Ethnicity and Federalisation in Nepal

Editors
Chaitanya Mishra
Om Gurung

CENTRAL DEPARTMENT OF SOCIOLOGY/ANTHROPOLOGY
Tribhuvan University
Kirtipur, Kathmandu, Nepal

Published by
Central Department of Sociology/Anthropoligy
Tribhuvan University
Kirtipur, Kathmandu, Nepal
Tel: 00977-1-4331852
Email: cdsatu@cdsatu.edu.np
Website: www.cdsatu.edu.np

© : Publisher 2012

First Edition : April 2012
1000 Copies

Design : Yeti Enterprises
Tel : 01-4358599 Cell: 9851084393
Email : yetienter@wlink.com.np

Printed at : Hisi Offset Printers Pvt. Ltd.
Jamal, Kathmandu, Nepal
Tel : 01-4226416

ISBN : 978-9937-524-42-1

Price : Rs.500/-

ACKNOWLEDGEMENTS

This book is a collection of papers presented in the Symposium on Ethnicity and Federalization in Nepal organized by the Central Department of Sociology/ Anthropology of Tribhuvan University, Kathmandu during April 22-25, 2011. The main objective of the symposium was to explore and examine the idea and practice of ethnicity and to gauge its appropriateness for erecting a federal structure for Nepal.

The symposium started with an inaugural speech by Hon'ble Subash Chandra Nembang, Chair of the Constitutional Assembly (CA) of Nepal, which is charged with defining and outlining a legal—and political, economic and cultural-structure for a new post-conflict state of Nepal. The keynote address was made by T. K. Oommen, Professor Emeritus of Jawaharlal Nehru University, New Delhi, India. Professor Oommen is also a former president of the International Sociological Association as well as of the Indian Sociological Society. Hon'ble Nilambar Acharya, the Chairperson of the Constitutional Committee of the CA, gave the closing remarks. We express our sincere thanks to them for their valuable words.

Much of the success of the symposium lay with the paper writers. Balkrishna Mabuhang, Bandita Sijapati, Bihari Krishna Shrestha, Chaitanya Mishra, David Gellner, David Holmberg, Ganesh B. K., James Fisher, John Gray, Krishna Bhattachan, Lynn Bennett, Mahendra Lawoti, Mukta Singh Lama, Neil Webster, Om Gurung, Ram Bahadur Chhetri, Sangita Thapliyal, Sara Shneiderman, Susan Hangen, Tulsi Ram Pandey, William Fisher, Yam Bahadur Kisan, Ye Hailin and Yogendra P. Yadava, in addition to the two editors, made presentations in the symposium.

Political parties and their leaders are the key agents in the restructuring process of the new state. Hence, we invited a panel of party leaders in the symposium to speak on the issue of federalization. Gagan Thapa of Nepali Congress, Abhisek Pratap Shah of Madhesi Janadhikar Forum, Pari Thapa of Communist Party of Nepal (Unified), Dr. Prakash Chandra Lohani of Rastriya Janajshakti Party, Rajendra Shrestha of Unified Communist Party of Nepal (UML), Ram Karki of Unified Communist Party of Nepal (Maoist), Rashmi Nepali of Rastriya Janamorcha, and N.P. Acharya of Communist Party of Nepal (ML) served as the panel speakers. We are grateful to them for their contributions.

Many colleagues, principally academics and journaists, moderated sessions of the symposium. Yub Raj Ghimire, Prashanta Jha, Krishna Khanal, Sumitra Gurung, Hari Sharma, Raj Kumar Trikhatri, Ganesh Man Gurung, Renu Rajbhandari, Ajay Bhadra Khanal, Anil Bhattarai, Yamuna Ghale, C. K. Lal, Om Gurung, and Yogendra P. Yadava deserve our appreciation for moderating the sessions. In addition, several other

Restructuring the State, Restructuring Ethnicity: Situating Nepal in Contemporary Social Scientific Debates

Sara Shneiderman*

Introduction

This paper conceptualizes the twin processes of state formation and ethnicity formation in Nepal in a dialectical fashion. Political debates in Nepal about state restructuring often cast the state itself as the only thing in flux, the transformations of which can 'accommodate' interests like ethnicity. To the contrary, scholars have long asserted that ethnicity is a constructed category, and I do not think it is productive to debate whether or not this is the case. Rather we need to understand how, why, when and by whom ethnicity is produced, and what forms of consciousness emerge in the process of that production. In general, there is a tendency to locate the temporal frame for the production of ethnicity in the past: under the Shah dynasty or the panchayat state, rather than as an ongoing process that continues into the present moment. I suggest that we need to add Nepal's 'post-conflict' state, presently undergoing considerable restructuring, to that list of key historical moments. Right now, Nepal is experiencing an important classificatory moment in which both specific ethnic categories, and ethnicity as a concept, are being reshaped. This moment has important implications not only for the future state of the state, but for the future state of ethnicity in Nepal as well.

