

How to Combine Citizenship and Diversity? France, India and Nepal

G rard Toffin

The French Revolution acted, with regard to things of this world, precisely as religious revolutions have acted with regard to things of the other. It dealt with the citizen in the abstract, independent of particular social organization, just as religions deal with mankind in general, independent of time and place.

– Alexis de Tocqueville, 1856, *The Old Regime and the Revolution*, 1, 3
(translated by John Bonner), New York: Harper and Brothers.

Introduction

Over the past two or three decades the work of the anthropologist has undergone considerable changes.¹ Increasingly, the field worker studies complex societies whose local segments are encapsulated in wider regional or state structures. These structures affect people’s lives in a very direct and profound manner. Even in the remotest villages of South Asia, state institutions and NGOs have established a permanent presence, with results including changes in the quality of life, new social values, and new sources of income. The informants and families with whom the researcher has chosen to spend a period of his or her life are gradually more mobile. Some of them may spend years overseas, perhaps in Europe or in one of the Gulf states, to sustain the lives of their relatives. In other words, globalization and transnational activities are greatly challenging the anthropologist’s old habits and practices. They have transformed the nature of his or her work. He or she has to swing between local studies on the one hand and macro-level approaches on the other to a greater extent than before. Similarly, the sociologist and the political scientist can no longer ignore the cultural traditions that are specific to each country or civilization. Political

1 This article is a much revised version of the paper presented at the conference ‘Constitutionalism and Diversity in Nepal’, held in Kathmandu (Centre of Nepal and Asian Studies, Tribhuvan University) in August 2007. Thanks are due to Catherine Neveu and Michael Hutt for their comments on an earlier draft. I would also like to thank David Gellner for suggesting that this article be published in the *EBHR*.

and societal models circulate throughout the world: they are accepted, accommodated and transformed in an ever more flexible manner. To handle these intricate new situations, perspectives that cut across disciplines have to be carried forward.

Towards an extended theory of citizenship

In this respect, one of the topics that has been given wider consideration is the matter of citizenship. The importance of this issue has grown due to the effects of migration, population displacement, issues related to minority rights, and the emergence of increasingly plural societies. The concept was at first an occidental one, and it referred to an abstract individual who was not bound to any ascribed or hierarchically arranged group. It was initially used by social scientists working on Western and developed countries and was seen as a political concept that was suited to countries that had a strong nation-state tradition and supra-local identities. But through a period of intense globalization, transnationalism and the associated mass movement of people and goods, references to citizenship have extended to non-Western states. The question of who should be allowed to become a citizen and under what conditions has become ubiquitous in modern political arrangements. The concept of citizenship and questions concerning citizenship are therefore increasingly utilized by social scientists studying non-Western and less-developed societies, even if the local terms used to translate the concept are in most cases new and borrowed from foreign languages. There is a growing literature (especially in Anglo-American countries) on, for instance, inclusion/ exclusion, education, migration and human rights. In the West itself, the increasing cultural diversity of American and European societies has given new momentum to the debate about the relationship between citizenship and identity.

In this respect it is clear that the West and the East can no longer be considered in isolation from each other. What is urgently needed at the present time are detailed analyses, both in comparative and historical terms, that take each country's different cultural traditions and past fully into account. Context, in particular the social and religious context, is of great importance. It plays a significant role in defining social actors' various loci of belongingness and identity. Citizenship is informed by culture in a number of different ways, which thus engender different models. My proposition therefore is that we should extend the scope of our discussion of

citizenship and build a general theory that is based on an interdisciplinary study (mainly sociological, political and anthropological) of different patterns of citizenship across the world. Such a theory would emphasise the interplay between the cosmopolitan and the vernacular, individualization and belonging; it would consider citizens at the intersection of State and Society, i.e. between the thick identity of social roles and the thin legal basis of the State. The State-civil society relationships in particular call for careful examination. From this perspective, ethnographic studies and empirical observations are especially important in order to contextualise specific features and consider the issue beyond the exclusive viewpoint of legal rights. They can offer a more complete understanding of citizenship and complement other disciplinary approaches. New avenues for research and new conceptual tools can be suggested.²

Interestingly, the currency of this notion in the field of sociology is a recent phenomenon. If one looks to the past, the concept of citizenship was of little concern to the main founders of classical sociology. Max Weber did not employ this notion, except in a few passages of *The City*. There is practically nothing about it in Emile Durkheim's works. By contrast, political scientists consider this notion to be a central one, beginning with Alexis de Tocqueville, the French intellectual and sociologist who analysed democracy in the Western world. The lack of interest the first sociologists showed in this matter is rather surprising, even if we take into account the period during which they were writing: citizenship concerns not only democracy, a word belonging chiefly to the political vocabulary, but also pre-democratic forms of government. In addition, it involves some basic sociological themes, in particular the relationships between the individual and the group. However, it must be recognised that the concept of citizenship is more in keeping with contemporary sociological and anthropological issues such as nationalism and ethnicity. Similarly, the notion of citizenship concerns the role of culture as a form of political agency, an issue which took on fundamental importance in the last decades of the twentieth century. In other words, today the investigation of the concept of citizenship is a rewarding path to explore when carrying out a comparative study of the social ties between different societies.

2 The bibliography at the end of this article includes certain entries which have not been cited in the text or notes but which have contributed to the making of its argument.

As is well known, the word *citizen* (from the Latin *civitas*, 'city') first designated a member of a city. It is only since the eighteenth century that it has referred to a member of a State. At present, citizenship can be broadly defined as the different modes of *membership* within a political community. In ancient states and civilisations, the notion of a citizen was in most cases limited to only a portion of the population. A number of non-citizens (women, slaves, resident foreigners) were deprived of any rights. In pre-colonial India and pre-democratic Nepal, there was no citizenship as such, just *rajyas*, kings, and the *praja*, the subjects. The rights of individuals were subordinated to their bonds with the king. By contrast, modern democratic countries aim at granting citizenship to most of the people living within a specific territory. Following the British sociologist T. H. Marshall (1977), this notion can be studied in contemporary societies from three different angles: (1) *civil*: individual rights to think, to believe, to have access to justice; (2) *political*: the right to vote, to participate in the political debate; (3) *social*: the right to enjoy social privileges, such as pensions, health care subsidies, minimum salary, free and equal access to education, social insurance, etc. These three forms of citizenship, Marshall argues, developed historically in this order. The cumulative effects of these three levels ensure in principle fully fledged citizenship for all members of the community, each individual being equal in rights and obligations. But there are different ways of achieving this result.

Although this opposition has often been criticized as an oversimplification, it is still useful to distinguish between two conceptions of citizenship. The first, chiefly civic and political, corresponds to the universalistic values dominant in Western countries. It is built politically around the individual. It is based on a free, voluntary, political association of citizens with a specific nation. The second conception, which is primarily collective or ethnic, is mainly associated with developing countries in which tradition is still extremely important, as well as with countries in the post-communist Eastern European bloc. It emphasises a common cultural community and relies on a strong collective ethos. In the first type of society, citizenship is defined as an unmediated relationship between the individual and the State. Other forms of attachment are thought to be secondary and subordinate to the main civic and political values. Religion itself is subordinate to political and secular values. In the second conception, the State is often characterized by weakness and the

simultaneous multiplicity of an individual's attachments. Belonging to one's ethnic group, caste, family and religion plays a crucial role, sometimes even more important than one's links to the national State. There exists a wide range of intermediate regimes between these two opposing types of citizenship. Obviously, there are as many conceptions of citizenship as there are political histories and cultures (Neveu 2005b: 200).

