new constitution in September 2015, after the serious earthquakes of April-May 2015 gave the leading political parties an opportunity to ‘fast-track’ the constitution and sideline many of the concerns raised by the Tarai-based parties and other representatives of marginalized groups.

The installation of a new government was a heady social and political time for many Nepalis who hoped to re-draw the boundaries of the nation and citizenship in a more inclusive manner. The 2007 Interim Constitution explicitly guaranteed the same civil liberties to all Nepalis regardless of gender, caste, religion, or other ascribed status. Because gender equity was loudly proclaimed as a goal by Maoist leaders throughout the insurgency, many expected that previous restrictions limiting women’s ability to pass citizenship to their offspring would be abolished after Maoists were swept to power. And this did happen, at least on paper. Both the 2006 Citizenship Act and the 2007 Interim Constitution prominently featured a discourse of gender equality.

A New Post-Conflict Democracy and a Progressive Stance on Citizenship

The reforms of the Citizenship Act of 2006 and the 2007 Interim Constitution should be considered in relation to previous statutes on citizenship. Gender discrimination regarding citizenship rights was quite blatant in the Constitution of 1990, which stated in Article 9, Section 1 that “A person who is born after the commencement of this Constitution and whose father is a citizen of Nepal at the birth of the child shall be a citizen of Nepal by descent.” The possibility of attaining citizenship through mothers, whether by descent or through naturalization, was entirely absent from the document. Even in the case of children whose parents’ whereabouts were unknown, the child was presumed to be a Nepali citizen only “until the father of the child is traced” (Article 9, Section 2), at which point the child’s citizenship could be revoked if the father was not a Nepali citizen. According
to Article 9, Section 5, a foreign woman who married a man with Nepali citizenship could acquire Nepali citizenship provided that she renounce any foreign citizenship, but the reciprocal case of a foreign man marrying a Nepali woman was not addressed. Thus, while Nepali men retained the right to pass on their citizenship to both their children and their spouses, Nepali women could not pass on their citizenship to either their children or their spouses under the 1990 constitution.

Passed in the immediate aftermath of the People’s War, the Citizenship Act of 2006 stated in Section 3, Clause 1 that “Any person born at the time when his father or mother is a citizen of Nepal, shall be a citizen of Nepal by descent” [emphasis added]. This crucial wording of “father or mother” opened up the possibility of citizenship by descent through mothers, regardless of paternal citizenship. However, there was a major catch: according to Section 5, Clause 2, a child born to a Nepali mother and a foreign father could only be granted citizenship through naturalization, not through descent, and then only if it could be proved that the child had not received citizenship in the father’s country. Dual citizenship was, and still is, formally prohibited in all cases. In practice, this meant that citizenship by descent was only available through Nepali fathers. Even children whose fathers were, in fact, Nepali citizens were ineligible for citizenship if the mother could not produce documentation of the father’s citizenship, as frequently happened in cases of rape or abandonment.

The process of attaining citizenship through naturalization included more bureaucratic hurdles than the process of attaining citizenship by descent, including a requirement to provide “evidence to show that foreign citizenship has not been acquired based on the citizenship of the father” (Section 3, Clause 2); this put applicants in the very difficult position of being required to prove a negative.

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7 In some cases, Nepalis who have migrated abroad achieve de facto dual citizenship by simply not surrendering their Nepali citizenship when they acquire foreign citizenship. I found this out at a party at a friend’s house in Kathmandu in 2016 when several Nepalis who had gained European citizenships were discussing their dual citizenship status quite matter-of-factly; when I asked how this was possible, they chuckled at my naïveté.

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Furthermore, as in the 1990 Constitution, foreign women were permitted to obtain citizenship through their husbands, but the reciprocal case was not addressed.

The 2007 Interim Constitution reaffirmed the “or” wording of the 2006 Citizenship Act, stating that “Any person whose father or mother was a citizen at the birth of such person” would be considered a citizen by descent (Article 8, Section 2). However, Article 8, Section 7 reiterated that a child born to a foreign man and a Nepali woman could only acquire citizenship through the naturalization process, and then only if the child had not received citizenship in the father’s country. In practice, this requirement rendered the “or” wording “merely symbolic” in terms of providing citizenship through mothers by descent rather than by naturalization (Sigdel 2015). As shall be discussed in the next section, while a few women were successful in obtaining citizenship for their children on the legal grounds of the 2006 Citizenship Act and the 2007 Interim Constitution, most of these attempts were unsuccessful.

Problems of Implementation

The Citizenship Act of 2006 and the 2007 Interim Constitution contained flawed provisions that discriminated on the basis of gender, but they opened a window of possibility for obtaining citizenship through maternal descent by virtue of the “father or mother” wording. Yet Nepalis hoping to obtain citizenship through their mothers had to do so with the permission and through the agency of their local governing body, usually a DAO (District Administrative Office), CDO (Chief District Officer), or VDC (Village Development Committee). Ultimately, the law could be implemented only with the assistance of low- and mid-level bureaucrats who had immense power to turn away cases based on personal discretion. Judging by the numerous stories of citizenship requests denied by

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8 One disgruntled activist confided in a personal interview that she sometimes felt that the language of “father or mother” in the 2006 Interim Constitution had resulted from a clerical error, not from a genuinely progressive impulse.

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bureaucratic fiat, it is clear that the personal preference of many government officials was to continue the *status quo ante bellum*. Women seeking citizenship for their children were often subjected to humiliating questions and comments regarding their sexual behavior and marital status. They were sometimes told that unless their children’s fathers were Nepali citizens, the children were “*bhanja bhanji*” (nieces and nephews through maternal descent), rather than legitimate sons or daughters of Nepal (Gurung 2013). Even when bureaucrats were not motivated by regressive stereotypes, they may have hesitated to grant citizenships that might be perceived as illegitimate for fear of being prosecuted for corruption.\(^9\) Regardless of bureaucratic intention, however, the effects of denying citizenship requests remained the same: among other limitations, people who lack documentation of citizenship cannot own land, cannot register businesses, cannot obtain passports, cannot vote, and in many cases cannot pursue higher education.