I argue that in Nepal, ethnicity itself is in a phase of restructuring in tandem with the restructuring state. In other words, the future shape of ethnic boundaries, and the content of the diverse ethnic consciousness (es) experienced within those boundaries, is at much at stake as the provincial boundaries whose layout has been the focus of much of the Constituent Assembly debate in Nepal since 2008.

The fact that we recognize the constructed nature of ethnicity at an intellectual level does not preclude a simultaneous recognition of its affective power. Exposing the constructed and fluid nature of ethnic boundaries cannot be the end of our scholarly engagement with ethnicity. Rather, this understanding should be seen as the beginning of an engaged understanding of the content of ethnic consciousness. It is our task as scholars to investigate how and why ethnicity comes into being as a lived category of experience for specific people at specific places and times. Based on that knowledge, we can better contribute to political and policy-making processes that take ethnicity as a foundational concept. As scholars of Latin America, Marisol de la Cadena and Orin Starn write, "a role for careful, engaged scholarship can be to contribute to understanding and activism that recognizes the paradoxes, limits and possibilities" of indigenous projects, a vision that can be extended to ethnic projects broadly conceived (2007: 22).

* Sara Shneiderman is a Assistant Professor of anthropology and south Asian Studies Yale University, Conneticut, USA.

In other words, ethnicity is not a purely instrumental, or strategic, category of difference, which people use to achieve ulterior political goals. Nor do scholarly representations of it as such help to diffuse the very real social tensions that the mobilization of ethnicity can engender. Rather, ethnicity has an affective, or psychological, reality for those who choose to identify themselves in those terms. This is often the case even for individuals who may have initially been attracted to the category of ethnicity as a pragmatic tool. The nature of the category is such that engaging in it—even for initially strategic purposes—leads to transformations at a subjective, emotional level. These transformations ensure that ethnicity remains a potent force that can not be fully addressed through political concessions. Scholars must seek to understand the subjective content of ethnicity, and based upon that knowledge contribute to channelling its force in an enabling manner, rather than seeking to deconstruct the category as an end in itself. Following Sherry Ortner (1996), I have suggested elsewhere that understanding ethnicity as a production that *makes* consciousness, rather than as a construction that *represents* it, is helpful in envisioning how this might be possible (Shneiderman 2009a).

Ethnicity as a Social Scientific Trope

From the vantage point of Nepal, ethnicity appears to be a key concept for social science research. Intriguingly, however, in many scholarly circles of social science, there was a general agreement by the late 1990s that ethnicity, and even the concept of 'the group', was dead. Other categories of analysis were imagined to bear greater fruit for 21st century understandings of cultural difference, such as identity, locality, belonging, citizenship, networks and so forth. It was as if the anthropological verdict on ethnicity's constructedness had closed the case, paradoxically, just as the box was being opened and examined in Nepal for the first time in its modern history.

In 1996 a book that reviewed literature on ethnicity up to that date, British anthropologist Marcus Banks concluded that, "while ethnicity has an ever more insubstantial place within the narrow world of academi . . . it appears to be increasingly important in the wider world" (Banks 1996: 183). "Unfortunately", he continued, ". . . it is too late to kill it off or pronounce ethnicity dead; the discourse on ethnicity has escaped from the academy and into the field. Tracing the contours of this new life will be necessary for understanding the biography of this idea for as long as anthropologists and other academics continue to use it" (Banks 1996: 189). In this formulation, ethnicity exists first as a scholarly rubric, and only subsequently as a subjective experience—and then one that scholars should regret has come into existence-a position which I find difficult to accept.

To ground this conversation in the context of Nepal, it's worth citing David Gellner's 1997 comment, in *Nationalism and Ethnicity in a Hindu Kingdom* volume, that, "There is a bitter irony in the fact . . . that just when a scholarly and anthropological consensus is emerging that a Hindu-tribe dichotomy was hopelessly flawed as a tool for understanding Nepalese society, Nepalese intellectuals should begin to

take it up with a vengeance" (Gellner 1997: 22). Gellner frames this 'escape' of a scholarly paradigm for understanding ethnicity into 'the field' as ironic-while Banks cast such movements as unfortunate-both positions I think are worth questioning a decade and a half down the line, as we consider what ethnicity has come to signify for those who claim it as a feature of their own consciousness. Acknowledging that ethnicity is inevitably already constructed is not the end of the story, rather, it's the beginning in understanding the ongoing life of such constructions. In other words, 'tracing the contours' of ethnicity's new life is important not because scholars necessarily believe it is the most accurate way to understand 'the group', their 'belonging' or 'difference', but because many contemporary ethnic subjects and the recognizing agents with which they must engage-both state and non-state-do.