The purpose of this article is to explore the relationship between citizenship and diversity, i.e. between equality and difference, in the light of these two extreme conceptions. The key question is whether it is feasible for religious minorities, indigenous people and disadvantaged groups to be members of a common society on equal terms with others. How does a particular state accommodate a diversity of cultures without contradicting its own equalitarian values? My main concern therefore is whether it is possible for citizenship to recognize differences. The question of the links between citizenship and nationality (a person may be recognized as a national without being a citizen³) will not be addressed here, or if so, only casually. These two notions are mutually dependent, but they are not necessarily congruent and they deserve a separate study. Here I will mainly question the common idea according to which the unified nation-state is the central site of democracy and the ideal form of citizenship. In my opinion, cultural differences are not automatically the greatest danger to a country's internal cohesion. Is it necessary for citizenship to rely on a homogeneous culture? Is this the only possible model? Participatory pluralism, rather than a homogenising ideology, can better serve democracy and an inclusive citizenship regime. Yet, from a different standpoint, and a very important one indeed, the dangers of communalism should not be underestimated. Similarly, the creation of a discriminatory system which favours disadvantaged categories of people leads to difficulties in exercising citizenship which need to be fully examined, because this challenges the foundational principles of citizenship.

This article, which is comparative and cross-national in perspective, is organised into three sections. In the first I present an outline of the

3 The links between nationality and citizenship are extremely complex and deserve, as far as Nepal and India are concerned, a separate study (in relation to France, see Culas (2004)). The anthropologist C. Neveu (2005a: 37) proposes to dissociate citizenship, which involves one's participation and inscription within a political community, from the issues of nationality and 'nation-ness' (the sense of belonging to a national collectivity).

fundamental principles of the French Republican system which appeared at the end of the eighteenth century, as well as the reactions it provoked. I have chosen the French case for practical reasons: I know it better than any other. But the West does not constitute a single bloc: patterns of citizenship differ greatly from one country to another. Germany, Italy, the USA and the United Kingdom would, of course, also be worth considering. Sections two and three will successively analyze forms of citizenship in the more multicultural context of South Asia, first of all in India, then in Nepal, where I have been working for the last four decades. I will focus mainly on issues related to the legal code, secularism, minority demands and the reservation system—four interrelated, indeed overlapping themes. My conclusion touches upon the interactions between the universalistic model and the more holistic models, namely Europe and South Asia, mainly in the contemporary period. The main objective is to present different options within the same democratic political fabric, theoretically rooted in shared ideals of equality and freedom. My aim is to document different regimes of citizenship at work in the West as in the East. I argue that comparativism is a way of guarding the researcher from ethnocentrism and of making him or her aware of other civilisations. Needless to say, the following is a sociological analysis devoid of any prescriptive intentions.

The French Republican system

France can be considered to offer a paradigmatic form of the first civic, universalistic model of citizenship. Historically, the French Republican model originated at the end of the eighteenth century under revolutionary pressure from the people. The downfall of royalty and the upheaval caused by the French Revolution in 1789 are still today vibrant references of democratic political order. Admittedly, the Terror period (1793-94), during which time at least 16,000 priests, aristocrats, liberals and so called counter-revolutionaries (including peasants) were summarily put to death in the name of the Republic and the popular sovereignty of the nation, is being increasingly questioned by historians. For instance, François Furet (Furet 1995, Furet & Ozouf 1988) has rightly rejected the earlier explanation (put forward mainly in left circles and among communist historians) according to which this time of civil war and state terrorism was a response to an aristocratic plot against the Revolution. On the contrary, he pointed out continuities with the former monarchical period and even with the spirit of

the 1789 Revolution. Yet the *Declaration of the Rights of Man and Citizen* dated August 1789 still constitutes a major legacy of the French Revolution. It proclaimed basic civic rights such as equality before the law, freedom from arbitrary arrest, and freedom of speech. French society is no longer divided into ‘orders’ (Clergy, Aristocracy, ‘Tiers Etat’). It is composed of individuals. The notion of citizenship⁴ that is deeply rooted in the text postulates the principles of a substantial identity among the different members of the Republic, who are granted the same inalienable rights. Every individual has an equal claim to autonomy and respect. Interestingly, these ideas are close to the conception of a nation as described much later by Marcel Mauss, the French sociologist: ‘The nation is an entity characterised by the allegiance which it receives from each of its individual constituent units, as a moral integration in which no other elements come between the nation and the individual’ (1969: 588). As pointed out by Louis Dumont in his magisterial (though questionable) study of the caste system, there is indeed a close parallel between the idea of the nation and the idea of the individual: ‘The nation is the political group conceived as a collection of individuals and, at the same time, in relation to other nations, the political individual’ (1980: 317).

Over the following years, at the very end of the eighteenth century, a totally new political system was established, marked by universalistic values (valid for the whole of Europe and beyond), national citizenship, and state centralism. It sought to obviate the differences—of birth, wealth, gender, and faith—that the *ancien régime* had deployed to structure life-worlds. Liberalism argued that such differences were secondary to a universal humanity which afforded rights to life-chances to all. The linguistic and cultural diversity of the regions that made up France in pre-revolutionary times was assimilated to the ‘Old Regime’, that is to an outdated, hierarchical, feudal, oppressive system, a symbol of monarchical tyranny and submission to aristocratic privileges and to the upper strata of the Catholic clergy. Old customs were abolished and the deep-rooted ‘non-rational’ beliefs of the peasant classes and backward regions were rejected as ‘superstitions’. A new centralist division of the country into *départements* emerged. French was imposed as the national language to the detriment of

4 The word *citoyen*, ‘citizen’, became current in France during the 1750s (Fumarolli 2006: 391).

other local or regional languages. Yet this policy was only fully enforced after World War 1.

The French Revolution was overtly hostile towards religion. In striking contrast with what happened in the United States of America, it opposed priests and religious institutions which, it was felt, maintained people in a state of backwardness and obscurantism. Religion was tolerated only if confined to one's private life. Following the spirit of Enlightenment of the 18th century, the French revolutionary leaders claimed that reason should guide all human affairs. Christianity became synonymous with irrationalism and exploitation, in stark contradiction to the necessary self-emancipation of humankind. As stated in the epigraph quoted at the beginning of this article, the republican State itself was granted an almost transcendental value, which competed with the old religion. Therefore, the Church and the State incarnated two exclusive, hostile institutions, each having its own imagery and culture.

Interestingly, revolutionaries attempted to institute a civic religion, instead of the former one, with its own calendar and republican rituals. They founded a Festival of the Federation in 1790 to mark the anniversary of the fall of the Bastille, and another in honour of the Supreme Being in 1794. However, this endeavour proved a failure: these ceremonies rapidly came to an end and are now only subjects of academic research. Yet, in spite of this aggressively anti-clerical attitude, freedom of faith was endorsed and declared to be fully entitled to State protection. In the 1791 Constitution, the main religious minorities (Protestants and Jews) were granted civic rights, on the condition that they swore the civic oath of allegiance instituted by the revolutionaries. Such a secularist policy gradually led to the separation of the Church from the State in 1905. Today, even practising Catholics admit the legitimacy of this division and no longer contest the Republic's non-religious stance (*laïcité*).