To force state actors into compliance with the 2006 and 2007 rulings, several test cases were eventually brought to court. However, even high-profile court rulings affirming maternal citizenship proved ineffectual in clarifying the law or enforcing its implementation. In February 2011, a young woman named Sabina Damai was granted citizenship by descent through her mother in a case decided by the Nepali Supreme Court. Damai’s father was unknown to her. While many hoped that this decision would serve as a precedent and a guideline for those government servants responsible for granting citizenship requests, problems with implementation continued. Even several years after the Damai case, many local bureaucrats still demanded documentation such as marriage records and proof of paternal citizenship, effectively refusing to grant citizenship solely on the basis of the mother’s citizenship (Mahato 2012).

*Back to the Drawing Board: Redrafting the Constitution, Redefining Citizens*

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\(^9\) Subin Mulmi of FWLD pointed out this possibility in a personal interview in December 2014.
While political and bureaucratic roadblocks hindering the implementation of existing laws and judicial rulings already proved problematic for citizenship by maternal descent, the recent changes to Nepal’s constitution foreclose the possibility altogether. In May of 2014, the Constitutional Records Study and Determination committee of the second Constituent Assembly reinserted the wording of “fathers and mothers” into the draft language of the constitution [emphasis added]. The drafting committee flagged this as an error and recommended the matter for further discussion. In September, a sub-committee of the Political Dialogue and Consensus Committee (PDCC) suggested that the citizenship issue should be brought before the PDCC as a whole; however, that suggestion was ignored (Sigdel 2015).

Unwilling to watch their citizenship rights die a slow death in committee, activists\textsuperscript{10} began an escalating series of protests and demonstrations in September 2014. Increased interest in the citizenship debate played out quite openly in the form of frequent street protests, speeches by politicians and notable Nepali intellectuals, discussion programs organized by civil society groups, and a flood of impassioned editorials in both Nepali and English language newspapers. Activists, policy makers, and intellectuals extensively used social media platforms such as Facebook, Twitter, and Change.org to inform the general public and to organize protest actions targeting those directly involved in the constitution-writing process. Events were organized in Kathmandu, and in other districts throughout the country, and even internationally: in January 2015, non-resident Nepalis delivered petitions to Nepali embassies in Ottawa, New York, Washington DC, and Delhi. Protesters carried baby dolls with question marks drawn on their faces to dramatically call attention to the

\textsuperscript{10} By using the term “activists,” I do not mean to imply a generic or homogeneous category of actors. There was a large variety of groups addressing this issue through a variety of means; three of the most prominent were the Forum for Women, Law, and Development (FWLD), the Chaukath feminist network, and the community organized through the Citizenship in the Name of the Mother page on Facebook. Though there were some differences in the tactics and objectives between the various groups, just as there were between individual activists, they shared the overall goal of securing the right to citizenship in the name in the name of the mother and often coordinated their efforts.
jeopardized citizenship status of hundreds of thousands of children. A human chain was organized to deliver thousands of signatures from an online petition to Constituent Assembly Chair Subhash Nembang. While marching around the building where the Constituent Assembly meets, protesters chanted “Ra hoina, wa ho!” (“No to and, yes to or”) and “Aamako naambata nagarikta paune parchha, paune parchha!” (“Citizenship must be granted in the name of the mother!”).

Because the debate over a single conjunction, “and” versus “or,” appeared to be a minor detail of the intractable debates plaguing the Nepali constitution-writing process (particularly around ethnic federalism), activists worked hard to convince their audiences of the enormous impact of this provision. By framing the and versus or debate as a fundamental issue of women’s rights, supporters of citizenship through maternal descent attempted to place pressure on political parties that had made public commitments to the principle of gender equality.

The constitution adopted in 2015 does grant that children can receive citizenship through either their mothers or their fathers. However, children born to Nepali mothers and foreign fathers are only eligible for naturalized citizenship, not citizenship by descent, whereas children born to Nepali fathers and foreign mothers are eligible for citizenship by descent. Naturalized citizens are ineligible to hold any of the highest elected or appointed government positions. This restriction is blatantly designed to restrict those who are considered not quite Nepali enough by virtue of their family relationships from holding high office. Furthermore, the constitution stipulates that a foreign woman married to a Nepali man may obtain naturalized Nepali citizenship, but does not make any such provision in the case of a foreign man married to a Nepali woman. Given that the constitution still retains such gender-discriminatory and xenophobic provisions, advocates for the cause of citizenship in the name of the mother were not hopeful that the new constitution would improve

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11 In the Nepali press and in private conversations with me, people who favored this restriction on the rights of naturalized citizens to hold high office often compared it to the constitutional requirement that the American president must be born on American soil.
matters significantly. When the constitution was adopted, several of the women I knew who had been personally involved in the movement for citizenship through mothers expressed bitter disappointment that the new constitution still regarded them as unequal on the basis of their gender. Below, I offer a more detailed account of the deeply contentious identity politics which surrounded the adoption of the 2015 Constitution.

A New Constitution: Clashes Over Ethnic Federalism

The major point of contention for both the first and second Constituent Assemblies was a debate over instituting ethnic federalism, which would redraw and re-name Nepal’s state boundaries to reflect the ethnic majorities of particular regions. Throughout the mid-2000’s, identity politics based on ethnic and regional affiliations gained considerable social and political currency (Hangen 2010, Lawoti and Hangen 2013, Shneiderman et al 2016). This was unsurprising, given the Hindu monarchy’s long history of suppression of ethnic minorities. Emboldened by the circulating rhetoric of representative democracy and the more politically open atmosphere facilitated by the dissolution of the monarchy, ethnicity-based political parties flourished. Their demands included increased autonomy based on local norms and, centrally, a re-mapping of state boundaries to reflect the ethnic majorities of particular regions. Many political parties, particularly the older non-ethnicity-based parties such as the Nepali Congress and the Communist Party of Nepal - United Marxist-Leninist, balked at the idea of ethnically based states. The split over ethnic federalism devolved into political gridlock and ended with the dissolution of the first Constituent Assembly and the jettisoning of a nearly complete constitution in 2012.

