TERMS OF INCLUSION: NOTES ON THARU INDIGENOUS ACTIVISM AFTER 2015

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Abstract
This article explores the state of contemporary Tharu indigenous activism in western Tarai. It reviews the historical evolution of Tharu activism since the mid-twentieth century and up to the Tikapur incident in 2015 and provides ethnographic analyses of contemporary activities aimed at reinvigorating Tharu cultural practices. The article discusses writings on Tikapur incident immediately after the event, and the ways in which the words, "identity" and "rights," were used in them. Terence Turner's anthropological understanding of universal human rights and the politics of indigenous people's struggles is discussed, in order to reexamine the relationship between claims of collective identity and human rights. The article presents ethnographic sketches from contemporary western Tarai, including those relating to everyday interactions between the Tharu and non-Tharu, and a public speech made by a Tharu activist advocating the official recognition of a Tharu system of local self-governance called *baḍghar prathā*. Following Turner's argument, the article seeks to understand these contemporary Tharu activities as attempts to exercise their human capacity for the production of cultural difference—a "universal right to difference"—and argues that social inclusion should be understood as a process in which heterogeneous elements are included in a wider society while retaining their heterogeneity and differences.

Key words: Indigenous Rights, Human Rights, Social Movements, Inclusion, Self-governance, Ethnicity

Introduction
On August 24, 2015, in Tikapur, during a large demonstration demanding a Tharu federal province, there were violent clashes in which seven police officers were killed. A few hours later, the infant child of a police officer was shot to death outside his house. The Tikapur incident happened four

Studies in Nepali History and Society 28(1): 173–221 June 2023
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months after the Gorkha earthquake which caused the death of about 9,000 individuals in central and eastern Nepal. After the earthquake, the main political parties of Nepal agreed to speed up the constitution writing process that had been stalled for many years. The "identity-based federalism," that the Tharu and many other groups demanded, had already experienced a major set-back in 2013, with the electoral weakening of the political parties in favor of it, in the second Constituent Assembly elections. The earthquake provided further strength and momentum to calls for "national unity," and against demands and claims based on ethnic identity. "*Ma cāhĩ Nepali,*" a song by Smriddhi Rai, which became popular in the period immediately after the earthquake, reflected the sentiment. She sang, in part:

> Who is *ādivāsī*, who is *Janajāti*, aren't we all one? So, to those who differentiate castes/ethnicities (*jātbhāt chuṭyāune*), say this: Who are you, I don't know, for my part, I am a Nepali.

The "fast-track" constitution writing process produced a draft constitution that virtually abandoned identity-based federalism.

The Tikapur incident occurred against this backdrop. The violence was condemned in the mainstream media and Social Network Services (SNS). Following the incident, there were severe crackdown by the security forces and rioting against the Tharu population in Tikapur and the surrounding area. As we shall see later in this paper, even some of the writings sympathetic to the Tharu protesters, seemed reluctant to characterize their movement as an "identity" (*pahicān*) movement. They instead emphasized that the Tharu were mobilizing for their "rights" (*adhikār*). One of the main conceptual tasks of this paper is to reexamine the relationship between the claims of collective identity and human rights.

The six-month economic blockade at the Nepal-India border immediately after the promulgation of the new Constitution provided further fuel for stirring nationalistic sentiments. K.P. Sharma Oli, who became the Prime Minister of Nepal after the first general elections under the new Constitution, utilized the anti-India sentiments to his advantage making tough statements against India. During and after the general elections in 2017, he called on the Nepali people "to unite" behind his slogan, "Prosperous Nepal, Happy Nepali" (*Saṁbṛddha Nepal, Sukhī Nepali*). He argued that political stability after the long transition period provided an invaluable opportunity for a rapid

economic development of the nation. In his speeches, themes such as the following were emphasized: high rate of economic growth; development and full utilization of the possibilities of human capital; accessible and modern infrastructure; attracting foreign direct investments; good governance; and rule of law.[1] In such discourse, the Nepali population emerge most prominently as economic agents, both as factors of production (as "human capital") and consumption; the claims made on behalf of ethnic identity recede further into the background.

More than seven years after the Tikapur incident and the promulgation of the new Constitution, most of the Tharu activists I know in western Tarai do not think that the redrawing of federal boundaries for the establishment of a Tharu province is a realistic goal at present. However, that does not mean that they have decided to dedicate themselves to the activities for "prosperity," as members of a homogeneous Nepali citizenry. In addition to pursuing their own economic wellbeing, they are also engaged in activities aimed at reproducing and strengthening distinctively Tharu ways of life. The purpose of this paper is to explore what is at stake in their work of cultural production. In the course of this article, I will be arguing that such work involves reflexive imagination about alternative social universes.

I will begin my discussion with a brief reflection on the meaning of the term "social inclusion." Then, I will look back at the evolution of Tharu activism leading up to the Tikapur incident. In reviewing the history, I provide accounts of wider socio-political contexts as well as some detailed accounts of the internal heterogeneity and shifts within Tharu activism. I do this to illuminate the historically contingent ways in which Tharu movements evolved, and how diversely positioned actors chose their course of action in those contexts. I follow this historical account with a discussion on the writings on Tikapur incident immediately after the event, and at the ways in which the words, "identity" and "rights," were used in them. I then turn to discussing Terence Turner's anthropological understanding of universal human rights and the politics of indigenous people's struggles, in order to reexamine the relationship between claims of collective identity and human rights. Finally, I present three ethnographic sketches from my research in western Tarai from December 2022 to January 2023 relating to the contemporary production and reproduction of Tharu identity. The

[1] See for example, Basnet (2075 v.s.) and Setopati (2076 v.s.).

first ethnographic sketch relates to everyday interactions between the Tharu and non-Tharu. The second scene is from a general meeting of a Tharu cooperative. The third is a public speech made by a Tharu activist advocating, among other things, the official recognition of and funding for a Tharu system of local self-governance called *baḍghar prathā.* This article, following Turner's argument, seeks to understand these contemporary Tharu activities as attempts to exercise their human capacity for the production of cultural difference, a "universal right to difference," and argues that social inclusion should be understood as a process in which heterogeneous elements are included in a wider society while retaining their heterogeneity and differences.

Social Inclusion

What is the meaning of the term "social inclusion," which became a major keyword in Nepal's post-conflict transition period?[2] Here is my own understanding of the term. Social inclusion is an antonym for "social exclusion." There are other words that had once been considered antonyms of exclusion, such as "assimilation" or "integration" as well as "subsumption." The term subsumption is used in political economy and geography when considering the process by which an economy or society incorporates exogenous entities. For example, it is used to discuss the process by which subsistence farmers are transformed and incorporated into the capitalist mode of production. Incidentally, or not so incidentally, both "inclusion" and "subsumption" are translated into Japanese as *hōsetsu*.[3]

[2] The text in this section is a revised and translated version of the opening passage of Fujikura (2017). The rest of the article is written originally for the purpose of this publication.

[3] In 1982, Harka Gurung called the constant reinvention of development terminology as a "cavalcade of concepts" (quoted in Panday 1983b: 189). The key terms, such as social inclusion, need to be understood as having substantially different meaning from the terms that they have ostensively replaced, if they were not to serve only as "masks" for hiding some unpleasant reality (see Des Chene 1996: 268–269). In 2007, Dutch INGO, SNV and Nepali NGO, Sagun published a handbook on social inclusion for development workers. In preparing the handbook they held a discussion on the proper translation of the term "social inclusion" into Nepali. The writer, Khagendra Sangraula was not happy with the term "*sāmājik samāveśīkaraṇ*," which was already in use, and proposed "*sāmājik sāmelī*" which, he argued, was more

If inclusion, as discussed in Nepal, had a meaning different from assimilation, integration, or subsumption, at least as an ideal, what did it mean? For example, if inclusion as a subsumption is the process by which something that is joined to the world system as heterogeneous is eventually integrated while losing its heterogeneity, then the key issue for inclusion as inclusion is for the heterogeneous to be joined with the wider society while preserving their heterogeneity and differences in some ways.

There is also the question of what happens on the side of the larger "society" when we speak of social inclusion. When the terms "assimilation" and "integration" were used, it was thought that there would be no fundamental change in the society before and after assimilating or integrating those that are heterogeneous, whereas in the case of social inclusion, more emphasis could be placed on changes on the part of the wider "society" itself.