The universalistic model was contested by the far right political wing over a long period of time. During the first half of the twentieth century, *Action Française*, the influential French anti-republican and counter-revolutionary group whose principal ideologist was Charles Maurras, who supported the restoration of the monarchy, defended an ethnicist and religious point of view. The movement advocated decentralization and the reinstatement of the pre-revolutionary liberties of the ancient provinces of France. It rejected all democratic principles, which Maurras judged

contrary to 'natural inequality', and championed the transformation of Catholicism into a state religion to reinforce solidarity within the country and restore the 'grandeur' the country had enjoyed before the Revolution. *Action Française* was a proponent of a right wing integral nationalism. It developed a xenophobic approach towards immigrants and foreigners, exalting the culture of the soil and the French people's genius. For its activists, the Republic was a 'Talmudic' invention, a Jewish and Protestant plot against the country's own Catholic traditions. The founders of French sociology, such as Durkheim and Lévy-Bruhl, were themselves fiercely attacked and blamed for the dechristianization and disorganisation of the country (Birnbaum 1993: 72-74). By and large, the movement represented a form of holism (Dumont 1970). It defended differentiation and hierarchy, and supported an organicist view of society, as opposed to the process of individualization of society fostered by capitalism and the rise of a bourgeois society. The present ultra-right political movements on the French political landscape, in particular the *Front National* of Jean-Marie Le Pen, are the legacy of this group and its journal (*National-Hebdo*, replaced in 2008 by *Au Front*).

The present Constitution (promulgated in October 1958) ensures the legal equality of all citizens irrespective of their origin, race or religion. The French model of democracy thus emphasises individual rights and theoretically rejects all group-based rights. It is firmly committed to the notion of the unique individual: the person exists as a separate, unique, entity. With a typical utopian outlook, this belief system is based on the ability of autonomous, free-willed, and self-determining individuals to pursue their own plans and purposes. It focuses on the citizen's individual emancipation from all ascribed groups and community pressures, and from familial, ethnic, religious, social, or geographical links. The locus of this process is the secular (*laïque*) school, open to all. For Jules Ferry (1832-1893), an important politician during the Third Republic, it is the place where the country's unity is achieved (Déloye 1994). Education is therefore a key element in the whole system. State schools have the huge responsibility of separating individuals from their original milieu and of freeing them from all their pre-conceived ideas or social constraints. The state school is conceptualized as the place where the future citizen is formed and becomes dedicated to reason and critical thinking.

In this context, it is constitutionally forbidden to set up any positive

provisions for a group of persons on the basis of their ethnic or geographical origins. On 9 May 1991, the Constitutional Council rejected a law proposed by the government in favour of the inhabitants of the French island of Corsica. It was rejected because the text of the proposal used the expression 'the Corsican people'.⁵ The French people, according to the statement of the Constitutional Council, are one and indivisible, with no distinction of religion, race or region. Similarly, any job advertisement specifically aimed at an immigrant who has recently migrated to France is forbidden by law. Such measures, it is said, are themselves discriminatory. They contradict the universality of judicial laws. In March 2003, the Constitution was exceptionally revised to authorize the adoption of measures favouring job opportunities and the protection of private land for the inhabitants of overseas *départements* and territories (DOM-TOMs, former French colonies). These measures were enforced for all persons working in the DOM-TOMs. It was a subtle way of assisting the local, decolonised populations, using a form of affirmative action.

This centralistic and universalistic model also applies to questions of language. In 1992, France refused to ratify the European Charter for Regional or Minority Languages, on the grounds that the recognition of minority groups and their languages might be detrimental to the unity of the nation-state (Craith 2005: 212). According to the legacy of the French Revolution, the language of a free people should be one and the same for all. French, it is said, is the language of French citizens. More than 56 propositions to recognize minority languages in France have failed to date.

The predicaments of Indian democracy and citizenship

Since its independence in 1947, India has embraced a more multicultural model of democracy. By and large, India deals with diversity and difference in a much more comprehensive manner than the somewhat Jacobin and centralistic French State. Its federal structure, which grants substantial power to the country's various states, its reservation system, which dates back to colonial times and relates to a wide range of groups, and its language policy, which recognises the plurality of languages in the Union, are devices that have been used to enforce a decentralised and unique

5 Corsica has a separatist movement, but this does not have a clear political ideology or widespread support from the native population of the island.

political system. Culturally or socially marginalised groups are granted rights in a much more direct manner than in France. More importantly, in India the State has not been given the same transcendental, religious value as it has in a country like France. India's long pre-independence experience of handling conflicts in a pragmatic manner through negotiation is of particular significance here.

The Indian culture of communitarian rights should be seen as an adaptation of democratic values to a society where the liberal language of individual rights and equality has hardly ever been used. Sociologically, it is based on a social structure where the notion of the unique individual is not a primary value in social life. A person is often encompassed by holistic principles that are embedded in the hierarchical orderings of group-based life. As revealed by most anthropological and sociological studies, India has traditionally been much more a society of castes and communities than of individuals. The paradox therefore lies in the following: the institutions of representative democracy have become deeply entrenched in India, to the extent that some commentators even speak of a Tocquevillian revolution in that country. Post-independence leaders succeeded in establishing a modern State at the core of Indian society. Yet this democracy is based on social realities different from those of Europe. The familial, caste and religious groups still play a crucial role in all fields of politics and social life, even if they alone cannot explain every election result. Indians have not been transformed into liberal political subjects. Primordial identities have so far not been dissolved.

Politically, tension arose between different and opposing schools of thought during the Constituent Assembly debates about the definition of the Indian State. Before World War II, Gandhi, a scathing critic of the Western system of democracy, wanted the religious (Hindu and Muslim) communities to be officially acknowledged. He saw the Indian nation as a collection of religious communities that should each be placed on an equal footing. By contrast, the modern intelligentsia and personalities such as Jawaharlal Nehru and Bhimrao Ambedkar (the principal author of the 1950 Constitution) were more inclined to identify the individual as the basis of the nation. Born into an untouchable caste, Dr. Ambedkar's main objective was to get rid of the caste hierarchy, which was rooted in group-based rights and duties, and empower the downtrodden who were oppressed by civil society. In Nehru's eyes, factories and dams were India's temples (Madan

2006: 88). For him, as for the French revolutionaries of 1789, religiosity was a sign of social backwardness. The death of Mahatma Gandhi in January 1948 contributed to a compromise between the two currents, to the clear advantage of Nehru. Militant Hindu nationalists from the Rashtriya Swayamsewak Sangh (RSS), for their part, were mostly worried at the time about the political influence of the religious (Muslim and Christian) minorities. They therefore backed Congress efforts to limit communalism and lay emphasis on national unity, to the detriment of cultural diversity (Jaffrelot 1996: 189-190).

To take just one example, it was through a consensus of this kind that the question of the Muslim electorate was resolved. During the colonial period, the Muslims obtained from the British a system of separate seats which allowed them to appoint their own delegates in the provincial assemblies. This system of double electorates, which gave the Muslims much greater importance than their actual number, was rejected by independent India and the 1950 Constitution with the support of most Hindu traditionalists, including those from the Congress party. By and large, the new arrangements were more favourable to the modern, universalistic group, whose moderate forms of multiculturalism eventually prevailed. It must be noted, however, that the RSS and the Hindu *Maha Sabha* indirectly supported Jinnah's thesis of two nations, against the Congress pretence of representing both Hindus and Muslims (Vora & Palshikar 2004: 21).