The second Constituent Assembly, which met for the first time on January 22, 2014, quickly became bogged down in the debate over ethnic federalism. Although the government of then-Prime Minister Sushil Koirala and the leadership of the major political parties repeatedly promised that the
constitution would be promulgated within a year, January 22, 2015 passed with no constitution in sight. In fact, just a few days before the deadline, CA chairperson Subhash Nembang proposed the formation of a committee to draft a questionnaire on the disputed issues; this proposal was met with strong resistance from the representatives of the largest Maoist party (UCPN(M)), who smashed chairs and threw microphones in the CA’s meeting hall to express their discontent. Outside the CA building, the streets of Kathmandu were full of protests and demonstrations for a variety of issues, including citizenship through mothers.

The earthquakes of April-May 2015 galvanized the gridlocked constitutional process. In the name of national unity and recovery, the major parties agreed to fast-track the process by modifying or dispensing with many of the regulations which had been put in place in order to ensure that the process was inclusive and consensus-based. Many of the minority parties voiced strong opposition to this high-handedness, including all of the Terai-based parties. A wave of protests around the country, concentrated in the Terai, resulted in violent confrontations between police and protestors, more than 50 deaths, and the imposition of curfews. Despite these circumstances, the new constitution was officially promulgated on September 20, 2015.

**Nationalism and Fear of India and the Madhes**

In the mid-2000s, calls for ethnic federalism were especially strong among inhabitants of the southern plains, known as the Terai. In claiming a special ethnic identity for the inhabitants of the Terai, local political leaders invoked the socio-cultural term “Madhes” to describe the region and the proposed state. Unlike “Terai,” which is a purely geographic term, the term Madhes has both geographic and cultural connotations. Geographically, the Madhes implies the flat, fertile area south
of the mid-hills. Culturally, Madhesh\textsuperscript{12} implies a linguistic, religious, and cultural affiliation with Northern India. Inhabitants of the Madhesh are more likely to speak languages spoken primarily in India (such as Hindi or Bhojpuri) than Nepali and to have family connections in India.

Madheshis – the term used to describe inhabitants of the Madhesh – have long nursed a justifiable resentment toward the Nepali state, which systematically excluded Madheshis from full political, social, cultural, and economic participation. Tensions flared in 2007 when Madheshi political leaders argued that political reform was not occurring quickly enough. In particular, Madheshi Maoists, who had supported Maoists from the mid-hills during the 1996-2006 conflict, were incensed that they continued to face exclusion in the new transitional government that they had helped bring into power. In 2007, a Madheshi uprising produced several weeks of violent strikes. The Madheshi uprising gave voice to a number of frustrations and has been described as the “biggest ethnic uprising in Nepal’s modern history” (Mathema 2011: xv). Just as the uprising formalized the Madheshi movement for Madheshis, it also calcified the othering of Madheshis in the nationalist ideology of those who value being “Nepali first.” Notably, the term “Nepali first,” though already in use, was widely popularized by a 2011 radio debate hosted by BBC Nepali’s Rabindra Mishra between Prashant Singh and Jitendra Sonal on the question “Nepali First or Madheshi First?” The 2007 Madhesh uprising ultimately resulted in little tangible improvement for Madheshis but strengthened animosity and distrust between high-caste hill Hindus and Madheshis. This animosity is apparent in widespread rhetoric concerning Madheshi (and, by proxy, Indian) political influence.

Controversy over India’s involvement in Nepal’s national affairs has been ongoing for several centuries (Whelpton 2005). In its latest iteration, mainstream political parties and others have

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\textsuperscript{12} There is no one Madheshi identity, and like the rest of Nepal, the Madhesh is quite diverse. Nevertheless, the term Madhesh is widely understood to mean non-hill-dwelling people with socio-cultural links to India.
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engaged in vocal protest over India’s so-called economic and political neo-colonialism. At the most extreme end of this protest, Nepali nationalists fear that India will annex Nepal as it did Sikkim in 1950 (Tamang 2014). For nationalists who were alive during the tumultuous decades of partition and state-building in South Asia, the fear of India absorbing Nepal is based on real historical precedent. Those with more tempered anxieties toward India fear that Nepal will become little more than a puppet government for Indian interests in South Asia, especially as a tactical buffer zone with China. This fear also has some basis in reality; India has undeniably influenced Nepal’s political and economic trajectory for many decades. Nevertheless, distrust of India’s state-level politicking plays out in racialized and gendered rhetoric about “Indians” that has implications beyond the state level.

Because of its close physical and cultural connections to India, the Madhes is an especially politicized zone. Both internal organizing by local inhabitants and external scrutiny from Nepali nationalists have culminated in a serious “Madhes issue.” Nepali nationalists frame the Madhes as not part of the “real Nepal” but as part of an extended sphere of Indian influence. This rhetoric is layered with contradictory ideas about the Madhes and Madhesis. For example, Nepali nationalists vocally oppose secession of Madhes territory while bemoaning the Madhes as already lost to Indian influence. According to this discourse, the territory is both integral to maintaining Nepal’s autonomy and a threat to Nepal’s unique Nepali identity. The underlying message is that Madhesis are interlopers who occupy territory that should be for “real” Nepalis—that is, Nepalis who conform to the hegemonic Pahadi norms of Nepaliness that were promoted vigorously during the Panchayat

13 These protests often are reflected in social media through the use of hashtags. For instance, the hashtag #GoHomeIndianMedia became popular in the weeks following the earthquake, when Indian reporters were perceived to be inappropriately sensationalizing Nepali people’s experiences. During the blockade following the promulgation of the constitution, #BackOffIndia was trending.

14 As I will discuss in more detail in the next chapter, in a personal conversation in early 2014, my friend Parvati referred to Madhesis as Indians. When I asked a follow-up question about whether the word Madhesi refers to residents of the Terai region, she considered for a moment and then replied “It’s complicated, but basically, they’re Indians.”