In the specific context of Nepal, there are two important implications of this argument. First, many Nepalis take the notion of belonging to a particular ethnic group-*jat*- very seriously as a primary feature of their own subjectivity. This is not the case only for ethnic activists, who are all too often described as if they were duping the unconscious masses into believing that they 'are' something they did not previously think they were.[1] Second, state recognition of belonging to particular, well-defined and legally recognized groups has been a key feature of governmentality in Nepal for a very long time. As much excellent scholarship has shown, ethnicity has been emphasized *by the state* as a key component of political identity throughout modern Nepal's history, through instruments such as the late 18th century definition of *kipat*, through the mid-19th century Muluki Ain, to the NFDIN Act of 2002. These various legal regimes did not inscribe ethnic categories upon a blank slate, but rather emphasized the political dimensions of aspects of ethnic consciousness that previously existed. Bringing this history into focus reminds us that Nepal's contemporary dynamics are not new, but have emerged in direct response to past experiences. Recognizing this compels us to acknowledge that history has shaped current forms of ethnic production, and that current ethnic productions will shape the future history of Nepal. In other words, formations of ethnicity as we encounter them today are not compelled only by what many would call "modern" and "postmodern", "liberal" and "neoliberal" transnational political economies, but by long-standing, specific relationships between people and the Nepali state that have yielded and continue to yield persistent and subjectively meaningful forms of self-identification.[2]

The difference between the most recent phase of ethnic classification, which is ongoing today through the as yet unimplemented recommendations of the High Level Task Force for Revision of the Official List of Indigenous Nationalities of Nepal, and the earlier phases, is that the current phase has been led by *janajati* actors working from outside the state but in close relationship to it. Current classification processes cannot, therefore, be understood purely as hegemonic (or colonial) projects, but rather entail important elements of self-definition and participation. As David Gellner suggested in the citation used above, the Nepali scholar-activists

[1] See Shneiderman (2009b) for a parallel critique of work that assumes "the people's" lack of consciousness and agency in engaging with communist ideology.

[2] See for instance, Holmberg, March and Tamang (1999).

who are currently engaged in implementing national classificatory frameworks know full well that ethnicity is constructed, and it is this very 'constructedness' that makes ethnicity such a deployable resource in constructing an alternative national political identity. I do not think that we can understand such deployments as "ironic", since the word conveys a lack of intentionality and would suggest that the status of ethnicity as a key political category in Nepal has developed as a result of large-scale forces beyond Nepali individuals' control, enveloping hapless, unwitting souls at the local, and even national levels. Instead, I suggest that many ethnic actors, both those who would call themselves activists and those who would not, have engaged in what are now decades of debates with a high degree of consciousness. In that time, the national ethos of ethnicity in Nepal—which is different from the frame of ethnicity in India, for example, and certainly that of the US or Britain—has shifted. A term once restricted to describing localized expressions of cultural specificity carried out in a sphere removed from the dominant state—sometimes intentionally hidden from it, sometimes in defiance of it—is now understood as a resource to be mobilized by ethnic subjects themselves to engage in transforming the state at the national level.

The Recent Renaissance of Ethnicity

Such a shift, now also occurring in many other locales around the world, helps to explain why ethnicity is experiencing a resurgence of scholarly interest. In the last two years, major new works have been published in various subfields of the social sciences that promise to productively reopen the debate over ethnicity. Here I focus on John and Jean Comaroff's *Ethnicity Inc* (2009) and James Scott's *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (2009) to shed new light on current dynamics in Nepal, but also to consider how our knowledge of ethnic experiences in Nepal contributes to broader theoretical discussions. Nepal is uniquely positioned to engage in and further such debates, since Nepal is home to a great depth of existing social scientific knowledge about specific 'ethnicities' as well as an understanding of ethnicity as a socio-political system. In Nepal, this accumulated body of social scientific knowledge is currently intersecting in provocative and productive ways with pressing political and policy debates.

In a chapter of *The Art of Not Being Governed* fully devoted to the concept of 'ethnogenesis', the political scientist James Scott defines his own position on ethnicity as one of 'radical constructivism'. Taken as a whole, the book argues that hill peoples residing on the margins of nation-states in Southeast Asia are not, as often represented in nationalist histories, 'backwards' barbarians in need of civilizing missions from the center; but rather clever rebels who have intentionally chosen to evade the state by migrating to higher and higher altitude regions and choosing to adopt cultural practices which put them beyond the remit of state recognition. Since I have discussed this concept at length in a recent article (Shneiderman 2010), particularly its value for studies in the Himalayan region, I will not repeat those arguments in detail here. In brief, I emphasized that although the broad swathe of highland territory that Scott calls 'Zomia' may be difficult to make sense of as a workable geographical or political concept, the concept of 'Zomia-thinking' is worthwhile because it recognizes the intentionality in the self-positioning of

marginalized communities. In conclusion, I suggested that the focus should be on efforts by marginalized populations to control the terms of their recognition vis-à-vis multiple states, rather than presenting them as 'state evaders'.

Scott's explanation of the process of 'ethno-genesis' serves the broader agenda of the book by suggesting that "the function of hill identities" (Scott 2009: 244) is to "position a group vis-à-vis others in competition for power and resources" (ibid: 244). To me, this reads not only as a radically constructivist position—echoing the over-simplified, dualistic debates of the 60s and 70s about whether ethnicity was rooted in primordial essence or instrumental construction-but as a radically functionalist one that highlights the exclusively political economic nature of Scott's hallmark preoccupation with 'intentionality'.