The Evolution of Tharu Activism and the Tharuhat Movement

A History of Tharu Activism

The Tharu activists in western Tarai, whom I have known for almost three decades now, did not always define what they were engaged in

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colloquial. However, the organizations decided to use "*samāveśīkaraṇ*" in the end (Suresh Dhakal, personal communication). The handbook emphasizes the existing socio-cultural diversity in Nepal and the importance of respect towards and equal treatment of different groups. Importantly, under the heading, "human rights," which is listed as a term related to social inclusion, a right to "sustain one's own cultural identity (*sāṁskṛtik pahicān*)" is explicitly stated along with other rights (SNV and Sagun 2007: i). "*Hōsetsu*" is a Japanese word that can be translated as inclusion, subsumption or encompassment. It is a technical word, not commonly used in daily conversations. The word in itself describes the objective state of things and does not have a positive or negative connotation except in cases where it is used as a word for translating the idea of social inclusion into Japanese. In this article I write these tangential notes on Japanese usage to flag the complexity involved in the translation of globally circulating English words into other languages. There is a certain de-naturalizing effect on, and potential for alternative interpretations of, the word that comes with translation. See also Devendra Raj Panday's argument on the importance of carefully looking at the "metabolic" process involved in receiving "foreign aid," including foreign ideas (1983a: v).

as "indigenous" activism.[4] The oldest pan-Tharu organization, Tharu Kalyankarini Sabha, was formally founded in 1949 and traces its origin to the 1920s. In the beginning, their main concern was with eliminating what they considered "bad habits" among themselves, such as child marriage, polygamy, consumption of alcohol and overspending on festivities, and emulating the habits of the higher castes such as Chhetri.[5] Krauskopff argues that, from the 1950s and into the Panchayat era (1960–1990), the Sabha became a "political platform" for the Tharu "elite to reach the central sphere of authority" of the Nepali state (2003: 208). In 1956, Tharu Kalyankarini Sabha participated in the formation of Pichhadiyeka Varga Sangathan (the Backward Class Organization), along with Gurung Kalyan Sangh, Kirant League and Dalit Sangh (Gurung 1997: 526). With the arrival of the Panchayat regime, the activities of these organizations were suppressed, and the general conference of the Tharu Kalyankarini Sabha was not held during the 1960s and the 70s. However, the referendum announcement in 1979 marked the beginning of a period more favorable to ethnically based activities, and Tharu Kalyankarini Sabha's general conferences resumed in 1980 (Krauskopff 2003: 207–208). Harka Gurung (1997: 526) notes that the open expressions of ethnic demands were encouraged by the regime's attempt to seek support from minority groups for the Partyless Panchayat System as well as the inclusion of members of ethnic groups and Dalit castes in the Constitution Recommendation Committee.

Krauskopff observes that, although the Sabha served as a "political platform" for the Tharu elite, it never acted as a political party.

> During the time of its close association with the dominant oppositional force of the Nepali Congress, it emphasized the modern discourse of

[4] More specifically, I am here speaking of Tharu activists whom I have known since the mid-1990s, who live in Dang, Banke, Bardiya, Kailali and Kanchapur Districts, but who trace their origin to Dang (i.e., either themselves or their parents are from the Dang Valley). On the internal diversity and the historical construction of the "unity" of the Tharu people across the Tarai, see Guneratne (2002). For a review of Guneratne (2002), see Fujikura (2004).

[5] In that way, their main concerns appeared similar to those of "caste reform movements" in India (Krauskopff 2003: 205–206). On Tharu Kalyankarini Sabha, see also Sarvahari and Chaudhary (2073 vs: 19–50) and Guneratne (2002: 125–151). For a classic discussion on caste reform movements, see Srinivas (1956).

> social reform and education, the struggle against backwardness which could be removed through education, and the suppression of "bad habits" like drinking and feasting. (Krauskopff 2003: 208)

Social reform and development were the dominant tropes that defined the Sabha's activities until the end of the 1980s.

The 1990 Constitution defined Nepal as a multilingual and multiethnic constitutional monarchical kingdom (Article 4). Nepal Janajati Mahasangh (Nepal Federation of Nationalities, NEFEN) was established in 1990, and Tharu Kalyankarini Sabha joined the Mahasangh in 1992 as the sole representative of the Tharu. According to Krauskopff (2003: 20), the Sabha in the 1990s developed a strongly culturist orientation, organizing large-scale singing and dancing events and supporting the publication of Tharu literature, in addition to the continued emphasis on development programs and serving as a political platform for the elite.

Backward Society Education (BASE) is a major grassroots Tharu organization that emerged in western Tarai toward the end of the 1980s.[6] The organization, which first started as a 4-leaf youth club[7] in a village in Dang, named itself Shramik Mukti Sangathan (Organization for Laborers' Liberation) by the end of the 1980s while working for the rights of Tharu agricultural laborers. When they officially registered as a non-governmental organization, they changed their name to BASE, in part because the name Shramik Mukti Sangathan evoked a sense of communist affiliation that the organization did not have.[8] Nonetheless, BASE, an apparently more apolitical English name, reflected their understanding of the nature of their

[6] For details on the origin and evolution of BASE, see Krauskopff (2003: 216–232) and Fujikura (2007: 328–347).

[7] "4-leaf youth club" derives from 4-H youth clubs that were initiated in 1920s in the United States by the agricultural extension service for the rural reconstruction. The emblem of 4-H club is four-leaf clover. The pledge of 4-H club is as follows: "I pledge, My Head to clearer thinking, My Heart to greater loyalty, My Hands to larger service, and My Health to better living, for my Club, my Community, and my Country." The founding members of BASE were approached in 1986 by the members of No-frills, a consulting firm that was implementing USAID's Vegetable, Fruit, and Cash Crops Programs (VFC), to form a 4-leaf club (Fujikura 2013: 228–229).

[8] The name Shramik Mukti Sangathan came from a tribal rights organization bearing the same name (Sramik Mukti Sanghatana, in Marathi) active in Thane district

community and work. Tharu was a "backward society." Their backwardness (compared with other groups, such as the high-caste hill Hindu) was due to a lack of education. As the founder of BASE, Dilli Bahadur Chaudhary, repeatedly stated that the Tharu lost their land largely because of their illiteracy. Therefore, adult literacy classes were the core activity of BASE. As Krauskopff (2003: 216–232) and others have remarked, BASE has many aspects. Initially, the core concern was the plight of the Tharu agricultural laborers. It sought to address the issue both by collective mobilization against landlords and through more developmentalist approaches such as literacy education and income generation activities. It has been a Tharu organization, with founders and core members being Tharu, while also working with and for the non-Tharu, functioning as an ordinary development NGO with funding from development agencies. It also appealed to a universalist (as opposed to a purely ethnic) human rights discourse when it worked for the freedom of *kamaiyā*, agricultural bonded laborers.

BASE contrasts in many ways with Tharu Kalyankarini Sabha. Whereas Sabha was led by the landed Tharu elite, BASE was initiated by a "rebellious" (Krauspkoff 2003: 219) rural youth, whose family was landless sharecroppers at the time. While the Sabha was a platform for the Tharu elite to gain access to the center of state power, BASE, especially at the beginning, consciously tried to circumvent and bypass the official structures of the Nepali state. The founder of BASE, Dilli Bahadur Chaudhary, often recalled his distrust of formal electoral politics and the government system dominated by the high-caste Hindus. BASE utilized Tharu institutions for self-governance, including *kyāla* (village meetings) and *baḍghar prathā* (traditional local leadership system, discussed later), to organize and expand their activities. With regard to geographic regions, Sabha has a strong base in eastern Tarai, but BASE activities are concentrated in five districts of western Tarai (Dang, Banke, Bardiya, Kailali and Kanchanpur). Nonetheless, BASE and Sabha share their embrace of the discourse on development. They collaborated in various activities, including the organization of major Tharu cultural programs in the 1990s.