15 I argue in the next chapter that the liminal position of the Madhes is also salient in the context of debates over Buddha’s birthplace.

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era and which continue to be influential. In Nepali nationalist rhetoric, Madheshis embody the “Indianization” of Nepal.

Anti-Indian sentiment and fear of Indian encroachment goes beyond exclusion of Madheshis from political and economic seats of power. Nationalist fears are particularly gendered, casting as all women potential co-conspirators in a plot to further Indianize Nepal through sexual and reproductive couplings with Indian men. Nepali nationalist rhetoric explicitly confronts women, and particularly Madheshi women, as sources of contamination and danger to the Nepali state. For example, Jhalanath Khanal a leader of the United Marxist Leninist party — at that time, the party with the second-highest number of elected representatives in Nepal’s Constituent Assembly — was quoted as saying, “We are always in favor of gender-equality. Issuing citizenship in the name of father and mother, if both are Nepalis, is not a problem for us. But we have to be cautious while issuing citizenship for children born in districts bordering India in Tarai as well as Tibet in the mountain through mothers” (Pun 2015).

Controlling the Nepali Border, Controlling the Nepali (Female) Body

Around the world, states have designed, adopted, and implemented policies on the family and citizenship that are intended to produce families in line with desired nationalist images by regulating the kin-making behaviors of citizens in general and the sexual and reproductive capacities of women in particular (Ortner 1978, Paxson 2004, Stoler 2002). The Nepali state’s policy of limiting women’s ability to pass on their citizenship to their children reflects deep-seated assumptions and expectations about family structures and women’s sexual and reproductive behavior. State laws and policies are predicated on the assumption that women follow a patrilineal and patrilocal life cycle in which, upon marriage, they become part of their husband’s household and their children are first and foremost children of their marital home.
It must be pointed out that the patrilineal model of kinship is only one of the numerous ways in which Nepali people organize their familial and social lives (Ahearn 2001). However, it remains the idealized practice of high-caste Hindus from the hills, and the presumption that men are permanent members of their lineages while women move between lineages through marriage is deeply embedded in the Nepali legal-juridical system (Malagodi 2013). This presumption strongly influences citizenship rights. Just as women and their children belong to their husbands’ families after marriage, women and their children are presumed to belong to the state of which the husband/father is a citizen; writing on Twitter on December 24, 2014, public intellectual Manjushree Thapa termed this “sperm nationalism.” The fact that a mother’s Nepali citizenship cannot be transferred to her children suggests not only that her children belong more to their father than they do to her, but also that her own status as a citizen of Nepal is contingent upon her marital and/or sexual relationships. Her citizenship is residual, rather than inalienable.

The practical implications of the gendered assumptions embedded in Nepal’s citizenship laws can be seen in the following excerpts from a March 2013 editorial by Deenpti Gurung, titled “Nepal’s Gender Apartheid.” Gurung is a prominent activist who founded a Facebook page called “Citizenship in the Name of the Mother,” which serves as a hub of information and coordination for protests and outreach events. Since the father of Gurung’s two daughters abandoned the family years ago, Gurung does not have access to his citizenship documents and thus has been unable to secure citizenship for her children:

“I have lost count of the number of times I have visited the CDO and Ward offices to try to register the birth of my daughters so they can become citizens of Nepal. Men sitting behind desks have reminded me that my husband’s identity is a must if my children are to be citizens of my country… We were summoned to the Home Ministry. The CDO [Chief Development Officer] was also there and we told our story all over again: that my daughters are born from a Nepali father who left us 15 years ago and doesn’t want to have anything to do with us. The CDO looked skeptical. He agreed that we live in a patriarchal society, but he said emotions have no place in law. My children could get citizenship if the father is identified and in case the father denies paternity, a DNA test could resolve it.”

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Gurung explicitly links her inability to access citizenship for her children to state-level fears surrounding women’s bodies and their capability to act as vectors of foreign, and in particular, Indian infiltration into Nepal. She writes:

“But if the children’s father is not Nepali they can’t be given citizenship because otherwise “bhanja bhanjis” ([the CDO’s] words, meaning nieces and nephews) from across the border may swamp us and threaten our national security… In Nepal’s gender apartheid, the very existence of women can only be certified by men: father, brother, husband, father-in-law, brother-in-law, uncles… The fear of Indians swarming across the border to become Nepalis is misplaced: why would a Bihari want to be a citizen of Nepal when there are no jobs and we have such primitive laws on citizenship? Is our national sovereignty so fickle that it sees its own women as a security threat?”

Three years after the publication of this editorial, Gurung was still fighting to get citizenship for her children. Her daughter Neha, who aspires to be a doctor but is unable to pursue that course of study without citizenship, had begun to speak out publicly on the issue as well. In January 2015, Neha Gurung appeared as a member of the studio audience on a popular Nepali language TV talk show called *Sajha Sawal*, on an episode dedicated to discussion of the maternal citizenship issue. Neha took the microphone and told her story, asking the panelists whether it was her fault that her father left his children without citizenship. Panelist Balkrishna Neupane, a prominent lawyer and a senior advocate of the Supreme Court of Nepal, responded that the fault was not Neha’s, but her mother’s (“wahaako aamako galti ho”). In later comments, Neupane also asserted that Nepal is a small country that simply cannot accommodate all who might like to claim citizenship. Through this rhetoric, Neupane articulated the belief that Nepali women have a responsibility to protect the borders of the nation through their reproductive choices, and that women who fail to do so have nobody but themselves to blame when their children cannot obtain citizenship. Though few are willing to state this prejudice against women so bluntly and openly as Neupane did, the laws governing citizenship continue to reflect this view.
While Gurung and her daughter are not Madhesi, the particulars of their situation exemplify the damage that discriminatory constitutional language wreaks in the lives of women and their children regardless of ethnicity. In a widely circulated editorial published a day after the new constitution was promulgated, Manjushree Thapa (2015) referenced the Gurung case as an illustration of the collateral damage resulting from a combination of the state’s “deep-seated xenophobia” of India and institutionalized misogyny. In her editorial, Thapa parsed out the underlying nationalism and sexism at the heart of the new constitutional language:

For—in the mind of the Hindu patriarch—since women have no caste/nationality, their bodies are possibly traitorous, hosts to foreign babies, and—given Nepal’s open border with India—specifically to Indian babies. These traitorous female bodies have to be controlled for the sake of the nation; women must not be able to confer Nepali citizenship independently of men.