In a section that could be read as a critique of Scott, the Comaroffs make an important point with which I concur. In academic studies of ethnicity, they suggest, the overwhelming:

> . . . stress on the *politics* of ethnicity above all else has a number of critical costs: it depends on an underspecified, almost metaphorical conception of the political, the primary referent of which is the pursuit of interest; it reduces cultural identity to a utility function, the measure of which is power, again underspecified; and it confuses the deployment of ethnicity as a *tactical* claim to entitlement, and as a means of mobilization for instrumental ends, with the *substantive* content of ethnic consciousness (Comaroff and Comaroff 2009: 44).

The Comaroffs rather suggest that both aspects of ethnicity must be understood in tandem with each other, since ethnicity is at present experiencing a 'doubling', characterized by 'the inscription of things ethnic, simultaneously, in affect and interest, emotion and utility' ... and that 'cultural identity ... represents itself ever more as two things at once: the object of choice and self-construction' (Comaroff and Comaroff 2009: 441). In other words, ethnicity is *both* a strategic instrument and a deeply emotive set of experiences for many individuals.

They are hardly the first scholars to suggest that the political life of ethnicity is not its only one. We may recall in particular Brackette Williams' 1989 formulation of ethnicity's three levels: scholarly, political and lay or popular. However, what is new about the Comaroffs' approach is the explicit situatedness of ethnicity—at all of these levels—under the sign of the market, understood in neoliberal terms. For the Comaroffs, ethnicity is becoming a corporate endeavor, in both senses of the word-with groups acting as what they call 'ethnopreneurs' who traffic in 'ethnocommodities'. In their formulation, ethnicity is best understood as an open-ended dialectic between 'the incorporation of identity and the commodification of culture' (Comaroff and Comaroff 2009: 89). They call upon scholars to investigate this particular dialectic as a means of moving beyond the analysis of ethnicity as a purely political construct, in order to "fashion a critical scholarship to deal with its ambiguous promises, its material and moral vision for times to come, the deep affective attachments it engenders" (Comaroff and Comaroff 2009: 149).

So how, exactly, do we do that? The fact that academic interests in the 'political' aspects of ethnicity often seem to overwhelm attention to its embodied, affective aspects, is a methodological problem as much as a theoretical one. It's easy enough to examine the discursive production of ethnicity through the analysis of texts and media that directly engage these issues, but how exactly do we get a handle on what the Comaroffs call 'the substantive content of ethnic consciousness'? I suggest that in many ways this is what is missing from the current debate in Nepal.

Practice and Performance

Focusing on the productive aspects of ethnicity that unfold through ritualized action can help address this problem's methodological and theoretical aspects. Ritualized action is a concept encompassing the vague concepts of 'performance' and 'practice' that are used to describe aspects of the expression of ethnicity. In my definition, 'practice' and 'performance' are two qualitatively distinct, but inextricably linked and mutually influential fields of 'ritualized activity'. 'Practice' refers to embodied, ritualized actions, carried out by ethnic individuals within an indigenous epistemological framework to mediate between the human and the divine world: to stop malevolent deities from plaguing one's mind, for instance, or to guide a loved one's soul to the realm of the ancestors. Practice events take place within the clearly delimited private domains of the household, or communal, but exclusively ethnic spaces. Practices, then, are the actions encapsulated in what the influential anthropologist Erving Goffman (1974) called 'primary frameworks'.

'Performances', in the contrast that I draw here, are framed 'keyings', or 'transformations', in Goffman's terms, of the practices found within primary frameworks. Performances are ritualized actions carried out within a broader discursive context created by political, economic or other kinds of agendas that must be realized beyond the ethnic domain. Performances are mounted for the explicit consumption of outsiders, which may be comprised of representatives of the state, members of other ethnic communities, (I)NGO representatives, anthropologists, or various others. Performances take place in the open in public domains with the clearly articulated purpose of demonstrating to both selves and others what practices are like.

Both Scott and the Comaroffs touch upon this performative aspect of ethnicity, but neither explores its implications fully. Scott suggests that, "A person's ethnic identity ... would be the repertoire of possible performances and the contexts in which they are exhibited", but that, "There is, of course, no reason at all to suppose one part of the repertoire is more authentic or 'real' than any other" (Scott 2009: 254-255).

In my ethnographic writing about the Thangmi (Thami) community in both Nepal and India, I have suggested that practice and performance exist side by side as forms of cultural production, and that they mutually constitute ethnic consciousness (Shneiderman 2009a, 2011). Neither form of ritualized action is more 'real' than the other, and both are necessary for the continued well-being of the group as a whole. Multiple forms of action intersect and inform each other at most important ritual events.