In the course of the following decades, the RSS and the other groups inspired by the Sangh Pariwar's Hindu nationalism increasingly defended what can be called an ethnicist view that was marked by chauvinism and attached to communitarian rights, especially on religious issues. In their view, Hinduism is not only a religion, but also the majority culture of India. The nation must consequently be founded according to Hindu rules and values. Religious differences are conceptualised in immutable civilizational terms: Hinduism and Islam are projected as two separate ways of life that differ from a fundamental perspective as well as in the details of everyday life. According to these radical activists, Muslims are not full Indian citizens: they remain alien, culturally and politically. This view is shared by a large number of Hindu religious people.

One of the most vexed issues therefore concerns the position of Muslims within the Indian Republic. The question of a possible uniform civil code and of the special rights that Muslims obtained from the government in

1950 in domestic affairs, mainly for tactical reasons, may be taken as an illustration. So far, Muslims, like other religious minorities, have enjoyed a separate set of laws as their 'personal law' in respect of divorce, marriage, parentage, inheritance, succession, religious and charitable endowments, and so forth, in accordance with the Shariat (though this is contested by Indian Muslim women activists: see Vatak (2008)). Since the very beginning, Hindu nationalists have opposed this concession and argued for a more unified view on such matters. Hindus, they argue, have accepted a reform of their own old code of laws, whereas the Muslims have obtained the privilege of preserving their own. What can be considered an anachronism from the secular republican point of view of the Constitution is repeatedly the object of interreligious controversies.

A well-known example is the Shah Bano case, the case of a seventy-year-old Muslim woman who was repudiated by her husband. In 1986, the Madhya Pradesh High Court tribunal refused at first to give her any compensation, basing its judgement on Muslim 'personal law'. The Supreme Court denounced this decision and decided to grant Shah Bano 'maintenance'. This judgement became a national controversy, with strong protests from many communities. Finally, Rajiv Gandhi's government rushed the Muslim Women Act through Parliament to nullify the Supreme Court's verdict, and as a concession to the conservative Muslim lobby. In fact, Muslims consider the constitutional right of religious freedom given to all citizens under the secular state as guaranteeing all religious communities the right to follow their 'traditional' law, sanctioned by religion. It is on this basis that the Muslim authorities defending their family laws opposed the Supreme Court's judgment in the Shah Bano case and still continue to oppose the idea of a uniform civil code which will entail modifications to their religiously sanctioned Shariat law (Larson 2001).

In recent decades both fundamentalist Muslims and radical Hindu formations such as the *Rastriya Swayamsevak Sangh* and the *Vishva Hindu Parishad* have tried to define the cultural boundaries of religion more sharply than before. These organisations have manipulated religious identities to a great extent, putting old syncretistic traditions and bi-cultural identities under severe pressure. The dramatic partition of the subcontinent on the basis of religious differences in 1947 (two countries for two religions), the rise of the Sangh Pariwar and the nationalist liturgies of the Hindu nationalists obviously challenge the viability of

the secularist model adopted in 1950. These events and phenomena run counter to the alternative traditions of cosmopolitanism and plurality which existed in pre-modern India. For instance, the former *jajmani* system of the exchange of goods and labour, which was widespread in rural areas, not only included Hindus, but members of all faiths in India. It provided a powerful countervailing force to the forces of communalism (Nandy 1999: 159). Creating a secular state in a religious society where the great majority of people are active followers of one religious faith or another is one of the predicaments the Republic of India is facing. Despite Nehruvian secularist ideas, national identity is so far not only based on the secular criterion of common nationhood. The State's constitutional secularism lacks a popular ideological basis. Some left-wing and Marxist intellectuals view communalism as an earlier stage of social development and expect that it will die out as the forces of secular individualism gain ground. Yet recent expressions of religiosity and ethnicity contradict this prediction. Indeed, contemporary adjustments to society and religion can be seen as deviations from this national, secular, universalistically informed statecraft and type of citizenship.

Another problem with present-day Indian democracy and with its special exercise of citizenship relates to the concessions the State has made to different groups and so-called indigenous populations (*adivasi*). The reservation system in favour of Scheduled Castes (SCs) and Scheduled Tribes (STs) has undoubtedly succeeded in promoting low-status groups and undermining the monopoly of high caste people in certain areas of employment. Yet this procedure has produced new, more competitive models of citizens and citizenry. It has created preferential rights for some categories of people to the detriment of others. The issue has become particularly contentious with the extension of these benefits to OBCs ('Other Backward Classes'), a wide range of groups which in some states amount to more than 70 per cent of the local population. Such a classification is questionable and poses several difficulties. First, it relies on the 1931 Census of India, which hardly reflects the present situation. Second, it does not recognise how fuzzy and fluid the boundaries are between OBCs and lower castes, especially in urban areas. Third, this classification is based on primordial social ties, on groups and castes, and therefore perpetuates the hierarchical system in a pernicious manner. As noted by A.M. Shah in a recent article (2007: 115-116), it is rarely realised that anyone who supports

caste-based reservations is also supporting the restriction of freedom of choice in marriage, by which caste boundaries are maintained. In other words, as paradoxical as it may seem, the affirmative action policy validates and perpetuates caste endogamy and hierarchical inequalities within society.

Moreover, the Scheduled Tribe status of some dominant groups has transformed densely tribal areas into ethnically-defined autonomous regions where only the so-called 'native' ST people are entitled to public employment or trade licences. In Meghalaya, for instance, nearly 85 per cent of public employment is 'reserved' (Baruah 2005: 183). This situation is very delicate in North-East India, which is made up of seven (or eight if Sikkim is included) fully-fledged states with plural societies and highly interwoven populations. According to Baruah (*idem*), the status of the non-tribals in these states is best described as that of *denizens*, an old term which denoted a person admitted to residence in a foreign country with only limited rights of citizenship. In all these areas, the rights to land ownership and exchange, and to business and trade licences, are restricted. Even the vast majority of seats in the legislatures of these mini-states are reserved for candidates belonging to the STs. This particular configuration of protective discrimination has led to extremely divisive politics between insiders and outsiders. Nepali immigrants, for instance, are turned into outsiders, even though their migration to the area may date back two or three generations. The introduction of similarly anachronistic ideas of exclusive homelands in demographically mixed situations has produced comparable conflicts in other parts of India. Such a balkanisation of whole areas in a mosaic of sacrosanct ethnic communities characterised by holistic traits undermines the very idea of civic equality. As far as these limited but well-documented cases are concerned, the achievement of India's peculiar form of democracy relies on systems of dual or variegated citizenship, i.e. citizenship with differentiated rights.