In calling out the state for discriminatory policies that are rooted in a fear of women’s reproductive capabilities, Thapa distills the problems with the new constitution on both a theoretical and material level. The “and” language of the new constitution crudely treats women’s bodies as a porous border, attempting to exert control both on what enters (potential couplings with Nepalis or foreigners) and exits (children as citizens or not). As Thapa (2015) notes, there is, “a fear that Indian men will marry Nepali women, and the children—born of Indian seed!—will populate Nepal. Nepal will then no longer be Nepali; it will be Indian.” As a consequence of the state’s fear of “Indianization,” women’s bodies become political tools in service of Nepali-first nationalist ideals. Unable to accept this outcome, Thapa burned a copy of the 2015 Nepali Constitution on the day that it was promulgated and, in 2016, became a Canadian citizen.

**Dangerous Men, Deceptive Women: Reflections on Suntali**

The idea that Nepali women had the potential to betray their country through their sexual and reproductive capabilities, particularly with Indian men, has a cultural relevance far beyond the realm
of constitutional debates. In February 2015, I went with my friend Ishwari to see a recently released Nepali film called *Suntali*. The film was highly anticipated and critically acclaimed, and some cultural critics deemed it the best Nepali film that had ever been made to date (although, considering the usual quality of Nepali movies, everyone admitted that that was rather a low bar). I was fascinated by the way that the film interacted with the tropes that framed the citizenship debate without ever commenting on the topic directly.

The story revolves around the pairing of an Indian man and a Nepali woman. The man, Bajrang, is a Bihari gangster on the run from the law, hiding out in a Nepali village. In order to evade police, he needs Nepali papers - not citizenship papers specifically, but permanent-residence papers that would allow him to obtain citizenship later. His efforts to obtain these papers are facilitated by his relationship with Suntali, the film’s title character, who is posing as his wife. Suntali has entered into collusion with the gangster in order to get revenge on her old boyfriend Sundar and his mother, who had prevented their marriage and forced Suntali to have an abortion when she became pregnant by Sundar. Sundar’s mother has arranged his marriage to an ugly but suitable girl, and the beautiful Suntali wants to make him jealous by showing him what he’s missed out on. Meanwhile, Bajrang is increasingly violent to Suntali and threatens to kill her if she doesn’t help him to get the papers. This trope of the bad Indian who is using a Nepali woman as a means to stay in Nepal, hiding from the law and posing a danger to society, is the very specter that politicians raise when they talk about the “national security” risks involved in granting citizenship through mothers. Also, as part of her plot to get revenge on Sundar, Suntali lies about having had a baby by him in the past. It is later revealed that back when she and Sundar were a couple, she had taken him

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16 Suntali and the Indian villain are hiding out not in the Tarai, which is often stereotyped as a haven for border-crossing criminal types, but in an idyllic Hill village that is Suntali’s hometown. Although the village isn’t named, the film was obviously shot in the hill town of Bandipur, which functions as an archetypical fairy-tale stand-in for the idealized Nepali village in the film’s storyline. This idealized Nepali village is, of course, located in the Hills rather than the Tarai.
to a family planning clinic to have him sterilized so that she could avoid pregnancy, although she relented and stopped the sterilization after Sundar passed out on the examining table. Suntali’s duplicitous manipulations suggest that her sexuality and fertility are dangerous and potentially destructive forces, another important trope in the citizenship debates.17

After seeing the film in the theater, Ishwari and I went to a nearby restaurant for khaja (snacks). I mentioned the themes of the film that seemed pertinent to the maternal citizenship debate, eager to hear Ishwari’s take on it. Ishwari is a cosmopolitan and politically aware person; she has lived and worked in several countries in Europe and Asia. As a member of a politically active family and an activist in her own right, she has written and spoken publicly about the maternal citizenship issue, framing it as primarily an issue of gender equality. As we munched on fried pakoda and shared a Gorkha beer, Ishwari asserted that the India-phobia expressed in the public debates around citizenship is, for the top political leadership, a ploy rather than a genuine concern. From her perspective, the party leaders were playing upon the fear of India to whip up Nepali nationalist sentiments and sway people into opposing citizenship through mothers because they, the party leaders, fundamentally don’t believe that women are equal to men and should have the same rights to confer citizenship. She saw the issue as a fundamentally moral question of women’s equality as citizens, and that full equality should be guaranteed in the new constitution regardless of what other benefits or detriments might result. She was uninterested in the kinds of pragmatic arguments that some activist groups attempted to make about, for example, the economic disadvantages of having a large stateless population. For her, the question was black and white: “are women equal citizens, or are they not?”

17 I am personally acquainted with the writer of the film, Prawin Adhikari, and saw him participating in several of the rallies in support of granting citizenship rights through mothers. Unfortunately, I was not able to interview him to find out how he would situate the film with regard to the citizenship-through-mothers debate.
To underscore the hypocrisy of the anti-India posturing of Nepal’s leading political parties, Ishwari pointed out that India funds all the political parties, to varying degrees, so that it can play them off against each other and influence them to implement India-friendly policies. She said that this benefits India by allowing them to influence Nepali economic policies and development projects, such as roads and hydropower plants, in ways which are beneficial to India. Plus, it also buys India a certain kind of “cultural capital” by allowing them to treat Nepal as a vassal state and keeps Nepal more closely tied to India than it is to China. The Indian government does not openly admit that to interfering in Nepal’s political process in this way, but Ishwari regarded it as an open secret. “If you read Prashant’s and Aditya’s books,” she said, “they make it pretty clear that this is what’s happening.” She compared the history of Indian involvement in Nepali national politics to the US’s long track record of interference in Latin American affairs.