As mentioned above, Tharu Kalyankarini Sabha became a member of Nepal Janajati Mahasangh (NEFEN) in 1992. NEFEN contrasted with Pichhadiyeka Varga Sanghathan (Backward Class Organization), of which

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of Maharashtra, India, led by advocate Vijay Sathe, whom Dilli Bahadur Chaudhary came to know, and was inspired by toward the end of 1980s.

Sabha became a member in 1952. While Pichhadiyeka Varga Sanghathan included Dalit Sangh, NEFEN rejected the membership of Dalit organizations "on the grounds that their cultural identity is ineluctably Hindu" (Gellner 1997: 22). In December 1993, the General Assembly of the United Nations passed a resolution calling for a decade of Indigenous Peoples (1995–2004). In response, NEFEN, along with other interested parties, organized a national convention of the Nepali Indigenous People on March 23–26, 1994. Harka Gurung, one of the key intellectuals in the *Janajāti* movement,[9] summarized the characteristics of the indigenous people defined in the convention as follows:

> 1) non-Hindu, animist believers; 2) possessing territory and language; 3) deprived of tribal resources; 4) devoid of policymaking role; and 5) egalitarian, opposed to caste [hierarchy]. (Gurung 1997: 527)[10]

This definition thus emphasized the indigenous peoples' differences from and oppression by the dominant Hindu castes (cf. Nawa 2017: 64). In 2001, Nepal Janajati Mahasangh renamed itself Nepal Adivasi Janajati Mahasangh (Nepal Federation of Indigenous Nationalities, NEFIN) to better align with the global indigenous rights discourse. In 2002, the Nepali state officially recognized fifty-nine indigenous groups, including the Tharu, through the Act to Establish the Adivasi Janajati Utthan Rastriya Pratisthan (National Foundation for the Development of Indigenous Nationalities, NFDIN). In 2007, Nepal ratified the Indigenous and Tribal Peoples' Convention (International Labor Organization Convention 169), becoming the first country to do so in Asia.

Terence Turner provided an account of the political-economic context of the global ascendance of indigenous rights movements.[11] Turner observes that the growth of indigenous movement is an example of a more general

[9] On the role of Harka Gurung and other key intellectuals in the *Janajāti* movement, see Onta (2006: 331–336).

[10] The full text of the definition is quoted in Gellner (1997: 20–21) and Onta (2006: 311).

[11] There are many writings in different social science disciplines that explore the relationship between globalization, identity and inclusion. I focus on Turner's writing, because I am mainly writing within the discipline of anthropology, and I find his intervention most important and fruitful in that context. See also footnote 29.

trend that includes: "[n]ewly assertive ethnic and regional sub-nationalisms, the various forms of identity politics (including right-wing xenophobic, neo-fascist and racist groups), and the so-called "New Social Movements" for multiculturalism, environmentalism, human rights, [and] consumer protection" (Turner 1999:1). This general trend has been precipitated by the growth and intensification of globalization and the crisis of nation-state. Since the 1970s, national economies have declined as primary units of the global economic system. Instead, transnational corporations, financial markets, multilateral banks, and regulatory agencies gained control. This has given rise to globally-oriented elites "who are more committed to global corporate or financial interests than to the government or population of their home countries." The ideological manifestation of this shift is neo-liberalism which promotes "deregulation" and pro-corporate policies in place of "welfare-state" (Turner 1999: 3–5).

This process has undermined "the ideological identification of the centralization of power in the state with the homogenization of social and cultural differences" and attenuated "the formally egalitarian political institutions of popular sovereignty … that had served as channels for the identification of national populations, as citizens, with their governments and the collective identities they represented" (Turner 2006: 17). Turner argues that this process has resulted in the paradigm shift in the forms of social space-time, or what he calls, borrowing a term from Mikhail Bakhtin, "chronotope." While the chronotope associated with the rise of the modern state was characterized by the linear-diachronic concept of history and a "uniform multitude of citizens" identifying with a centralizing sovereign state, the emerging chronotope toward the latter part of the twentieth century has been one of "synchronic pluralism," in which there is no "direction of historical time towards the creation of culturally homogeneous national societies" (Turner 2006: 17). According to Tunner, this is the chronotope in which indigenous rights movements, as well as other subnational and supranational identity movements, including racist and right-wing xenophobic movements, have thrived.

Tharuhat Movement

In 2004, the Maoists declared the establishment of a series of "autonomous regions," including Tharuwan Autonomous Region, which consisted of Dang, Banke, Bardiya, Kailali and Kanchanpur Districts in western Nepal.

The Maoists' declared support for indigenous autonomy was one of the factors motivating young Tharus, who joined the movement.[12] After the comprehensive peace accord between the interim Nepali government and the Maoists was concluded in November 2006, a group led by Madheshi leader Upendra Yadav in early January 2007 burned a draft of the Interim Constitution on the streets of Kathmandu, since the proposed constitution lacked any provision on federalism. They argued that discrimination against Madheshi would continue if the unitary state structure remained intact (Gautam 2022). After widespread protests and unrest across the Tarai region, that involved some acts of arson and other violence, and numerous protesters being shot dead by security forces (ICG 2007; see also Gautam 2008), the Interim Constitution was amended in March, providing for federal structure and adding the "Madheshi" classification for the purpose of their proportional representation in state organs. The Madheshi demand for the entire Tarai to be defined as a federal Madheshi province (*Ek Madhesh, Ek Pradeś*) raised concerns of some Tharu activists.

Laxman Tharu, the chairperson of the Kailali District People's Government under the Maoist Party at the time, said that he realized the party leadership was not serious about establishing a separate province for the Tharu. For this reason, he left the party and organized the Samyukta Tharuhat Rastriya Morcha (United Tharuhat National Front) around July 2007 and embarked on a propaganda campaign across the Tarai region. The organization was renamed the Tharuhat Swayatta Rajya Parishad (Tharuhat Autonomous State Council) on June 9, 2008 (Sarvahari and Chaudhary 2073

[12] Of course, this was not the only factor that motivated them to become Maoists. During the earlier phase of the armed conflict (1996–2001), not many Tharu youths in western Tarai participated in the Maoist movement (Sarvahari and Chaudhary 2073 v.s.: 89). This changed after the declaration of state of emergency in November 2001, and the beginning of intense search operations and harassment by security forces who suspected almost every young Tharu in rural western Tarai as being a Maoist supporter. "I became a Maoist because the police (or the army) called me Maoist" is a common phrase heard in western Nepal (Fujikura 2021b: 367; Sarvahari and Chaudhary 2073: 89). The use of this phrase is not limited to the (former or present) Tharu Maoists of the Tarai region. On the notion of "interpellation," which describes the process through which individuals are constituted as subjects with particular forms of identity by being "hailed" in social interactions, see Althusser (1972). On the evolution of the Maoist position on caste/ethnicity see Tamang (2006).

v.s.: 62–63; Tharu 2072 v.s.: 17, 96). In July, I participated in one of the meetings organized by the Parishad in Kailali District, along with several Tharu grassroots activists to whom I was close. At the time, they were not enthusiastic about the Tharuhat movement. Many were preoccupied with other issues, including those concerning former *kamaiyā*s (bonded laborers) who had been declared free in July 2000 but whose proper resettlement was delayed largely due to the prolonged armed conflict. During the meeting, they questioned what defined a certain territory as a Tharu state when both Tharu and non-Tharu lived together almost everywhere. One of them also expressed concern that the Tharuhat movement might bring new troubles to the Tharu community, which had already suffered dearly owing to the Maoist movement (of which, Laxman was an important leader).

However, this situation changed in 2009. On February 3 of that year, the government of Nepal issued an ordinance to amend the Act related to public services, which reserved 45 percent of the seats for underrepresented social groups. In the Act, the Tharu was listed as one of the ninety-two caste/ethnic groups under the Madheshi category (Parajuli 2020: 100). In response, Tharuhat Swayatta Rajya Parishad and other Tharu organizations came together to form Tharuhat Samyukta Sangharsha Samiti (TSSS; Tharuhat Joint Struggle Committee) to oppose what they called “Madheshization.” The BASE and Tharu Kalyankarini Sabha were among the leading organizations in the TSSS.[13] Sarvahari and Chaudhary (2073 v.s.) observed that this was the first time in its six decades of history that Tharu Kalyankarini Sabha declared a movement against the state.