Transforming Nepal: new demands and experiments

The debate about citizenship in Nepal, as in India and in Europe, cannot be understood properly without a knowledge of the historical background. From this perspective, it is important to bear in mind that the construction of Nepal as a nation-state dates only from the end of the eighteenth and the beginning of the nineteenth century. It is the result of the conquests of

one man, Prithvi Narayan Shah, a Thakuri king of a tiny kingdom, Gorkha, located in the hills of central Nepal. This king proved to be a brilliant warrior and an excellent warfare tactician. He succeeded in conquering the Kathmandu Valley, as well as most of the small Hindu hill kingdoms and tribal chiefdoms to the west and to the east, over a relatively short period. He (and his immediate successors) unified the country which we know today as Nepal, and also conquered parts of Garhwal and Sikkim, which were retroceded not long afterwards to the East India Company which at that time dominated the subcontinent. Nepal became a Hindu kingdom, ruled by the Shah Hindu dynasty and some allied Parbatiya (Hindus from the hills speaking Nepali as their mother tongue) Kshatriya (or Chetri) families. The structure of power was extremely authoritarian and society was based on the hierarchical rules of the caste system. All power became rapidly concentrated within the hands of some upper Hindu caste families, such as the Ranas, who kept the country practically isolated from the rest of the world and intermarried routinely with the Shah dynasty. The great majority of people, in particular the ethnic groups from the hills, were excluded from positions of power and responsibility, except for a few, such as the Magars, who had assisted the Parbatiyas in conquering the country.⁶ The Ranas established a predatory socio-economic regime, exploiting the peasants' work and the country's resources exclusively for their own benefit. This autocratic patrimonial regime was overthrown in 1950 by Nepali democratic forces. It is only from these years onward that the country has opened its doors to the outside world.

From this brief historical outline, it follows that the Nepali kingdom was never colonised by the British. It retained most of its power independently from British India, though the British were happy enough to recruit soldiers in the Nepali hills and benefit from the help of Gorkha armies on occasion to repress revolts and various forms of resistance to their colonial rule. In other words, Nepal did not experience a nationalist movement such as the one that opposed the British in India and which was crucial to the making of the Indian nation after independence. The Nepali democratic movement was led by political parties which were banned in Nepal and loosely set up, at least in the beginning, in India. This movement succeeded

6 According to the 2001 Census, Nepal has 92 languages and is made up of 97 populations or ethnic groups (44 of them being 'Indo-Mongoloid').

in overthrowing the Rana dynasty in 1950 with the direct and indirect assistance of the Indian government. The revolutionary process can in no way be compared with the Indian nationalist movement. Admittedly, the political elite was often disconnected from the country's social realities and badly prepared to cope with the exercise of power. This explains, at least partly, the difficulties the democratic forces faced in transforming the country and in building a substantive democracy.

As a matter of fact, in spite of some reforms and the abolition of the caste system in 1964, the predatory character of the Nepali State did not change very much throughout the post-Rana period. Political and economic reforms were introduced, but power remained concentrated among the two high Parbatiya castes of Bahun and Chetri, belonging to the two higher Hindu *varna* of Brahman and Kshatriya. These two groups, which represent 31 per cent of the population, hold two-thirds of elite positions (Lawoti 2005: 103). Along with the Newars (the original inhabitants of Kathmandu Valley and the old commercial and intellectual elite of the country, who represent 5.5 percent of the population) they control most key positions in political assemblies, ministries, political parties, judiciary bodies, universities, the senior civil service, and so forth. During the partyless Panchayat period (1960-1990) and the first years of multiparty democracy,⁷ Bahuns and Chetris were able to maintain a 60 per cent presence in the legislature, and Newars just under 10 percent (Bennett 2006: 31). Bahuns in particular dominate entire sectors of government, economic and intellectual life and lead all major political parties. Such a concentration of economic, social and political power in the hands of a minority is a factor that limits democracy and a normal citizenship regime (Gurung 2006).⁸ One major deficiency of the Nepali political system as a whole is directly linked to this situation.

In matters of social inclusion, the Nepali State still lags far behind its southern neighbour. The 1990 Constitution states that all citizens are equal irrespective of their religion, race, gender, caste, tribe and ideology.

7 To translate the word 'democracy', the Nepali language uses three different terms: *prajatantra* (used during the king-led Panchayat period), *janatantra* and *ganatantra* (the last is widely employed in India, with the meaning in Hindi of 'republic'). However, *loktantra*, 'democracy for/by the people', is now the standard translation in Nepal. *Prajatantra* means 'rule of the people', but the word used for 'people' (*praja*) also means 'subjects [of the king]'.

8 'Citizen' is translated in Nepali and Hindi by *nagarik*, a word derived from the Sanskrit *nagara*, 'city'.

Nevertheless, the traditional caste hierarchy is still pervasive and all-encompassing—much more so than in India as far as inter-caste relations are concerned. It still relies very heavily on vertical links, unlike in modern India where castes have progressively undergone a separation from each other, and are more aligned along horizontal links. In Nepal, the shift from low and subordinated castes to assertive and independent communities demanding equal rights vis-à-vis other caste groups is still in its initial phase (Toffin 2007). Caste continues to be an important marker of social, economic and political life. Up to the present day, it has been an obvious source of segregation.

The result of this situation is that to a large extent the country's unity has not yet been achieved, or has only been achieved superficially, under the force of arms. The unification of the country in the eighteenth and nineteenth centuries, attained by force, never turned Nepal into a wholly centralised state. There is still a great deal of resentment on the part of certain sections of the population against the dominant Parbatiya castes who captured the tribal zones and confiscated power from former rulers or local chiefs. Until the declaration dated 18th May 2006 proclaiming Nepal as a secular state, the encompassing framework was that of a Hindu state (*hindu rastra*) in which Hinduism is the state religion. In official propaganda, the idea of 'the last Hindu kingdom in the world' has been used by the authorities to impose a specific identity on the country. In spite of this centralistic ideology, very different from the Indian republican and pluralist model, the power of the State remains limited. Until very recently, the Nepali authorities had not effectively reached beyond district and sub-district centre level and the government was weak and distant (Macfarlane 2007: 148). As witnessed by most anthropologists who conducted fieldwork in areas far from the capital during the 1970s and 1980s, two worlds have long existed side by side (and still exist, to a large extent): one belongs to the Kathmandu Valley and the administrative headquarters in the hills, another to the rest of the country, which is mostly rural. This allowed the Nepali Maoists to operate freely in rural areas where there were no State agencies to resist them during the People's War (*jan yuddha*), 1996-2006.

The fall of the monarchy and the establishment of the Democratic and Federal Republic of Nepal in May 2008 are still too recent for their impact upon the overall situation to be taken into consideration. At the time this

article was written, the new Constitution of the country had not yet been finalised and the new institutions were not yet in place. An anarchical situation prevails in most sectors of social and political life, and the Maoist radical communists (who ran the country from August 2008 till June 2009) have not yet wholly dismantled their separate administration. Besides, in matters of statecraft and citizenship, it is unlikely that such a change of political system will radically transform society within such a short period of time. The old political culture subsists in many ways within the new Republic. Alexis de Tocqueville, the aforementioned historian of the French revolution, stressed (contrary to popular views and preconceived ideas) the continuity of the monarchical regime and the post-revolutionary period in many areas of nineteenth century France. A similar statement could be made in relation to Nepal, at least in some sectors of socio-political life (religious-based hierarchies, strength of familial ties in public life, factional politics within the parties, elusive presence of local authorities in remote districts, prevalence of religion in a large number of issues, etc.). From a democratic viewpoint, one of the main concerns that Nepali leaders face today is to respond to the demands of the different sectors, whether geographical and ethnic, of society, and to transform a country based on strong hierarchical ties into a more equalitarian society.⁹ How can one achieve a substantive democracy beyond mere procedural and electoral procedures? How does one turn subjects into citizens?