This sense that Nepal’s national affairs are not controlled from within Nepal, but are puppet-mastered by India and (to a lesser extent) other foreign powers, was not unique to Ishwari, but was widely shared among my interlocutors. While I initially thought that this might be a case of small-country paranoia, over the course of my fieldwork it became easier to understand why this perception was so deeply entrenched. For example, when the leaders of the major political parties all arranged trips to Delhi rather than to their home constituencies during the two weeks in July 2015 that had been designated as a period for receiving public feedback on the draft of the constitution, it was hard not to feel cynical. While the leaders of political parties pay lip service to the classic liberal notion that the Nepali people are the source of national sovereignty, this is not usually reflected in the way that they govern.

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18 She was referring to “Battles of the New Republic: A Contemporary History of Nepal” by Prashant Jha and “The Bullet and the Ballot Box: The Story of Nepal’s Maoist Revolution” by Aditya Adhikari. Both books, published in 2014, were written in English and were widely read and discussed among the Kathmandu intelligentsia.
After the passage of the 2015 Constitution triggered a five-month blockade along the Indian border, spearheaded by Madheshi activists and tacitly supported by India, Nepal’s lack of sovereignty was keenly felt by the people of Kathmandu through shortages of petrol, cooking gas, and many types of consumer goods. The blockade prompted a good deal of anti-India nationalist posturing in Kathmandu, and social media was awash with calls for the government to block Hindi-language television shows and lists of Indian-made goods that Nepali consumers should boycott. But Nepal’s geopolitical situation, surrounded as it is by India on three sides and by the world’s highest mountain range along the border with China, ultimately reveals such nationalist gestures as hollow. Nepal does not have the option of isolating itself from India, as some Nepali nationalists might hope; as the father in my host family told me during the first weeks of the blockade, “Nepal is not only landlocked, but India-locked.” In the final section of this chapter, I suggest that the debate over granting citizenship through mothers must be interpreted in light the fact that the bureaucratic process of granting or denying citizenship creates certain “sovereignty effects” (Friedman 2015: 14-18).

Conclusion: Bureaucratic resistance and the appearance of sovereignty

Sara Friedman developed the concept of “sovereignty effects” in her exploration of the control which Taiwanese bureaucrats exert over migrants from mainland China. Because of the ambiguity that exists in the relationship between Taiwan and mainland China – not quite one country, not quite two countries – Taiwanese bureaucrats function as representatives of a “de facto state” when confronted with the claims of would-be migrants:

In mundane bureaucratic acts, such as the regulatory practices that enact a state’s power to control movement across borders or to police access to naturalized citizenship. Producing documents, stamping papers, monitoring border flows, investigating the intimate relationships that legitimate immigration – all of these acts proclaim sovereignty in the face of international denial or indifference (2015: 14).
Although Nepal does have the internationally recognized status of a sovereign state, its situation is comparable to Taiwan’s in that the Nepali state, too, is constantly at pains to differentiate itself from its larger and more powerful neighbor without running the risk of upsetting that neighbor. In Nepal’s case, the constant movement of people across the open border between India and Nepal and Nepal’s undeniable economic dependence on India are two major factors which threaten the Nepali state’s sense of sovereignty. Restricting the transmission of citizenship from mothers to their children, particularly when those women are perceived to have compromised the boundaries of the family and/or the state through their sexual and reproductive choices, offers Nepali state agents an opportunity to bolster Nepal’s national sovereignty by excluding applicants for citizenship on the grounds that they are too Indian or not properly Nepali.

As I noted above, even when citizenship through mothers is legally available, it is often difficult to obtain due to bureaucratic resistance. Through the process of getting and renewing my research visa, I unexpectedly experienced a small taste of the frustrations of Nepali bureaucracy. With no official published set of rules to guide me through the process of obtaining a research visa, it was a bewildering exercise in collecting the necessary paperwork, opening a bank account, and travelling to Tribhuvan University, the Ministry of Education, and the Department of Immigration to spend hours searching for the correct office, filling out forms, and waiting on the whims of bureaucrats. I spent around 15 days engaged in these tasks during the first few months of my fieldwork, chafing at the waste of time. If I was ready to tear out my hair with frustration, obtaining official paperwork such as citizenship papers must be far more harrowing for people less well equipped to navigate the process. Perhaps the only silver lining in the quest for the research visa was that it did provide me with a useful starting point for conversations with Nepali friends and acquaintances, who inevitably had bureaucratic horror stories of their own to share. I heard one particularly striking story from a friend who, in need of an official record of her birth as she sought to
formalize her marriage to a non-Nepali citizen, was taken into a roomful of files that were not organized in any manner that she could discern (such as by name or year or birth) and told to search for her own record. Miraculously, she managed to find it.

I spent one particularly infuriating day in March 2014 at the Ministry of Education in Singha Durbar, waiting on a bureaucrat whom I will call Sharma-ji. Sharma-ji was the stereotypical picture of a Nepali civil servant: a middle-aged high-caste man with a topi, a suit jacket, and a well-groomed mustache. He was apparently the only employee of the ministry who handled research visa requests, as I had visited the ministry on several previous days and been turned away because he was not in the office. It was Sharma-ji’s responsibility to receive a copy of my research proposal, which had already been approved by Tribhuvan University, and type up a memo to the Department of Immigration verifying that he had received the research proposal, a task which should require no more than fifteen minutes. When I finally encountered Sharma-ji in the office, I was so determined to move the process forward that I declined his suggestion to “come back another day” to pick up the memo and told him that I would wait until it was ready. I spent more than 5 hours in the office, waiting, while Sharma-ji took a long lunch break and several tea breaks and attended to the administrative concerns of several men, both foreign and Nepali, who had arrived well after I did. I was deeply frustrated and confused, wondering if I was expected to move the process forward by offering a bribe. However, a large poster emblazoned with the words “Say No To Corruption!” and a red circle-and-bar crossing out an image of one hand putting money into another hand hung on the wall directly behind Sharma-ji’s desk.19 Finally, just before 4pm, the end of the government workday, Sharma-ji handed me the memo with a forced smile that suggested that he was just as exasperated with me as I was with him.