One good example is the festival of Bhume Jatra, held every spring. Bhume is the name of a pan-Himalayan territorial deity worshipped by many different ethnic groups in some form. However, the Thangmi Bhume is imagined as a specifically Thangmi deity who must be propitiated in the Thangmi language. This deity's dominion stretches out from its temple abode in Suspa, Dolakha, to encompass the full area conceptualized as Thangmi territory by members of the group. Bhume is manifested in a black rock inside the Suspa Bhumethan mandir, or temple, which is the center of attention during the Bhume Jatra festival. Over the last decade, since walls were erected around the deity in 2000, two simultaneous sets of ritualized activity have unfolded in and around the temple on Bhume Jatra. The propitiatory ritual practices of the Thangmi guru, or shamans, are the first kind of activity. These practices take place inside the home of Bhume's pujari and inside the Bhume mandir, and are conducted in the Thangmi language while in trance. The second are the sanskritik karyakram, or cultural performances, of cultural associations comprised primarily by younger members of the Thangmi community. These performances are mounted on a stage outside the temple and include songs and poetic recitations, in both Nepali and Thangmi. The performances mounted outside the temple describe, in sung and poetic form, the deity propitiation rituals that are unfolding inside the temple. The audience for the practices of the guru is the deity itself, while the audience for the performances of the cultural association members is a diverse array of people that includes Thangmi community members, villagers from other ethnic backgrounds, political activists (both ethnic and party-affiliated), NGO workers, and representatives of the state. The practices of the guru work to affirm and confirm the deity's dominion over Thangmi territory, and thereby reproduce the special relationships between Thangmi people, their deities, and the land that comprise the cornerstone of Thangmi ethnic consciousness. The performances of the cultural group outside the inner temple serve to represent these special relationships to a wider audience of Thangmi and outsiders who can recognize and validate the existence of Thangmi ethnic identity. In this sense, both practice and performance are "authentic" components of contemporary ethnic production.

In a formulation that draws upon Barbara Kirshenblatt-Gimblett's work on heritage, the Comaroffs argue that:

> Ethnicity, Inc. has, without doubt, opened up new means of producing value, of claiming recognition, of asserting sovereignty, of giving affective voice to belonging . . . . But those commodities are also vulnerable to the vagaries of commerce, which demands that the alienation of heritage ride a delicate balance between exoticism and banalization—an equation that often requires 'natives' to perform themselves in such a way as to make their indigeneity legible to the consumer of otherness. (Comaroff and Comaroff 2009: 142)

In the ethnographic example I have just given the cultural performances unfold much like "heritage" perfor mances elsewhere, in that they objectify the content of ethnic consciousness for outside audiences. However, I suggest that we must think more carefully before setting up such rigid oppositions between "natives performing themselves" and "consumers of otherness". In the context of Bhume Jatra, Thangmi themselves consume cultural performances in order to understand the content of their own ethnic identity better, particularly because few people can actually access the inner sanctum of the temple in which the practices of the *guru* take place. In addition, performances for human consumption are not divorced from practices that are carried out for divine consumption. Understanding both as forms of ritualized action that objectify ethnic consciousness to *both* ethnic selves and others is key. It is not an either/or proposition: at the same time that ethnic subjects are performing themselves for consumption by temporal or divine others, so to speak, they are also engaged in practices that represent themselves to themselves in order to reproduce the content of ethnic consciousness.

In this regard, Scott is correct in suggesting that there is no reason to suppose that any single part of a complete performative repertoire is more 'real' than the others. Yet I would argue that ethnic activists or members of cultural performance groups should not be discounted as 'inauthentic' members of ethnic collectivities because their chosen modes of action are political meetings and staged performances instead of so-called 'traditional' practice. By the same token, ethnic individuals who are not explicitly engaged in politics should not be treated as victims of false consciousness when a movement that politicizes ethnicity appeals to them, or when they enjoy highly staged renditions of their own practices. These two ideal types of people work together to create the whole of contemporary ethnicity in Nepal.

State Effects

It is worth comparing James Scott's criteria for treating groups as "non-state peoples" in Southeast Asia with the definitional criteria for *adivasi janajati* groups developed by the Nepal Federation for Indigenous Nationalities (NEFIN).[3] Exploring the similarities and differences between these two rubrics can help us understand how the specific dynamics of contemporary ethnicity within Nepal relate to broader global scholarly and political discourses about ethnicity.

Scott's criteria for erstwhile Zomian populations are:

1. middle-to-high altitude cultivators supplement their diet with foraged forest products
2. actively resisted incorporation into state frameworks
3. maintain a high level of mobility
4. egalitarian social structure
5. oral religious tradition

NEFIN's self-defined criteria for recognition as an *adivasi janajati* group are:

1. A distinct collective identity
2. Own language, religion, tradition, culture and civilization
3. Own traditional egalitarian social structure

[3] Available online at http://www.nefin.org.np/component/content/article/115-information/347-indigenous-nationalities-of-nepal.html, accessed October 7, 2011.