My Tharu activist acquaintances, who had been uninterested in or skeptical about the Tharuhat movement, were now enthusiastic participants. They reacted strongly against the prospect of the Tharu-majority areas in western Tarai being subsumed within a Madheshi province. They demanded that Tharu be recognized as a separate identity from Madheshi. In this

[13] In addition to Tharuhat Swayatta Rajya Parishad, BASE and Tharu Kalyankarini Sabha, the participating organizations included: Nepal Loktantrik Samajvadi Dal, Tharu Adivasi Gairsarkari Sanstha Mahasangh, Tharu Bouddhik tatha Anusandhan Kendra, Tharu Vidyarthi Samaj, Tharu Artist Samaj, Bardiyali Tharu Bikas Manch, Tharu Yuva Front, and Tharu Mahila Samaj (Sarvahari and Chaudhary 2073 v.s.: 63–64). NEFIN supported this movement. Other non-Tharu ethnic organizations, including those related to Muslim, Dhimal, Kumal, Rajbanshi and Danuwar, expressed their support.

context, the Tharu's indigeneity became a frequent topic of conversation among Tharu activists. Their indigenous status in Tarai appeared completely undeniable to them; they had been living in Tarai from time immemorial. It was also clear to them that the Pahadi (people from the hills) and Madheshi were recent migrants to the region.[14] They were also aware of the practical implications of being subsumed under the Madheshi category in an act relating to public services. They feared that quotas for appointments would be taken away by the high- and middle-caste groups among the Madheshi, who tended to have much higher educational qualifications than most Tharu (Parajuli 2020: 100). However, this prospect was not the only, or even the main, reason for their participation in the Tharuhat movement. I have written elsewhere that the Tharu activists I have been close to did not talk in detail about the internal structure of the Tharuhat autonomous state or the rights and privileges they would enjoy once they acquired such a state. Instead, their everyday discussions around that time focused almost exclusively on provincial boundaries. I have argued that their central concern and hence the primary demand was for a demarcated area on the map of new Nepal with their ethnonym "Tharu" on it. Such a map would ensure recognition of the presence of Tharu in Nepal. If there were no such areas on the map of the new Nepal, one Tharu activist friend told me that the existence of the Tharu, along with their historical struggles, would be erased. I further argue that these Tharu activists, who had formal school education, understood that the

[14] International Crisis Group, in their report on the 2007 Madheshi revolt, observes that, while most Tharu in eastern Tarai were "comfortable being identified as Madhesis," those in western Nepal "claim an independent identity, saying they are the original inhabitants of the Tarai" (ICG 2007: 2). See also Guneratne (2002) for the difference in the political-economic history between eastern and western Tarai, leading to contemporary differences in the characteristics of inter-ethnic relations. Krishna Pandey (2022: 97) writes that "Tharus who enthusiastically participated in the 2007 Madheshi movement, appear to be against the same identity just two years later," without further specifying who these "Tharus" were. Farah Cheah, whom Pandey cites, writes: "When talking about the 2007 *Madheshi* protest … the identity of Madheshis as I have understood largely refers to the regional [as opposed to a narrower ethnic] definition of the word. Thus, participants of the protests drew from many groups living in the Tarai, including the ethnic *Madheshis*, indigenous nationalities, Muslims, dalit and groups [*sic*]" (Cheah 2008: 14). While they do not specify, I understand them to be referring mainly to Tharu in eastern Tarai (including some Tharu politicians from Tarai who joined MJF around 2007).

map was a crucial constitutive element of the modern nation-state (Fujikura 2015: 222–227; see also Law 1999: 7; Latour 1999).[15]

The TSSS initiated a large-scale mobilization on March 2, 2009, involving general strikes across the Tarai region. On March 14, the Nepali government signed a six-point agreement, to which the chairperson of Nepal Adivasi Janajati Mahasangh (NEFIN), was also a signatory.[16] The first point of the agreement stated:

> The Government of Nepal is clear about the fact that, along with the indigenous Tharu of Tarai, all indigenous peoples (*ādivāsī*), Madheshi, Dalit, Muslims, and minority communities of the country each have their own unique identities (*ā-āphno viśiṣṭa pahicān*). Thus, the prevalent constitutional and legal provisions that encumber (*bādhā puryāune*) or obscure (*ojhelmā pārne*) independent identities (*swatantra pahicān*) should be amended through necessary procedures.[17]

After the end of the Maoist armed conflict in Nepal, Lokranjan Parajuli (2020) lists eighteen such protest movements that resulted in protestors reaching agreements (or understandings) with the Nepali government between August 2007 and May 2012. He characterizes some of these movements as "counter-movements" (2020: 103). For example, the Tharuhat movement can be understood as a counter-movement to the success of the Madheshi movement. The apparent success of the Tharuhat movement generated another counter-movement. One of the core demands of the Tharu movement was to have the five Tharu-majority districts in mid-west and far-west Tarai as a Tharu province; the Akhanda Sudur Pashchim (Undivided Far-West) movement mobilized against dividing the far-west region, which included both hill and Tarai (Kailali and Kanchanpur) districts. The Nepali

[15] On the importance of toponyms in relation to geopolitics, power and resistance, see Tamang (2022: 183–184) and works cited therein.

[16] The others were: Laxman Tharu, representing TSSS; Baburam Chaudhary, Nepal Loktantrik Tharu Sangh; Rajkumar Lekhi, General Secretary of Tharu Kalyankarini Sabha; Indrajit Tharu, General Secretary of Tharu Rastriya Mukti Morcha Nepal (organization affiliated with the Maoist party); and Janardan Sharma, Minister of Peace and Reconstruction, representing the Government of Nepal.

[17] Sarvahari and Chaudhary (2073 v.s.: 113; my translation).

government signed agreements with all these protest movements despite the fact that their demands were mutually incompatible. Parajuli (2020: 105) observes that parties to these agreements used "cryptic languages in the sense that more than one interpretation could be made from the same text." He argues that, not only the government side, but also the leaders of the agitating parties often agreed to the use of vague wordings in order "to create a 'win-win' situation and 'save face' for both groups" (Parajuli 2020: 105; see also Tamang 2011: 305).

In the elections for the second Constituent Assembly (CA) in 2013, the Maoists, who were generally considered strong supporters of identity-based federalism, lost a substantial number of seats. Madheshi parties, which went through many splits, also lost many seats. This result is widely considered a major setback for those demanding identity-based federalism. After the April 2015 earthquake, four major political parties in the CA, namely, Nepali Congress, Communist Party of Nepal-Unified Marxist Leninist (CPN-UML), Unified Communist Party of Nepal-Maoist (UCPN-M) and Madheshi Janadhikar Forum-Loktantrik (MJF-L) agreed to "fast-track" the constitution writing process. The delineation of federal provinces proposed in this process was clearly disadvantageous to both the Madheshi and Tharu communities and in violation of previous agreements between them and the Nepali government. After protests against the proposed constitution intensified in Tarai, the MJF-L withdrew its support for the fast-track process and left the four-party alliance. However, the UCPN-M continued to support the proposed constitution, which virtually abandoned the idea of identity-based federalism.

The Tharuhat movement has undergone many changes since 2009. After successfully organizing large-scale protests that year, the leaders decided that they needed to form a political party to have more access to the decision-making process at the national level. After a long delay, the formation of the Tharuhat Tarai Party in Nepal was announced on August 12, 2011. Almost one and a half years later, on December 19, 2012, the party was formally registered with the Election Commission. However, before the party's formal registration, Laxman Tharu, the founding leader of the Tharuhat movement, joined the MJF-L. Understandably, this created serious confusion among Tharuhat activists, since, as we saw, many of them had joined the latter as a counter-movement against Madheshization. The reason given by Laxman Tharu and a number of others who joined hands with Madheshi leaders was

that the two political forces should work together to fight against their shared marginalization within Nepal.

After 2009, this movement was renamed the Tharuhat/Tharuwan movement. As mentioned, Tharuwan was the name given by the Maoists to the proposed Tharu Autonomous State in western Tarai. Tharuhat is the name used by non-Maoists. The name Tharuhat/Tharuwan reflect the intention to forge a unified Tharu movement.[18] For this purpose, Tharu Kalyankarini Sabha, the only pan-Tharu organization, was given the task of creating and leading a common forum for all Tharu individuals and organizations, irrespective of their political orientations.