19 In retrospect, having learned more about the payment of bribes, I half-suspect that the poster was there to provide a suggestion of technique; money should not change hands directly, but should perhaps have been discreetly slipped into the envelope along with my research proposal.
In February 2015, when I returned to the Ministry of Education in pursuit of a renewal for my research visa, Sharma-ji remembered me. As he looked through my paperwork, he asked me how my research was going. I gave a brief overview, mentioning citizenship in the name of the mother as one of the issues I was following. “Oh, you know, citizenship in the name of the mother is bad for Nepal,” he said emphatically. “Oh really? Why do you say so?” I said, keeping a neutral tone and expression. He explained that Nepal is a small country, and if children can get citizenship through their mothers, “all these Indians will come here and marry Nepali women,” and they and their children would be a burden on Nepal’s already-limited resources. “And you know, we have an open border, it really isn’t safe,” he continued. I offered only a non-committal response – “yes, that’s what some people say” – because I didn’t want to give him any reason to refuse to process my paperwork. I did, however, share a glance with the young woman who worked as his office assistant and raise my eyebrows. She rolled her eyes and gave a small shake of her head, which I interpreted as a sign of disagreement with her boss’s position. I was deeply relieved when Sharma-ji signed off on my paperwork and sent me on my way without inquiring further into my own views on the question of citizenship through mothers.

I recount this story at the conclusion of this chapter to underline the fact that regardless of what the laws say – and the 2015 Constitution does technically permit citizenship to be passed down through mothers in some cases, although this right is attenuated by various restrictions and conditions – the battle to secure citizenship through mothers may begin with the law, but it is waged every day in the bureaucrat’s office. In my quest for a visa, I was at some disadvantage as an outsider who was unfamiliar with the particular quirks of Nepali bureaucracy and still learning the language; however, I had some clear advantages too, as an educated person familiar with institutional procedures and able to afford the significant burdens of expense and lost time. At no point in my encounters with Sharma-ji did I seriously think that my visa application was likely to be denied outright. Most
applicants for citizenship in the name of the mother have no such certainty, and the stakes of their applications for citizenship are unquestionably higher than the stakes of my visa application.

The Nepali state bureaucracy has historically been and continues to be overwhelmingly composed of high-caste Hindu men from the hills. For Madheshi people, these men are the representatives of “the state that doesn’t even understand [our] language,” as Girish Giri (2015) evocatively expressed it. It is difficult to imagine that substantive change in the experiences of people seeking citizenship papers will occur without meaningful bureaucratic reform to create a civil service that more accurately represents the diverse range of peoples who live in Nepal. But as the political struggle over dividing Nepal into federal states continues to drag on, even more than a year after the 2015 Constitution was passed, such bureaucratic reform still seems to be a long way off. In the meantime, bureaucrats such as Sharma-ji continue to uphold the appearance of Nepali state sovereignty by denying Nepali citizenship to those whom they deem to be “really Indian” by virtue of their parentage.

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Dissertation outline

Nepali First: Citizenship and Privilege in Nepal

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Note: I am including this outline of my dissertation in order to show how the chapter on citizenship through mothers fits in with the larger dissertation project, which I plan to adapt for publication as a monograph in the near future. Comments, questions, and suggestions are welcome.

Introduction: In my dissertation, “Re-Imagining the Nation: Citizens in the New Nepal,” I analyze how social and political change are experienced and influenced by citizens of Nepal who have long enjoyed a privileged position within a centralized and hierarchical system, but are now struggling to reckon with popular demands for equality and redistribution of power. These efforts to re-think national identity are taking place as the social and legal foundations of the state are shifting dramatically, from a unitary Hindu monarchy to a secular federal republic, in the wake of such disrupting events as major popular protest movements in 1990 and 2006, the Maoist civil war of 1996-2006, and the political and economic crises occasioned by the massive earthquake of April 2015.

Many Nepalis are afraid that these important political shifts will result in fragmentation of the country along ethnic, regional, and religious lines. Such anxieties are particularly prevalent among high-caste Hindus who are middle- or upper- class. These groups have historically been heavily over-represented in national politics and will likely continue to be so, despite all efforts to shift toward a more inclusive state structure, due to institutionalized legacies of religious hierarchy and ethnic inequality. People within these groups often assert that those who engage in identity politics are acting unpatriotically and threatening social harmony. They argue that all citizens should consider themselves “Nepali first” and should put aside any other identity-based claims. However, these rhetorics of shared national identity and the equality of all citizens aggravate inter-group tensions by masking the marked inequalities of gender, caste, religion, ethnicity, and region that exist in Nepali society. Unlike the marginalized groups who are making demands for change, the people who are at
the center of my study are accustomed to seeing their culture, language, and interests reflected in the
state; therefore, their insistence that everyone should be “Nepali first” is rooted in their experience of
being the unmarked category of Nepalis. I argue that those who advocate for unity by espousing a
“Nepali first” ideology are not actually promoting national harmony, but are in fact re-asserting their
own privilege to arbitrate what it means to be Nepali.

**Methods:** I conducted my dissertation fieldwork in Kathmandu from January 2014-
December 2015, with a follow-up trip in June-July 2016. My ethnographic approach centered on
listening to the ways in which the fictions of nationalism are being individually and collectively re-
imagined, both in public discourse and in private conversation. I focused on interactions in settings
where everyday political discourse is abundant: neighborhoods, schools, family homes, meetings of
civil society groups, political demonstrations and protests, and so forth. I lived with a middle-class
Brahman family throughout the duration of my research and frequently visited the homes of other
families. I monitored several national daily newspapers and frequently interviewed journalists, op-ed
writers, and activists who are attempting to shape public discourse around the re-creation of national
identity. I also followed debates and initiatives which took place on social media platforms such as
Facebook, Twitter, and Change.org. I collected data primarily in the forms of daily fieldnotes,
photographs, audio recordings, writings produced by my interlocutors, government documents, and
media artifacts.