Against this backdrop, it must be recalled that ethnic minorities comprise 37.2 percent of the Nepali population, including tribal groups from the southern plains. The figure is much higher than in India (roughly 8 percent of the population) and constitutes a specific feature of the Nepali social fabric. In 1990, a national organisation, the *Nepal Janajati Mahasangh*, or 'Nepal Federation of Nationalities', was founded, with 59 officially recognized communities each representing a *janajati* group with a separate collective identity and a distinctive traditional language. In 2003, this association became *NEFIN*, the 'Nepal Federation of Indigenous Nationalities' (*Nepal Adivasi Janajati Mahasangh*) (Onta, 2006: 308-325). One of the *adivasi/janajati* activists' main demands is for an appropriate reservation policy in favour of non-caste ethnic groups, similar to the compensatory positive

9 Equality is widely translated in Nepali by the word *samanta* (or *barabari*).

discrimination that exists in India.¹⁰ They are asking for the establishment of quotas at local and central level (education, public employment, seats on representatives bodies) to redistribute power between the various segments of the country's population. The system would guarantee the *janajati* 'indigenous nationalities' a fixed number of seats in Parliament and in other bodies a level of representation that is in proportion to their percentage of the population. So far, these aspirations have been either ignored, rejected or delayed. The presence of some representatives from the marginalized and most disadvantaged *janajati* groups in the Nepali Parliament might constitute a step towards the settlement of ethnic demands. However, there are three problematic issues. First, the question of the representativeness of the tribal elite has not been fully resolved: the Indian experience shows that the reservation system is of greater benefit to the tribal elites than to the Scheduled Tribes themselves. Second, the list of the *janajati* ethnic groups includes groups of very different economic levels: some are rich and advanced, others backward, disadvantaged, and endangered.¹¹ Third, the number of seats to be reserved and the list of the beneficiaries will have to be severely restricted, so that these measures do not contradict the individualistic premises of the 1990 (and Interim 2007) Constitutions and do not transform ethnic communities into mere pressure groups. The ethnicisation of politics may otherwise cause the political system to regress. It is not a question of rejecting the possibility of affirmative action, but of creating a system that best serves the interests of the marginalised communities themselves (Middletown & Schneiderman 2008: 39).

Janajati Mahasangh activists, conjointly with Maoist and other political parties, also present federalist demands (Toffin 2009). The reorganization of Nepal's State along federal lines is widely and passionately debated in the media and in political assemblies. There exists a wide range of proposals regarding these matters, which often contradict each other. It is not yet clear what will emerge in the near future and whether the chosen system will be a weak centre with powerful states, or vice versa. When the *janajatis* suggest dividing the country into twelve provinces or republics, with

10 Similar measures of affirmative action are demanded by Nepali Dalits.

11 Recently, NEFIN produced a classification of the 59 *janajati* groups based on their socio-economic status.

divisions based on ethnic and linguistic affiliations, they make claims to a specific territory over which they hope to exert political power, and which when appropriated will provide them with their distinct identity. Such a demand is widely contested. For instance, it is asked on what ethnic basis these provinces will be constituted: on the basis of the hypothetically indigenous people inhabiting the region, on the 'traditional homelands' of the different groups, or on the actual composition of the population? This question is crucial because the current profile of the population in the various districts of Nepal is mostly heterogeneous. With few exceptions, the hill and Tarai districts are populated by a large intermingling of castes and non-caste ethnic groups. The restructuring of the State along these lines and the formation of such mono-ethnic regions would therefore not be consistent with the present situation. It would generate either massive displacements of population, at heavy human and economic cost, or the emergence of new minorities. There is also the danger of intensifying the impulse to draw ethnic borders and of exacerbating feelings of resentment. In fact, in some activists' minds, the creation of twelve autonomous regions is obviously a means of ousting Hindus from power and of replacing them with leaders from registered *janajati* associations.

The advocates of ethnic rights argue emphatically that classical liberalism is not enough to protect the freedom and equality of different sociocultural groups in multicultural societies. For them, the 'inclusion of marginalised groups is a primary definition of democracy' (Lawoti 2005: 121). Besides, 'Members of different groups cannot become equal if groups are treated unequally by the State' (ibid: 121). Similarly, Maoist leaders dismiss parliamentary democracy as a façade which cannot solve the country's problems. They strongly support the ethnic demands of their 'ethnic liberation fronts' (*mukti morcha*) and strongly oppose what they call 'ethnic oppression'. The bone of contention lies in the fact that democracy¹² in Nepal will not work if it does not explicitly address the country's important ethnic cleavages and social inequalities by means of a radical ethnic policy. Yet regrettably, the two proposed methods of governance examined here— reservation and federalism— both of which have been designed to promote a more inclusive and pluralist policy, are not wholly

12 The Nepali communists' main objective is to establish a people's government, which they call a 'new democracy' (*naulo janabad*).

conclusive. A federal model constructed along ethnic and linguistic lines, in particular, would surely give rise to more problems than it would solve (Thapa 2007).

In addition, tension between the hills and the plains is a crucial issue in this Himalayan region. The Madhesi plain-dwellers, around 30 per cent of the Nepali population,¹³ are not integrated in the Nepali State and are not represented in proportion to their economic importance (the Tarai generates about two-thirds of Nepal's wealth). Their position is a very particular one. They often share deep cultural, linguistic, family and religious ties with people across the border in Bihar and Uttar Pradesh. They speak Indic plains languages (Awadhi, Bhojpuri, Maithili etc.) rather than Nepali as their mother tongues, and Hindi is widely used as the link language between the different Tarai communities. The border between India and Nepal itself is not impermeable but remains rather fluid. Both Nepalis and Indians may move and work across it without let or hindrance. Many Nepali Madhesis take their wives from India, and marry their daughters there in return (Gaige 1975: 22). As a matter of fact, the Kathmandu hill-centric political establishment does not consider Madhesis as entirely Nepali. For many years the Nepali Congress has treated the Tarai as a vote bank without offering any proportionate leadership positions to its native inhabitants. Progress has been made in some fields since 2008: the President of the new Democratic and Federal Republic of Nepal, Ram Baran Yadav, is himself a Madhesi, as well as the Vice-President, Parmananda Jha, who is a Maithili speaker. Yet there is still considerable suspicion. The fact that the afore-mentioned Vice-President took his oath of office in Hindi during the swearing-in ceremony (23 July 2008) provoked an animated debate and a writ petition has been filed in the Supreme Court.¹⁴ The Tarai issue, especially in eastern districts, is currently a source of bitter conflict between the Parbatiyas or Pahade (hill-dweller) immigrants and the Madhesi plains-dwellers. The grievances accumulated over the decades can suddenly erupt at any moment. In January-February 2007, in an unprecedented Madhesi movement about 40 people were killed, most of them by the police. One of the issues was and still is the question of the

13 The Tarai as a whole actually contains more than 50 per cent of Nepal's population, many of whom come from the hills.

14 The Supreme Court nullified the oath on 23 August, 2009, stating that the 2007 Interim Constitution requires this to be taken in Nepali.

issuing of citizenship certificates: traditionally, the people of the Tarai have more difficulty in getting such a certificate from state agencies than people from the hills.¹⁵ However, the Madhesis are now claiming more than inclusive political citizenship in Nepal. They are seeking full recognition of their role as well as the right to be different. New Tarai political parties are calling for political autonomy: they want ‘one Madhesh, one Pradesh’, an autonomous region extending from the eastern to the western border. Other Nepali parties and groups do not accept such a proposal because they believe it would undermine the very unity and integrity of the country. Today, the political landscape in these plains is therefore characterized by uncertainty and a confrontational mood.¹⁶ In this sector too, the fall of the monarchy has opened a Pandora’s box with all the signs of dissension and division.