4. Traditional homeland or geographical area
5. Written or oral history
6. Having "We" feeling
7. Has had no decisive role in the politics and government of modern Nepal
8. Who are the indigenous or native peoples of Nepal
9. Who declares itself as "Janajati"

Point (4) from Scott and (3) from NEFIN are more or less the same, as are points (5) on both lists. I want to focus here first on the differences that underlie the apparent similarity between point (2) from Scott and point (7) from NEFIN, and subsequently turn to the obvious difference between points (3) from Scott and (4) from NEFIN.

Scott suggests that highland populations across Southeast Asia "actively resisted incorporation into state frameworks" while NEFIN suggests that *adivasi janajati* groups have "had no decisive role in the politics and government of modern Nepal". In both formulations, the groups in question remain outside of central state processes of governance. In Scott's account, however, this is because communities have intentionally decided to remain aloof from the state, while the NEFIN phrasing implies that while such groups would have wanted to play a role in politics and government, they have been excluded by dominant forces.

Despite the differences in intentionality, in both rubrics, the fact of exclusion from governance at the level of the nation-state itself is understood to be a central marker of group identity. This begs the question of what happens to group identities if and when its members *do* begin to be involved with governance at the centre. Scott dodges this question by suggesting that his analytical framework is no longer relevant after 1950, when state-driven processes of "enclosure" became so prevalent that groups could no longer remain apart from the state even if they so wished. I suspect that the NEFIN criterion is also historically bound in similar fashion; the assertion is that *adivasi janajati* groups have not played a decisive political role in the past, not that they should not do so in the present. Indeed, on the same website, NEFIN's objectives are described as, "supporting its member organizations in leadership development, strengthening decision-making capabilities, networking and enabling them to fight for their rights to development with identity".[4] These are inherently political objectives, oriented towards achieving a "multicultural democratic state where diverse ethnic, linguistic, cultural, religious and territorial groups are treated equally; Indigenous people's rights are recognized and respected; and Indigenous Nationalities enjoy ethnic autonomy on the basis of the principle of right to self-determination."[5] In such a state, *adivasi janajati* would clearly play a decisive role in politics and governance, and perhaps at that point-if not before-NEFIN would see fit to remove that item from its list of criteria for recognition. This imperative raises important questions about the temporality of ethnicity, to which I will return in my conclusion.

[4] Ibid.
[5] Ibid.

Ultimately NEFIN may benefit from the flexibility of Scott's approach, which while positioning groups outside the state, also acknowledges the interplay between what he terms "state effects" and "highland people effects" over time. Acknowledging the history of *adivasi janajati* roles in Nepali state formation-as much as acknowledging the role of the Nepali state in shaping *janajati* identities-would not diminish the power of *janajati* claims on the state. To the contrary, in fact, it would strengthen them, and at the same time recognize the diversity of contemporary ethnic consciousness as produced through both political and ritual activity (performance/practice as described above). The very point of ethnicity as a political concept in the age of federal restructuring is to ensure the participation of previously marginalized groups at the national level, so it seems appropriate to cease identifying them by their distance from the state as soon as possible.

Scott's list and the NEFIN list diverge most starkly around the issue of territoriality. While Scott suggests that Zomian populations "maintain a high level of mobility" the NEFIN criteria require *janajati* groups to possess a "traditional homeland or geographical area". This point echoes clearly one of the five criteria for recognition as a Scheduled Tribe in India: that of "geographical isolation", as established by the 1965 Lokur Committee report. The NEFIN criterion reflects the one-to-one correlation between ethnicity and territory that is a hallmark of the international discourse of indigeneity.[6] Scott does not invoke the concept of indigeneity directly, and offers an intriguing alternative strategy for conceptualizing the relationships between ethnic identity and place. As I have argued in more depth elsewhere (Shneiderman 2009: Chapter 6), I would suggest that having a high degree of mobility, as many of Nepal's *janajati* populations historically have had-whether through seasonal pastoralism, cross-border labour migration, trans-Himalayan trade, or many other forms of movement-does not preclude the simultaneous attachment to a particular geographical area. In other words, people may at once feel strongly connected to a "homeland" in emotive and psychological terms, while in practice physically moving away from that territory on a regular basis, or perhaps never living in it at all. Developing scholarly and political approaches that can acknowledge the complex inter-relationship between place-based belonging as a marker of identity, *and* the reality of movements away from that place, will be central to understanding the pragmatic power and the political potential of ethnicity in Nepal in the years to come.

Ethnicity as Property

In the final section of this contribution, I would like to consider the Comaroffs' assertion that, "Identity is increasingly claimed as *property* by its living heirs, who proceed to manage it by palpably corporate means: to brand it and sell it, even to anthropologists, in self-consciously consumable forms" (Comaroff and Comaroff 2009: 29). This assertion relates to the discussion of territory and mobility above, since the Comaroffs argue that one of the reasons for identity being increasingly claimed as property in the neoliberal world is that control over other forms of productive property-such as land and labour-is ever less possible for members of

[6] See, for example, the UN Declaration on the Rights of Indigenous Peoples, and ILO Convention 169.

marginalized communities. The Comaroffs appear to be at once sceptical of the commodification of identity that they report, and sympathetic to those who engage in such commodification, since they acknowledge that members of marginalized groups have a limited range of options for political-economic survival in the contemporary neoliberal context.