Tikapur Incident, August 2015

Tikapur is located in the eastern part of Kailali and is the second-largest city in the district. According to the 2011 census, approximately 42 percent of its population was Tharu. However, Tharu Kalyankarini Sabha was not successful in mobilizing the Tharu in Tikapur for the Tharuhat/Tharuwan movement in 2015. Resham Chaudhary, who is a famous Tharu journalist, musician, actor, FM station owner, movie producer and resident of the city, was asked to coordinate the movement in the Tikapur area. At the time, he was a member of the Sadbhavana Party, the oldest Madheshi party.[19] He accepted the request, worked energetically, utilized *baḍghar* (Tharu local leaders) to mobilize Tharu in villages, and succeeded in turning Tikapur, in the words of Sarvahari and Chaudhary (2073 v.s.: 91), into a "hub" of the movement.[20]

[18] As indicated in footnote 13, Tharu Rastirya Mukti Morcha, a Maoist organization, was invited to be part of the negotiation team and a signing party of the agreement with the government in 2009 (Sarvahari and Chaudhary 2073 v.s.: 67).

[19] There were multiple Sadbhavana parties at the time, and Resham Chaudhary belonged to the one led by Rajendra Mahato.

[20] Sarvahari and Chaudhary also note that in a number of other parts of Kailali, leaders were finding it difficult to mobilize local Tharu for the movement (2073 v.s.: 92). In my interviews with freed *kamaiyā*s conducted before and after 2015, most of them said they were not very interested in the issue of federalism, or that they did not understand what federalism was to begin with. Moti Devi Chaudhary, an important leader of the *kamaiyā* freedom movement, who also served as a member of Interim Parliament from 2007 to 2009, told me in 2017 that she did not believe in the slogan of "Tharu unity," because she had worked for a Tharu family as a *kamalaharī* (female domestic bonded laborer), who treated her inhumanly just like Pahadi families did.

In Tikapur, both the Tharuhat/Tharuwan and Akhanda Sudur Pashchim movements began their protests and *bandh*s around August 6 or 7. The two groups, as well as the national human rights organization Informal Sector Service (INSEC), the police and local administration agreed to a "code of conduct" to minimize the risk of violent clashes. This included each movement organizing protests on alternate dates. The code of conduct was held until August 13. On that day, the Tharuhat/Tharuwan movement coordination committee organized a large-scale political rally, for which famous Madheshi political leaders, including Upendra Yadav, Rajendra Mahato and Amresh Kumar Singh, were invited to give speeches that were widely reported to have included inflammatory language that angered Akhanda supporters (HRW 2015: 14). From this date, contentious confrontations between the two groups and between the police and the Tharu movement increased.

In the evening of August 23, Tharu leaders met with the officers of local administration and informed them of the plan to take out a rally next day and paint the words "Tharuhat Swayatta Rajya" over government signboards in Tikapur. The leaders assured the rally was peaceful, and administrative officers granted permission for the Tharu protest the following day (HRW 2015: 15).[21]

On August 24, a large crowd of protesters, numbering around 20,000 according to local Tharu leaders, proceeded towards the administrative center of Tikapur from the west, north and south. Violent clashes began at approximately 1:00 pm. Seven police officers were killed in the violence. Armed Police Force constable Bihari Chaudhary was beaten and burned while still alive. He was killed despite pleading for life, saying that he was also a Tharu (HRW 2015: 17). A few hours later, the infant child of a police officer was shot to death outside his house.[22]

My Tharu activist friend recalled listening to news about violence at his house in Bardiya. His mother, who had no formal education, also listened.

[21] In an interview I conducted with the chief of Tikapur city police on March 20, 2016, he said that although the administration gave permission for a peaceful protest, they also told the Tharu leaders that they should not paint over the signboards, because that would constitute an act of destruction of government property (Fujikura 2017: 246–247).

[22] For a more detailed account, see HRW (2017: 16–18); see also Sarvahari and Chaudhary (2073 v.s.: 94) and Fujikura (2017: 247).

She said, "If you need to kill people in order to gain rights, then we don't need rights." My friend did not know how to respond.

Writing about Tikapur Incident

The violence was rightly condemned in the mainstream media and SNSs. The incident, however, was also taken by some to be the result of an excess of "identity politics," and in some cases, the word "communalism" was used. The notion of "communalism" was constructed in colonial India to refer to supposed irrationality and dangers of group mentality that can lead to violence between religious, caste, or tribal groups (Pandey 1990). In 1997, Gellner observed the following:

> ... "communalism" passed into the general political discourse of South Asia as the term for any minority sentiment or movement detrimental to the construction of the nation.
>
> In Nepal too, both before and after 1990, the dominant political discourse marks the English word "nationalism" as entirely positive, and the terms "tribe" and "communalism" as negative. … By contrast, it would be unthinkable for any political party to be against "nationalism." "Nationalism" (*rāṣṭriyatā*), "democracy" (*prajātantra*), and "development" (*bikās*) are the three holy mantras of Nepalese politics. Politicians always claim to be building them and accuse their opponents of undermining them. (Gellner 1997: 10)[23]

Human Rights Watch, in its report on protests and police crackdowns in Tarai during 2015, observes that national media too often portrayed violence that accompanied those protests as being motivated by communal hatred, while in fact there were "no known instances of protesters attacking people or property with evident ethnic, caste, or other discriminatory motive" according to local authorities (HRW 2015: 4). Also, the media, while consistently characterizing "the protesters as violent," at the same time, "avoided reporting on the details of police violence," including illegal killings by the police (HRW 2015: 5). HRW further reports that newspaper editors explained they underplayed police violence in order to "protect social

[23] See also Tamang, who notes that under Panchayat era nationalism, "those who spoke in support of Janajati concerns were accused of being communal, anti-national, anti-monarchical, etc." (2011: 298).

harmony" (2015: 5). This attitude of the mainstream media, in effect, helps maintain the illusion of neutrality of the Nepali state while reinforcing the impressions of the protesters as irrational and anti-national. The argument of the Madheshi and Tharuhat movements, as well as NEFIN, is precisely that the Nepali state is not neutral, that it is biased against them as it is dominated by the high-caste hill Hindu; that is why there is a need for "state restructuring."[24]

Sarvahari and Chaudhary also expose biased "nationalism" of the mainstream media: The Tharu were praised as "true nationalists" in 2009 when they declared themselves to be indigenous to Nepal and opposed Madheshization of Tarai. The same Tharu were portrayed as "anti-national" when they were seen to be fighting against Akhanda Sudur Pashchim movement led by hill Hindus. After the Tikapur incident, in the representations by the mainstream media, it was as if all the Tharu were "murderers" and "criminals" (Sarvahari and Chaudhary 2073 v.s.: 101).

On August 30, six days after the Tikapur incident, Nepal's most influential newspaper *Kāntipur* published a special section that provided a different and more nuanced picture of the incident (Chaudhary and Tharu 2072 v.s.). It consisted of a collection of interviews with Tikapur residents. Most of the interviewees, both Tharu and non-Tharu, stated that the Tharu movement was not so much about "identity" but about "rights." For example, Ram Bahadur Chaudhary, a high school principal, says that in order to regain social harmony, the first thing we need to do is to understand that "Tharuhat movement is not an ethnic movement. This is a movement for rights" (*Tharuhat āndolan jātīya āndolan hoina bhanne kurā bujhnuparcha*. *Yo adhikārko āndolan ho*) [Chaudhary and Tharu 2072 v.s.: 7]. Both non-Tharu and Tharu interviewees also pointed out that the army and police are worsening the situation by imposing lengthy curfews (making it difficult for people to meet and talk with each other) and randomly arresting and harassing Tharu residents in their search operations.

Bhaskar Gautam, in an opinion piece also published in *Kāntipur* some days later, refers to this special section, and also highlights the fact that most of the interviewees stated that the movement was not "identity-oriented"

[24] See Tamang (2002, 2009) on the importance of understanding the movements in Nepal since the 1990s, not within the framework of development, but as demands for renegotiating social contract.