Is the Indian model, with its strong Union government and its weaker federative states, of any help to Nepal as it debates these federal issues? After all, India has accommodated its extreme cultural and geographical diversity by creating a number of linguistic and regional states. However, giving relevance to such a federalist structure in Nepal presents some difficulties. One of them is that most of the proposed Nepali regions do not have the long and rich cultural heritage which characterises the Indian regions. Besides, the Sanskrit-based common legacy which binds together the different regions of India is lacking in Nepal (Sharma 2008: 161). Likewise, the Western parliamentary system, whether it be French or British, is obviously not sufficient in such a multiethnic and deeply-rooted hierarchical society to correct the flaws of the previous discriminatory nature of the State. A new model of citizenship has to be invented.

Conclusion

As stated at the very beginning of this discussion, definitions of citizenship oscillate between an Enlightenment impulse towards universal *anthropos* and a particularistic (or holistic) impulse towards a relative *ethnos*. In practice, no pure, unmixed system of any sort is to be found at present on the planet; only hybrid regimes prevail. Consequently, conceptions of citizenship are

15 It is estimated that about 4.2 million Nepalis do not hold a citizenship certificate (personal communication, Deepak Thapa, August 2010). My thanks also to Gunaraj Luitel for information on the subject.

16 On the contemporary Tarai situation, see Jha (2007), Thapa (2007) and Gellner (2007).

today marked in most countries by manifold tensions and interactions between the two models mentioned above. A South Asian country such as India defends universalistic declarations in its Constitution (legal equality of all citizens irrespective of their origin, religion, caste) while at the same time it guarantees private laws for religious communities, for instance Muslims and Christians, in some private familial affairs. Furthermore, the Republic of India establishes various forms of constitutionally-approved positive discrimination in favour of disadvantaged groups, and protective measures for cultural pluralities. It has gone very far in the federal direction to accommodate internal diversity. Nepal, which until very recently was marked by a much more Hindu-dominated universalistic model, is today tempted to follow the way taken by India sixty years ago. Interestingly, Maoist and Marxist-Leninist Nepali leaders support ethnic federalist demands which oppose the ideal universalism of the Communist Revolution (defined initially in the West) as being free of nationalities and cultures. Adjustments to contemporary realities also need to be underlined in this case.

Similarly, in Europe as in North America, contemporary governments have adopted measures in favour of ethnic or religious minorities. These endeavours have met with unquestionable success, although some European Community countries such as the Netherlands have felt compelled to revise their multiculturalist policy due to perceptions that its effects have been pernicious and disruptive. Even France, whose archetypal Revolution model is said to be blind to difference and minority cultures, is gradually starting to consider some forms of affirmative action. The recent widespread riots (2005) in the suburbs of major French cities clearly show the shortcomings of the former centralist policy. Solutions are being experimented with all over the world which attempt to combine citizenship and diversity. Each country is trying to accommodate differences through measures such as decentralization, local autonomy, federalist structures, liberal language policies, and so forth. The result is a series of complex, even contradictory, arrangements and forms of citizenship that are peculiar to each state. A noteworthy dissimilarity is that national boundaries are being reinforced throughout South Asia, unlike in Europe, where a post-national policy is being conducted. The European Community is attempting to engender a sense of collective identity by developing symbols typically associated with a modern

nation-state (flag, harmonised passports, etc.), though admittedly with only limited success.

The multiculturalist model has its limitations, however. Contemporary expressions of cultural and religious identities pose a challenge to the very principles of civil equality and individual liberty. Countries which have defined their internal boundaries along holistic lines have obviously encountered problems. Forces of disruption and division, riots and communal conflicts are on the rise everywhere in South Asia and ethnic absolutism is clearly a danger to democracy. In Nepal, for instance, the bipolar configuration constructed by ethnic associations which present the Parbatiya Hindu castes and the ethnic *janajati* as two exclusive and antagonistic communities is divisive. Furthermore, it simplifies a much more complex situation if viewed from a historical viewpoint (Toffin 2009). The notion of universally valid citizenship beyond cultural differences seems more like an ideal than a feasible objective. Theoretically, the universalistic model beyond essentialist cultures and parochial identities safeguards individuals' rights to hold cultural conceptions of the good which may be conflicting and incommensurable. Wherever it is accepted, the primacy of citizenship over culture and of universalism over specificity has to be reaffirmed. It is, after all, the only way of preserving the rights of the individual and of ensuring equality for all. However, it must be admitted that these ideas are less and less accepted by minorities all over the world. In some cases, membership of a specific cultural nation may even be denied. In many others, criticism of cultural hegemony is a key element in recasting the substance of citizenship today.

To conclude, I would like to quote some lines from a recent contribution written by two British anthropologists and published in a special issue on citizenship of the *Journal of Social Anthropology*:

Citizenship demands ethnographic investigation. What is salient to people in respect of their rights in a given civil society? How do people make use of the idea of citizenship, if at all? What does it mean to them? What practices and/or obligations do they think it entails? Do some people take citizenship for granted and, if so, who are they and how do they conceive of their relation to the state? (...). For us anthropologists, the issue is not what model of citizenship we should endorse but rather what ethnography can do to analyze how these key categories—

citizenship and culture—are being constituted anew in the practices of their everyday lives by particular people(s) in particular times and places. The challenge of contemporary ethnography is to render analytical the categories people use to talk about themselves, their lives and their ideas of the world (Ourrossof & Toren, 2005: 208-209).

Although these ideas lack a sociological perspective, they constitute a valuable and meaningful programme for ethnographic study. They point convincingly to the large variety of citizenship procedures throughout the world and to the necessity to go beyond legal rights for a better understanding of local situations. All in all, there is a need to expand the political vision and put the concept of citizenship in context. The anthropologist, who knows how to view things from below, through micro-local enquiries, is in a position to pay attention to the point of view of ‘the governed’. He is apt to approach the process of citizen-making in empirical terms and deal with such subjects as the work of NGOs and political organisations, the effects of corruption, the persistence of caste bonds in the political world, the relationships between gender and politics, models of governance, degrees of empowerment, and the like. All of these themes reveal imperfect modes of being citizens and complex modes of negotiation between individuals and groups. They bring to light citizenship in the making, and could contribute to a renewed reflection on contemporary forms of politics (Neveu, 2008: 298). Such an anthropology gives substance to political studies and is of more significance than studies of modes of election to assemblies or types of alliance between various political parties. Certainly, citizenship—which concerns the very functioning of societies—is a relevant subject for social anthropologists.