In Nepal, indeed, the concept of identity as an object that can be "claimed" as property seems to be gaining traction. As I have described elsewhere (Shneiderman forthcoming), this formulation of identity as a quantifiable resource that can be augmented through technical expertise has been promoted in part by international development actors in Nepal. As part of the broader 'cultural turn' in international development as a whole (Da Costa 2010), many recent donor-funded projects in Nepal have identified its beneficiaries as members of discrete, 'highly marginalized' ethnic communities.[7] These groups are targeted for aid due to their cultural marginalization, rather than as 'disadvantaged' or 'poor' individuals targeted for aid due to their economic marginalization. An example of such framing can be found on the Janajati Social and Economic Empowerment Project (JANSEEP) website. This project, managed in partnership by Care Nepal and NEFIN, and funded by the European Commission, states that its work in helping HMJ's "assert their rights to identity" is "in line with the government policy of social inclusion and poverty reduction."[8] In this way, a causal link is established between rigidified ethnic identities and poverty reduction. I would suggest that such linkages are part of the larger processes by which "identity congeals into property", as the Comaroffs describe. The implication of the statements on JANSEEP's website are that a stronger identity will result in greater personal or community resources. To return to the arguments with which this chapter began, the fact that these processes signal "identity under construction" in contemporary Nepal should not challenge the validity of the ethnic consciousnesses produced through such processes. Rather, the substantive content of such ethnic consciousness deserve to be taken ever more seriously and addressed substantively through policy measures that acknowledge the realities of present and past social and economic inequalities linked to ethnic difference.

Conclusion

I conclude with two questions for further consideration.

Historian Sanjay Subrahmanyam offers a trenchant critique of Scott. He writes, "It is devilishly difficult to make a case for radical ethno-genesis, on the one hand, and for deep aboriginal rights on the other. Ideas of choice and agency thus come into rude conflict with notions of victimhood and the rights of victims of 'displacement'" (2010: 7). He points out that this seems at odd with Scott's long-standing position as a champion of the dispossessed. Scott's response to critiques like this, which he has offered repeatedly at various conferences and presentations,[9] is that he is writing historically, and that his interpretation is not relevant after the 1950s. But he of all scholars will know well that history is often a key resource for contemporary ethnic activists, and that his work may have unintended political effects in the present. Moreover, I do not think that the processes of enclosure that Scott details are in any way complete. In many parts of the world, such as Nepal, the processes of ethno-genesis continue in the present-although not only along the radically functionalist lines that Scott describes, but rather in the framework of restructuring ethnicity with which this contribution began.

So the first question is: Can Nepal achieve "the devilishly difficult" ? In other words, can scholars, activists and politicians come together to both acknowledge the reality of "radical ethnogenesis" unfolding in the present, *and* recognize the need for ethnically specific measures to combat histories of inequality? I'd like to think that with the wealth of social scientific knowledge available, and the genuine will among Nepal's people to see a restructured state that better recognizes the diversity of its citizenry and works towards bettering their lives, the devilishly difficult might just be possible. A creative formulation for federalism that recognizes the power of ethnicity, without reifying it as a timeless category, might offer the rest of the world a model of how to navigate such difficult terrain.

The second question relates to the temporality of ethnicity. In a response to the Comaroffs' *Ethnicity Inc*, Hylton White suggests that, "hard work still lies ahead to discern, in a rigorous way, exactly where developments [described in Ethnicity Inc] cross the line from continuity to epochal difference".[10] For us, this question could translate into the following: is the commodification of ethnicity that we see in Nepal truly a neoliberal phenomenon ? Are ethnic subjects being duped by neoliberal forces into commodifying identity as property through claims to ethnic territory-allowing themselves to be branded-and following the red herring of cultural difference instead of challenging the real economic vectors of their inequality ? This is a classic Marxist argument, made by both the Comaroffs and Nepal's Maoists to varying degrees. But then the question must be asked: why has the political success of the Maoists in Nepal not tempered the powerful trajectory of ethnic claims? Some might suggest that this is because the Maoists have been so pragmatic in their relationship to ethnicity so as to lose any ideological opposition to it, and perhaps even foster greater attachment to it. Another explanation would be that since ethnicity is simply a variation on the timeless theme of human objectification-and not an artifact of a specific evolutionary stage in consciousness-transformations in political environments or class dynamics alone will not make ethnicity go away. Perhaps age-old desires-the substantive content of ethnic consciousness-in Nepal are finally finding modes of expression that allow them not only to engage with the state, but to consider transforming it. Contemporary ethnic actors do this ever more not by resisting the state, following Scott, but rather by locating themselves as an inalienable part of it by claiming certain territories as ethnic property.