(*pahicānmukhī*)[25] but "rights-oriented" (*adhikārmukhī*) [Gautam 2072 v.s.]. Gautam pointed out that the opinions of local residents differed from the dominant discourses in the national media in two respects. First, in the dominant discourse, the terror of violence is emphasized and there is an effort to establish the view that these inhuman acts were the creation of the Tharu.

Second, the hegemonic class, whose identity is tied to the power structure (*sattā-saṁracanālāī āphno pahicānsãga joḍdai āyekā varcaswaśālīharū*), has been trying to reduce the question of state restructuring to a matter of demarcating provincial boundaries. Gautam writes about the structural violence against Tharu that the mainstream media fails to address. He also recalls the experience of the Tharu during the Maoist armed conflict, when more Tharu people than any other caste or ethnic groups in western Tarai were killed and disappeared by the Nepali state. Curfews were declared after the Tikapur incident. However, Tharu houses were looted and burned. Gautam noted that in the villages, the houses of *baḍghar* (Tharu local leaders), *guruwā* (Tharu priests), and elected representatives were selectively burned. In urban areas, Tharu houses with economic and political resources were targeted. These all happened during the curfew, which meant that state security forces were not willing to stop the violence against the Tharu. (I discuss the targeting of economically and politically prominent Tharu later in this article).

The *Kāntipur* articles reviewed make a strong case that the Tharu movement was not primarily about asserting their "ethnic identity," but about

[25] A note on the word, *pahicān*. The entry *pahicān* in one of the most recent, comprehensive Nepali-English dictionary (Pradhan 2020) lists the equivalent terms in English as follows: 1) identity, name, identification. 2) individuality, distinctiveness. We can see that the word *pahicān* in contemporary Nepali covers a semantic range that is similar to the English word, identity. Interestingly, Ralph Turner's Nepali dictionary, first published in 1931, only lists the word "Acquaintance" as an English equivalent for *pahicān* or *paicān*. By the way, there is no equivalent word in Japanese to cover the contemporary semantic range of the English word, "identity." Hence, the English word, transliterated into Japanese using the phonetic katakana script, is commonly used, marking it as a borrowed concept from a foreign language. There is a word, *jikodōitsusei*, which was coined, using idiographic Chinese script, primarily to translate psychologist E.H. Erickson's ideas concerning identity formation. However, the word literally means "self-sameness," and does not cover the wide semantic range that the English word has. See also Rai and Shneiderman (2019) for a discussion of the complexity and changing significance of the term, identity, in Nepal.

gaining their basic rights. This is the collective demand for repair. This is a perfectly proper response in a situation where Tharu is accused of communal violence in the national media and SNSs. However, seven years after the Tikapur incident and after two rounds of elections under the new federal constitution, the situation seems different.[26] Some of the Tharu described in the latter part of this article are explicitly concerned with identity. However, one cannot say that they are no longer interested in the issues of basic and reparative rights.

As we have seen, the interviewees in the *Kāntipur* special section seemed to feel the need to say that Tharu movement was not "ethnic" or "identity" oriented, but "rights" oriented. At that historical juncture, the term "identity" seemed to be saddled with negative connotations in public imagination. As mentioned above, this difficulty arises in part from the weight of a longer discursive history that has produced such notions as "communalism." This difficulty is also derived from the liberal theory of rights that takes individuals (and not collectivities) as the quintessential subject of rights.[27] I believe this situation calls for a conceptual effort to re-examine the relationship between the notions of identity and rights so that we may gain a perspective that does not force us to pick one or the other. For this purpose, I now turn to Terence Tuner's discussion on the relationship between anthropological theory, human rights, and the politics of indigenous people.

Anthropology, Human Rights and the Politics of Indigenous People

What is "Universal" about Universal Human Rights?

Anthropology has always had difficulties with the notion of universal human rights. In 1947, the American Anthropological Association (AAA) expressed its opposition to the United Nations' Universal Declaration of

[26] In Fujikura (2021a), I describe my interview with Laxman Tharu in the Dhangadhi jail in which he explained his reason for participating in the general elections while his jail-mate, a Tharu Kalyankarini Sabha officer, expressed his strong opinion against the decision because in his view participation in the elections would mean they accepted the new Constitution which they had previously burned in their public demonstration. Laxman said that the phase of the struggle had changed and it was the time for legal and electoral struggles.

[27] See Appadurai (2006: 59–62) on problems liberalism has with large and small numbers (other than the number "one").

Human Rights. This decision was based on cultural relativism, which was dominant among American cultural anthropologists at the time. It denied any transcultural standard for moral judgment because it held that morality and values are internal to each culture and differ from culture to culture. Hence, the Universal Declaration was deemed an imposition of Western values on cultures that may not share these values (Turner 1997: 277–278). The following is a relevant passage from this statement:

> Standards and values are relative to the culture from which they derive, so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must, to that extent, detract from the applicability of any Declaration of Human Rights to mankind as a whole. (Executive Board, AAA 1947: 542)

Turner referred to this as a "strong form" of cultural relativism (1997: 276). There are also weak versions of cultural relativism. For example, Elvin Hatch argues for a "default mode" cultural relativism. It is not so much a developed theoretical position as an attitude towards tolerance. It is "a commitment to suspending judgment about another culture's beliefs and practices until an attempt can be made to understand them in their full cultural, material and historical contexts" (Turner 1997: 275; see Hatch 1997). It simply avoids judgment without deciding whether there can be a transcultural standard for justice or morality. Turner adds that there could be "methodological" (rather than "theoretical") relativism (1997: 276).

However, what Turner finds problematic in human rights discourse is not so much its apparent incompatibility with cultural relativism as its assumptions about the nature of human being. There is a problem, he writes, in the way in which the common Western tradition conceives what is "human." It is conceived as "the individual": "a social actor inhabiting an individual body" (Turner 1997: 275). However, anthropologists "recognize the fundamental role of social relations and groups in producing 'human' (i.e., socially integrated and enculturated) individuals" (Turner 1997: 275). It is social relations and collectivities that produce individuals, and not vice versa. No individual, as the subject of rights, exists prior to or independent of social relations and collectivity. For Turner, this difference in the conception of humanness separated anthropology from the liberal human rights discourse.

Anthropologists were eventually forced to reconsider their relationships with human rights discourse. Beginning in the late 1960s and the early 1970s, witnessing the abuse of the rights of indigenous peoples and other cultural minorities with whom they worked, a number of anthropologists became activist researchers (Turner 2006). Human rights discourse has become a critically important instrument in the struggles of indigenous peoples and other minorities. These indigenous people included the Kayapo, with whom Turner had worked for many decades. Turner, along with other activist anthropologists, became a key member of the committee drafting AAA's new policy toward universal human rights. A central task of the Committee was to reconcile the notions of cultural relativity and universality.

Turner felt that the weaker version of cultural relativism, or "default mode" relativism, was not in itself sufficient for this task. Turner argued that to define "universal human rights," anthropology must define what is universal about being human. If anthropology could "give substantive meaning to the generic fact of being human," beyond the infinite diversity of cultural differences, this could serve as a critical standard for human rights (Turner 1997: 277). He defined the universal attribute of being human as the human capacity to produce culture. Although cultural forms are diverse across different societies, and even within a society, the capacity for culture-making is a universal human attribute. Culture consists of meaningful differences. Therefore, the "general human capacity for culture" can be restated as the "general human capacity for difference." For Turner, this "potential to produce or realize themselves as meaningfully distinct ('different') beings" (1997: 286) is at the most fundamental level of universal human rights. Conversely, practices that prevent the realization of this generic human capacity need to be investigated as possible violations of human rights.