References

- Anoussamy, D. 2001. *Le Droit Indien en Marche*. Paris: Société de Législation Comparée.
- Baral, L.R. (ed.) 2008. *Nepal: New frontiers of restructuring of state*. Delhi: Adroit Publishers.
- Baruah, S. 2005. *Durable Disorder: Understanding the politics of Northeast India*. Delhi: Oxford University Press.
- Bénéï, V. (ed.) 2005. *Manufacturing Citizenship: Education and nationalism in*

- Europe, South Asia and China*. London: Routledge.
- Bennett, L. (ed.) 2006. *Unequal Citizens: Gender, caste and ethnic exclusion in Nepal*. Department for International Development/The World Bank.
- Birnbaum, P. 1993. 'La France aux Français': *Histoire des haines nationalistes*. Paris: Seuil.
- Birnbaum, P. 1996. 'Sur la citoyenneté'. *L'Année Sociologique* 46 (1) : 57-85.
- Craith, M.N. 2005. 'Discussion; anthropology and citizenship: a rejoinder'. *Social Anthropology* 123 (2): 211-213.
- Culas, D. 2004. *Citoyenneté et Nationalité*. Paris: Gallimard (Folio).
- Déloye, Y. 1994. *Ecole et Citoyenneté: L'individualisme républicain de Jules Ferry à Vichy: controverses*. Paris: Presses de la FNSP.
- Dumont, L. 1970. *Homo Hierarchicus: The caste system and its implications*. Chicago: University of Chicago Press.
- Fuller, C.J. & V. Bénéï (eds.) 2000. *The Everyday State and Society in Modern India*. New Delhi: Social Science Press.
- Furet, F. 1995. *Revolutionary France, 1770-1880*. Oxford: Blackwell.
- Furet, F. & M. Ozouf (eds.) 1988. *Dictionnaire Critique de la Révolution Française*. Paris: Flammarion.
- Fumarolli, M. 2006. *Exercices de Style*. Paris: Gallimard.
- Gaige, F. H. 1975. *Regionalism and National Unity in Nepal*. Berkeley: University of California Press.
- Gellner, D.N. 2007. 'Caste, ethnicity and inequality in Nepal'. *Economic and Political Weekly* May 19: 1823-1828.
- Gellner, D.N., J. Pfaff-Czarnecka and J. Whelpton (eds.) 1997. *Nationalism and Ethnicity in a Hindu Kingdom: The politics of culture in contemporary Nepal*. Amsterdam: Harwood Academic Publishers.
- Gellner, D.N. & K. Hachhethu (eds.) 2008. *Local Democracy in South Asia: Microprocesses of democratization in Nepal and its neighbours*. Delhi: Sage Publications.
- Gurung, H. 2005. 'Affirmative action in Nepalese context'. In *Readings on Governance and Development* 4: 1-14. Kathmandu.
- Gurung, H. 2006. *From Exclusion to Inclusion: Socio-political agenda for Nepal*. Lalitpur: Social Inclusion Research Fund.
- Hangen, S. 2007. *Creating a 'New Nepal': The ethnic dimension*. Washington: East-West Center (Policy Studies 34).
- Heater, D. 2004. *A Brief History of Citizenship*. Edinburgh: Edinburgh University Press.

- Jaffrelot, C. 1996. 'Le multiculturalisme indien à l'épreuve. Le cas des débats constitutionnels'. *L'Année sociologique* 46(1): 187-210.
- Jha, P. 2007. 'Madhes rises'. *Himal Southasian* 20(8): 32-9.
- Larson, G.J. 2001. *Religion and Personal Law: A call for judgment*. Bloomington: Indiana University Press.
- Lawoti M. 2005. *Towards a Democratic Nepal: Inclusive political institutions for a multicultural society*. Kathmandu: Mandala Book Point/Sage Publications.
- Macfarlane, A. 2007. 'Digital Himalaya: Nepal in context'. *European Bulletin of Himalayan Research* 31: 143-153.
- Madan, T.N. 2006. *Images of the World: Essays on religion, secularism, and culture*. Delhi: Oxford University Press.
- Marshall, T.H. 1977. *Class, Citizenship and Social Development*. Chicago: University of Chicago Press.
- Martin Chautari 2009. 'Update on the Constituent Assembly'. *Policy Brief* no. 2 (October). Kathmandu: Martin Chautari.
- Mauss, Marcel 1969. *Oeuvres* vol. 3. *Cohésion Sociale et Divisions de la Sociologie*. Paris: Editions de Minuit.
- Middletown T. & S. Shneiderman 2008. 'Reservations, federalism and the politics of recognition in Nepal'. *Economic & Political Weekly*, 43 (19): 39-45.
- Mitra, S.K. 2008. 'Level playing fields: the post-colonial state, democracy, courts and citizenship in India'. *Germany Law Journal* 9(3): 343-66.
- Nandy, A. 1999. 'Coping with the politics of faith and culture: between secular state and ecumenical traditions in India'. In *Ethnic Futures: The state and identity politics in Asia*, edited by J. Pfaff-Czarnecka, D. Rajasingham-Senanayake, A. Nandy et al, pp. 135-166. Delhi: Sage Publications.
- Neveu, C. 2005a. *Anthropologie de la citoyenneté*. Dossier HDR, Aix (unpublished document).
- Neveu, C. 2005b. 'Discussion: anthropology and citizenship'. *Social Anthropology*, 13(2): 199-202.
- Neveu, C. 2008. 'Introduction: citizenship'. *Anthropologica* 50: 295-301.
- Ong, A. 1999. 'Clash of civilizations or Asian liberalism? An anthropology of the state and citizenship'. In *Anthropological Theory Today*, edited by Henrietta L. Moore, pp. 48-72. London: Polity Press.
- Ong, A. 2005. 'Citizenship'. In *A Companion to the Anthropology of Politics*, edited by D. Nugent and J. Vincent, pp. 55-68. Oxford: Blackwell Publishing.

- Onta, P. 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.
- Ouroussoff A. & C. Toren 2005. 'Discussion: anthropology and citizenship'. *Social Anthropology*, 13(2): 207-209
- Pfaff-Czarnecka, J. 1999. 'Debating the state of the nation: ethnicisation of politics in Nepal. A position paper'. In *Ethnic Futures: The state and identity politics in Asia*, edited by J. Pfaff-Czarnecka, D. Rajasingham-Senanayake, A. Nandy et al, pp. 41-98. Delhi: Sage Publications.
- Shah, A.M. 1996. 'The judicial and sociological view of Other Backward Classes'. In *Caste: its twentieth century avatar*, edited by M.N. Srinivas, pp. 174-94. Delhi: Penguin Books.
- Shah, A.M. 2007. 'Caste in the 21st century: from systems to elements'. *Economic and Political Weekly* 44(42): 109-116.
- Sharma, P.R. 2008. 'Restructuring the state in South Asia: some impressions and ideas'. In *Nepal: New frontiers of restructuring of state*, edited by L.R. Baral, pp. 145-65. Delhi: Adroit Publishers.
- Thapa, D. 2007. 'Toward 22 November [2007]'. *Himal Southasian*, 20(8): 19-25.
- Tocqueville, A. de 1953. *L'Ancien Régime et la Révolution*. Paris: Gallimard.
- Toffin, G. 2007. *Newar Society: City, village and periphery*. Lalitpur: Social Science Baha/ Himal Books.
- Toffin, G. 2009. 'The janajati/ adivasi movement in Nepal: myths and realities of indigeneity'. *Sociological Bulletin* 58(1): 25-42.
- Vora, R. & S. Palshikar (eds.) 2004. *Indian Democracy: Meanings and practice*. New Delhi: Sage Publications.
- Veen, P. van der 1988. *Religious Nationalism: Hindus and Muslims in India*. Delhi: Oxford University Press.
- Vatuk, S. 2008. 'Islamic feminism in India : Indian Muslim women activists and the reform of Muslim personal law.' *Modern Asian Studies* 42(2-3): 489-518. (Special double issue on *Islamic Reform in India*, edited by F. Osella and C. Osella.)