[7] "Highly marginalized" is one of five categories that NEFIN has developed to differentiate between *janajati* groups on the basis of their economic, social and political positions. The full range of categories is "endangered", "highly marginalized", "marginalized", "disadvantaged", and "advantaged". See Onta (2006), Gellner (2007), Hangen (2007), Middleton and Shneiderman (2008) and Shneiderman (forthcoming) for further discussion of this rubric and its implications.

[8] http://www.care.org/careswork/projects/NPL055.asp, accessed October 10, 2011.

[9] I heard him make this argument at the Asian Borderlands Research Network conference in Chiang Mai, Thailand in November 2010.

[10] http://jhbwtc.blogspot.com/2010/07/john-and-jean-comaroff-with-eric-worby.html, accessed October 10, 2011.

Indeed, one can argue that the only way to ensure that ethnic subjects will secure a place as national political agents in Nepal is through the redistribution of power in a federal system. In order to achieve this, identity must to some extent be reified to in order to set up the administrative mechanisms that create the potential for such agency. If this is done with a modicum of self-consciousness and careful reflection, which, as I have suggested, I believe is possible, it may enable Nepal to succeed in the devilishly difficult: to recognize both the constructed nature of ethnicity *and* the rights of those who possess ethnic consciousness. Ethnicity can thus be both a process and an object: practice, performance and property. It is through the reformulations of these relationships that the complex process of state restructuring will restructure ethnicity. I would argue that this should be seen as one in a series of historical transformations rather than a singular moment of epochal difference.

References

Banks,Marcus

1996 *Ethnicity: Anthropological Constructions.* London, Routledge.

Comaroff, John and Jean Comaroff

2009 *Ethnicity Inc.* Chicago: University of Chicago Press.

Da Costa, Dia

2010 "Introduction: Relocating Culture in Development and Development in Culture," Special Issue of *Third World Quarterly,* 31(4).

de la Cadena, Marisol and Orin Starn

2007 "Introduction". *Indigenous Experience Today.* Marisol de la Cadena and Orin Starn, eds. New York: Berg.

Gellner, David

1997 "Introduction: Ethnicity and Nationalism in the World's only Hindu State" in *Nationalism and Ethnicity in a Hindu Kingdom: The Politics of Culture in Contemporary Nepal.* D. Gellner, J. Pfaff-Czarnecka and J. Whelpton, eds. Amsterdam: Harwood Academic Publishers: 3-32.

Gellner, David

2007 "Caste, Ethnicity and Inequality in Nepal" *Economic and Political Weekly* 42(20): 1823-1828.

Goffman, Ernest

1974 *Frame Analysis: An Essay on the Organization of Experience.* Cambridge, MA, Harvard University Press.

Hangen, Susan

2007 *Creating a 'New Nepal': The Ethnic Dimension.* Washington, East West Center.

Holmberg, David, Kathryn March and Suryaman Tamang

1999 "Local Production/Local Knowledge: Forced Labour from Below". *Studies in Nepali History and Society* 4(1):5-64.

Middleton, Townsend and Sara Shneiderman

2008 "Reservations, Federalism and the Politics of Recognition in Nepal" *Economic and Political Weekly* 43(19): 39-45.

Onta, Pratyoush

2006 "The Growth of the *Adivasi Janajati* Movement in Nepal after 1990: The Non-Political Institutional Agents." *Studies in Nepali History and Society* 11(2): 303-354.

Ortner, Sherry

1996 *Making Gender: The Politics and Erotics of Culture.* Boston, Beacon Press.

Scott, James

2009 *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia.* New Haven: Yale University Press.

Shneiderman, Sara

2009a *Rituals of Ethnicity: Migration, Mixture, and the Making of Thangmi Identity Across Himalayan Borders.* Unpublished PhD Thesis. Ithaca, NY, Cornell University.

Shneiderman, Sara

2009b "The Formation of Political Consciousness in Rural Nepal". *Dialectical Anthropology* 33 (3-4): 287-308.

Shneiderman, Sara

2010 "Are the Central Himalayas in *Zomia*? Some Scholarly and Political Considerations Across Time and Space". *The Journal of Global History* 5 (2): 289-312.

Shneiderman, Sara

2011 "Synthesizing Practice and Performance, Securing Recognition: Thangmi Cultural Heritage in Nepal and India" in *Ritual, Heritage and Identity: The Politics of Culture and Performance in a Globalised World.* Christiane Brosius and Karin Polit, eds. London: Routledge. 202-245.

Shneiderman,Sara Shneiderman

Forthcoming "Creating a Culture of Marginality: Nepal's Current Classificatory Moment" in a special issue of *Focaal: Journal of Global and Historical Anthropology* entitled "Towards an Anthropology of Affirmative Action: The Practices, Policies and Politics of Transforming Inequality in South Asia", Alpa Shah and Sara Shneiderman, eds.

Subrahmanyam, Sanjay

2010 "The View from the Top" Review of *The Art of Not Being Governed.* London Review of Books 32(23): 25-26.

Williams, Brackette

1989 "A Class Act: Anthropology and the Race to Nation Across Ethnic Terrain". *Annual Review of Anthropology* 18: 401-441.