**Outline:** In addition to an introduction and a conclusion, my dissertation contains four
content chapters. Each of these chapters, as outlined below, explores a particular controversy around
the definition of Nepali national identity.

1. **Unifier or Colonizer? The Legacy of Prithvi Narayan Shah in Contemporary Politics.**
The 18\textsuperscript{th} century founder of Nepal’s Shah monarchy, Prithvi Narayan Shah, is constantly referenced
in contemporary political discourse. There are fierce debates over whether he should be remembered
as a national unifier/founding father or as an internal colonizer who perpetrated bloody crimes against the peoples whom he subjugated. Among those who promote a “Nepali first” ideology, a common objection to federalism is that the process of dividing Nepal into federal states will reverse Shah’s unification of the country, resulting in fragmentation and disunity. The controversies over Shah’s legacy reveal a great deal about popular understandings of federalism and national unity in a highly centralized state that is just beginning the process of federalization and devolution of power, along with fundamental disagreements about how Nepal’s history should be remembered and incorporated into new narratives of nationalism. Shah’s contested legacy is also integrally connected with the question of whether Nepal should return to the institution of monarchy, which ended in 2008. Many of the high-caste Hindus of Kathmandu are nostalgic for the days of the Shah monarchy, and some are convinced that it can and should be reinstated.

2. In the Name of the Mother: Citizenship, Gender, and Exclusion. This chapter documents the efforts of activists to ensure women’s right to pass on their citizenship to their children in the 2015 Constitution. This project was ultimately unsuccessful because political leaders framed the activists’ demands as a threat to national security, asserting that giving citizenship to children of Nepali mothers and Indian fathers could result in Nepal being overrun by people who are ‘really’ Indian. The equation of nationality with paternity has consequences that are not only gendered, but also regional and ethnic, as it disproportionately affects the marginalized Madhesi people who live on the Nepal-India border and traditionally practice cross-border marriage. Thus, demands for women’s rights to pass on citizenship were subordinated to a patriarchal logic of nationalism that regards some citizens (men from the central hills) as more inherently more Nepali than others (women, Madheshis).

3. Buddha was Born in (Secular) Nepal: Claims and Counter-Claims of Nepali National Identity. The slogan “Buddha was Born in Nepal” is pervasive in popular and political discourses on
Nepali national identity. On the one hand, the claim is frequently deployed as an assertion of a unified and proud Nepal that shares in Buddha’s characteristic peace and harmony. Moreover, it is often used to offer a display of resistance against perceived cultural domination and potential territorial encroachment by India. On the other hand, the claim that Buddha was born in Nepal has also been used to disrupt and subvert hegemonic notions of Nepal as a peaceful land of religious harmony and social inclusion. For instance, because it reinforces a Buddhist presence and heritage in Nepal, the claim can be used to question the dominance of the Hindu majority over members of marginalized religious and ethnic groups. Regional activists have also used the rhetoric of Buddha’s birthplace to draw attention to the oppression of Madhesis and even to challenge the territorial integrity of the Nepali state itself. By analyzing the ways in which the claim that “Buddha was born in Nepal” is leveraged for divergent political purposes, this chapter explores larger debates over secularism and Nepali national identity. I argue that one of the most common objections to secularism raised by my interlocutors – the assertion that secularism is unnecessary in Nepal because relations between Nepal’s religious groups have always been marked by social harmony – is demonstrably false, yet is vitally important to my interlocutors’ sense of Nepali national identity.

4. Secularism, Nationalism, and the Anxieties of Conversion. Nepal’s new constitution defines “secularism” as “protection of religion and culture which have been practiced since ancient times, and religious and cultural freedom.” This definition implies special protections for Hinduism in particular and Nepal’s indigenous religious traditions more generally. Why does Hinduism need a special protected status when over 80% of Nepal’s population is Hindu? In this chapter, I show how the constitutional definition of secularism has been shaped by a prevalent anxiety over conversion to Christianity and is meant to serve as a bulwark against what is perceived as the menacing tide of Western-funded missionary activity. I argue that anxiety over conversion, which is often linked to stories about broken family relationships, is just one manifestation of my interlocutors’ larger fears of
national disintegration. I do this by first analyzing what “conversion” means to my interlocutors, linking it to the corresponding debates over what “secularism” (dharma nirapekshata) means in the Nepali context. Second, I use their concept of conversion to elucidate the conceptual overlap between secularism and federalism. While these may seem at first glance to be two separate political projects, many of the people with whom I work see them as very closely intertwined and consider them both to be dangerous threats to Nepal’s national unity. Third, I demonstrate how the fear of mass conversion is rooted in a particular concept of Nepal’s historical identity: never formally colonized, but deeply vulnerable to the large neighbors that surround it and to the Western countries that have long used it as a “laboratory for development.”

**Contribution:** My dissertation research is designed to contribute to humanistic understandings of citizenship, nationalism, and secularism both at the South Asian regional level of study and at the level of global concerns. Nepal’s ongoing transition from unitary Hindu monarchy to federal secular republic offers a singular opportunity to analyze how national narratives are rewritten and citizenship is redefined, processes which are at the root of conflicts around the globe. My work develops a concept of “elite fragility” by examining the ways in which Nepali elites navigate the tension of adapting to pluralistic ideologies which attenuate their hegemony and challenge their privileged conceptions of national identity, and will contribute to the emerging interdisciplinary literature on privilege (Dowd 2010, Khan 2012, Twine and Gardener 2013) and fragility (Bregnbaek 2016). Beyond the borders of Nepal, the insights yielded by this study will prove useful for understanding the struggles that occur when hierarchies of privilege come into conflict with multicultural and democratic models of society. In light of world developments such as the political rise of Donald Trump in the US, the Brexit vote in the UK, and the rise of neo-fascist parties in Europe, it is vitally important to understand the ways in which efforts by marginalized people to
exercise their rights as citizens are often met with backlash from those whose privileges are threatened by such efforts.