The following is a relevant passage from the Guidelines for a Permanent Committee for Human Rights within the AAA, resulting from discussions that included Tuner's argument:

> Anthropology as an academic discipline studies the bases and the forms of human diversity and human unity; anthropology as a practice seeks to apply this knowledge to the solution of human problems. As a professional organization of anthropologists, the AAA has long been, and should continue to be, concerned whenever *human difference* is made for a denial of rights—where "human" is understood in its

> full cultural, social, linguistic and biological senses. (Commission for Human Rights 1993 as quoted in Turner 1997: 286; emphasis by Tuner)

Here "difference" is the key aspect of human existence that needs attention and protection because, according to Turner, it is the product of past human actions exercising their universal capacity to produce differences. If we understand human rights in this way, our understanding does not conflict with "identity." In contrast, the issue of identity (which consists of meaningful differences from others, whether socially, culturally, linguistically, or biologically) is at the core of human rights. Since the production of socially significant differences requires collectivity or a relationship of social cooperation, the right to difference inheres in collectivity (as well as in individuals conceived substantially as a product of social relations). Of course, since "human difference" as a fundamental human right is present in all human groups and individuals, one group or individual should not realize their identity or value at the expense of other groups or individuals (Turner 1997). The notion of a right to difference does not give a state government license to suppress the differences between communal groups or individuals in the name of a supposed collective "rights to development" (Turner 1997: 288). Instead, this notion allows us to conceive of the enhancement of the capacity to produce cultural differences as a matter of political projects, as discussed in the following section.

Anthropological Theory and the Politics of Indigenous People's Struggle

As mentioned above, it was important for Turner to be involved in the political struggle of the indigenous people, the Kayapo, whom he studied (Turner 1979). In the context of contact between indigenous people and the wider national society, it is commonly assumed that there are only two options: to preserve their culture or to integrate into national society. In this situation, anthropologists are commonly assumed to choose the former, that is, to preserve indigenous culture. Turner stated that this was incorrect. We need to acknowledge, at least as a theoretical possibility, that there may be a case where "integration" is a better choice, although it is hard to imagine such a case in Latin American context (Turner 1979: 12–13). Moreover, "preservation of culture" is commonly conceived of as the preservation of particular cultural forms and traits (dress, songs, etc.), as if these people were

exhibitions in a museum. As in his argument on human rights, Turner says that we need to focus on the capacity or potential to produce culture rather than existing cultural traits conceived in an objectified manner (1979: 12). Hence, the criterion for political choice in any critical situation is whether that choice enhances or reduces the capacity of individuals and collectivities to produce their own culture, which is their capacity to define and produce their social and material beings. For example, Turner writes that teaching a national language among indigenous people could be an important political choice, since the knowledge of the lingua franca will help people better understand the sociopolitical context in which they produce and reproduce their own culture, as they may also gain new abilities by learning new ways of teaching and learning a skill (Turner 1979: 41–42).

In summary, Turner encouraged us to focus on the capacity for culture, that is, the power to produce culturally significant differences when thinking about human rights.[28] "Human difference" is "a fundamental human right" (Turner 1997: 286).[29] This perspective allows us to place the issue of identity at the center of human rights. Turner also emphasizes that the concept of a right to difference does not imply that equal realization by everyone of different values and identities should result in "an euharmonic society free of conflicting rights claims by different parties" (1997: 287). In contrast, conflict

[28] At one point, Turner also defines the "capacity for culture" as "essentially the power to produce social existence and thus to determine its meaning and social form" (1997: 286). Thus, we can see that, for Turner, the notion of culture encompasses both the concrete, material social existence of human being as well as its ideational aspect ("its meaning"). This contrasts with the kind of definition of culture that focuses only on its ideational aspect (e.g., culture as "system of meanings").

[29] Turner also emphasizes that his argument is different from those advanced by post-structuralist theorists such as Iris Young. According to Turner, Young in arguing against "logic of identity" in favor of "logic of difference," essentializes and fetishizes difference. In her argument, social actors and their products are themselves *products* of difference (Turner 1997: 288). Young seems to reject "any unifying principles (i.e., universals or invariants underlying variation)," except for the principle of "difference" that appears to be endowed with universal productive capacity (Turner 1998: 289). In Turner's argument, as we saw, difference is the *product* of human actions, not the other way around. For criticisms of "ontological turn" and other trends in anthropology that derive from post-structuralism, see Turner (2017) and Graeber (2015).

is expected at multiple levels, including within indigenous communities.[30] Hence, advocacy and defense of human rights "carries over into the *complex struggle for pluralist civility*, after the battles for fundamental rights have been fought and won" (Turner 1997: 288; emphasis mine). Thus, there is an essential continuity between rights advocacy and "political struggles for empowerment, liberation, and civility" (1997: 288).

On what it means for anthropologists to confront the situations of indigenous people in "political terms" rather than as purely academic problems, Turner had the following to say: "Politics properly begins when those involved in struggle become engaged as actors pursuing goals, and a political position entails taking a position about what goals are worth struggling for from the point of view of the actor involved" (1979: 42). The general political goal suggested by Turner was the optimization of people's capacity to determine the values that orient their actions and their ability to expand those values. This principle is applicable at both the individual and collective levels. Bringing these "two levels [individual and collective] into some approximation of congruence," Turner argued "is a fair statement of a socialist position."[31]

Anthropologist David Graeber explains the core of Turner's theoretical and political vision as follows:

> The ultimate stakes of politics, according to Turner, is not even the struggle to appropriate value; it is the struggle to establish what value *is*. … Similarly, the ultimate freedom is not the freedom to create or accumulate value, but the freedom to decide (collectively or individually) what it is that makes life worth living. (Graeber 2001: 88)

[30] In the case of Kayapo societies, according to Turner, the most important values are "beauty" and "dominance." These are embodied and realized in their highest forms only by the Kayapo elders who perform key roles in public rituals. The younger generations, who are engaged in the work of reproducing domestic units, and are forced to show deference towards the elders, can be regarded as being "exploited" by the former (Turner 1979: 18–35; see also Graeber 2001: Ch. 3)

[31] For an application of Turner's framework to the analysis of Limbuwan movement, see Chemjong (2017).

The struggle may involve, for example, whether to establish material wealth, defined in capitalistic manner, or "beauty" defined by Kayapo elders (as described by Turner), as the most desirable value. These struggles are not limited to "indigenous questions." They are also present in "modern industrial societies" (Turner 1979: 42). For example, we can consider the complex struggles over "freedom" versus "equality" over several centuries.

Identities and values are meaningful as long as they are constitutive elements within imagined totality or culture, defined as a structure of meaningful differences (Graeber 2001: 86–89, 2013).[32] Because the parts and the whole are mutually constitutive, changes in the constituent identities and values affect the nature of totality and vice versa.

Ethnographic Sketches, 2022–2023

This section presents ethnographic sketches of my fieldwork in western Tarai from December 2022 to January 2023. The first describes fragments of the everyday life of the family of a local Tharu leader. The second example consists of scenes from the annual meeting of a Tharu savings and credit cooperative. The third example is a speech promoting the Tharu system of local self-governance called *baḍghar prathā*. These examples involve scenes of interactions between Tharus and non-Tharus, or Tharus among themselves. Regarding social interaction, linguistic anthropologist Michael Silverstein (2023: 3) wrote:

> As social scientists, we are interested in the ways people are not mere psychobiological organisms; we are interested in persons with many identities defined by collective societal structures and their workings. As such, individuals are organized into crosscutting groups. They instantiate or inhabit, as well, distinguishable categories of social existence in terms that they use to understand how they affect one another, in effect reflexively interpreting themselves and others. "Interaction," then, is the cover term for all events of co-participatory coordination of the people and other beings of an imaginable social universe.

[32] Parts take on meaning in contrast to each other and with reference to some sort of "whole." As examples, we can think of "words in a language, episodes in a story, or 'goods and services' in a market" (Graeber 2001: 86–87).

People have multiple identities; an individual may simultaneously be the daughter of their parents, mother of their children, auto-rickshaw driver, Tharu, Nepali, and so forth. Each of these identities are defined by "societal structures and their workings." People are not simply and passively defined by societal structures. They are the ones who animate (instantiate or inhabit) and reflexively interpret the identities of self and the other ("who I am" in relation to "who you are;" or "who we are" in relation to "who they are"). Through their interactions, people reproduce and reconstruct societal structures and "imaginable social universes" that define their identity. These societal structures or imaginable social universes constitute, "universals" or "totalities," in Turner's (1997) term.

Through the ethnographic vignettes that follow, I try to gain insights into how Tharu identities and values are reconstructed through everyday encounters as well as through more conscious public and political interactions in contemporary western Tarai.

Vaidya's *Family*

Between December 2022 and January 2023, I spent a few weeks in the house of a Tharu *vaidya* in a village in western Tarai. A *vaidya* is a traditional medical practitioner, usually with a deep knowledge of herbal medicine. Although I just wrote "traditional," this particular *vaidya*'s outlook was not very traditional. He had a shop on the ground floor of his house, plastered with cement, facing the recently paved main road of the village. He displayed many plastic containers filled with a wide variety of herbal medicines. Each medicine had fixed prices, in contrast to most traditional *vaidya*s, who told patients to pay whatever amount they wished (or, in some cases, did not receive any payments). The *vaidya* explained that he needed to receive payments because he asked other villagers to collect herbs from the forest at a fixed price to replenish his supplies. He sponsors segments in a local Tharu-language FM station that airs commercial messages promoting the shop. Patients included both Tharu and non-Tharu, and perhaps more non-Tharu than Tharu. Some came from outside the district. The *vaidya*, who was in his early 60s, was also a former ward chairperson. He is credited for paving the entire length of the village's main road.

When I first arrived, only the *vaidya*'s wife and his daughter-in-law were in the house and served me an evening meal prepared by the daughter-in-law. Upon remarking on the good taste of the meal, the daughter-in-law said in a

mix of Nepali and Tharu, "Some Pahadi say, 'Tharu food doesn't taste good. How can you eat that?' The Pahadi say that." The *vaidya*'s wife, in her late 60s, who was listening quietly to our conversation in the beginning, began speaking to me in Nepali.

> When someone comes to the shop, I first talk to them in Tharu. If the person responds in Pahadi (Nepali), then I speak in Pahadi. They get very surprised. "How can an old Tharu woman like you speak such a perfect Pahadi?" I can speak Pahadi. I am from Dang. We all worked for Pahadi landlords. We used to have a plenty of land, but it was all taken away by the landlords. Our landlord was so oppressive, my father-in-law and mother-in-law couldn't endure. They had to flee. They came here and it was all jungle back then. They founded this village. The land around this house is filled with medicinal trees we planted, but we also have ten *kaṭṭhā* in a different place, five *kaṭṭhā* in another. So, we get enough to eat.

These statements compare and construct the relationship between two identities ("distinguishable categories of social existence"), Tharu and Pahadi. The daughter-in-law conveyed that Tharu is often looked down on and talked down in their social interactions with Pahadi. The *vaidya*'s wife's fluency in Nepali reflects the history of the Tharus' exploitation by Pahadi landlords. She is saying that the Tharu of Dang Valley were forced to learn "Pahadi" language because of their subjugation. However, she still speaks Nepali when she has the chance, even when she is not forced to, including when she meets a Nepali-speaking visitor from Japan. As she relates her difficult migration from Dang toward the west, the experience shared by many Tharu across western Tarai, she also says that nowadays she gets "enough to eat."

The next day, I visited a fish-breeding pond with the son of the *vaidya* who was approximately forty years old.[33] The son also had knowledge of medicine and assisted in making medicines at his father's shop. He consults and prescribes medicines to patients. He was also the chairperson of a local forest user group. The family rented a fish-breeding pond near the local school. There were about eight young Tharu men who helped pull the fish

[33] See Krauskopff (1999) for an account of fishing culture among the Dangaura Tharu.

out of the pond. Some of them had previously worked in Malaysia, and they were talking about food in Malaysia as they worked in the pond using large nets. Each person helped receive half a kilogram of fish. At the end of the operation, a buyer comes in for all the remaining fish. However, individuals passing through the pond can buy fish while being pulled out.

A Pahadi came by who wanted to buy one kilogram (kg) of small fish. He said he used to live in Andaman and that "the fishes from the sea don't taste good." He said he was going to "bring back one kg of fish, fry and eat them." He said he really should not eat fish because "it creates stones (*pattharī*)" in his body. However, he could not help himself once he saw the fish. When one kg of fish was weighed and packed, *vaidya*'s son was asked if they had bones. "I hate bones. They are so annoying. Do these fishes contain bones?" *Vaidya*'s son did not answer. Pahadi kept asking the same question, adding that he hated bones. A middle-aged Tharu man who was passing by interjected, asking the Pahadi: "Do you have bones in your body?" The Pahadi fell silent and left with the fish. After the Pahadi left, the *vaidya*'s son told the middle-aged man in Tharu that "we" should be careful about how and what we say to "them."

In this interaction, the Pahadi and the *vaidya*'s son are both acting within (or "instantiating") stereotypes of the group to which they belong: In this region, the Pahadi are generally considered to be loud and talkative, and the Tharu reserved and quiet. Reflecting on his fieldwork in Dang between 1979 and 1981, McDonaugh wrote the following:

> In many of the villages I visited I was struck by the quiet, even withdrawn, though dignified attitude of the Tharu, often in marked contrast to the Pahari who would always stop me to inquire who I was and what I was doing. It was clear to me during this period of fieldwork that the Tharu and Pahari communities in the village were quite separate and to establish myself in the Tharu community over a period of months I had to show in a number of ways that my sympathies and loyalties lay with them. (1999: 225)

McDonaugh notes that this "relative isolation" of the Tharu community is related to several aspects of their culture and historical experiences. The foremost reason for this is the Tharu experience with Pahadi migrants, in which many lost their land. McDonaugh (1999: 225) also points to "the value

that the Tharu place on their own forms of manners and social etiquette," which contrasted with those of Pahadi, "who appeared to the Tharu as loud, intrusive, vociferous—and devious." Another reason is the solidarity of the Tharu village communities, which made each of them a relatively distinct unit. McDonaugh also mentioned a relative lack of education, knowledge about the outside world (other than through traditional kinship and trading links), and involvement in the local administration and politics (1999: 225).

However, signs of change were observed in the 1980s. Krauskopff noted that the younger generation of Tharu in Dang, who had gone to school, had begun to abandon this isolationist attitude and identify themselves not only as "Tharu" but "Nepali" (Krauskopff 1989: 56; cited in McDonaugh 1999: 225). "The younger generation" that she refers to, includes the founding members of the Tharu grassroots organization, BASE, discussed above. Yet, Sarvahari and Chaudhary, in their book published in 2016, still write that the Tharu community is simple/innocent (*sojho*) and they cannot speak (*bolna sakdaina*) [2073 v.s.: 109].[34] I have elsewhere described a scene from an interaction program between newly elected municipality officers and Tharu *baḍghar*s in Bardiya in 2017, where the mayor (a Brahman) faults the Tharu of being too quiet and exhorts them to be more talkative and assertive as befits this day and age of "free and open competition" (Fujikura 2021a: 171).

The *vaidya*'s son has undergone school education and is fluent in Nepali. In addition to his knowledge of medicine, he is a trained electronic engineer and, as mentioned, the chair of a local forest user group. No one who knows him thinks he is a simpleton. However, he was reserved for interactions with the Pahadi. The *vaidya*'s son must have appeared to the Pahadi as a typical Tharu who did not talk back. Eight or more other Tharu men who were at the pond quietly observing the situation must have appeared the same to the Pahadi. The middle-aged Tharu passersby intervened and gave what I thought was a perfect response; but the *vaidya*'s son still reminded him that "we" should be careful in our interaction with "them."

One morning, the *vaidya* received a visit from a provincial minister (who is a Brahman), who suggested that the *vaidya* ask the province for a budget to turn this village into a "special Ayurvedic medical herb production area." The minister explained a similar project for traditional medicine and medicinal herbs in another district in the hills. The minister gave names of

[34] But it is a serious mistake to thereby judge that the Tharu lack conscience (*vivek*) or consciousness (*cetanā*).

the people working for the Ministry of Culture and Tourism for the *vaidya* to meet, and then he left.

Two days later, in the evening, the *vaidya* called a meeting of the *baḍghar*s of the village in his house. There were about twelve *ṭol* "neighborhood" level *baḍghar*s and assistant *baḍghar*s.[35] The majority of them were female. In the meeting, the *vaidya* did not simply talk about the idea of a "special ayurvedic medical herb production area," but wanted to turn the village into a "model (*namunā*) Tharu village," offering Tharu food and providing homestay facilities. He told me he was going to hold several "preparatory" meetings like this with different sets of *baḍghar*s and move toward forming a fifteen–twenty-member committee for this project.

The initial suggestion of the provincial minister was to write a proposal for an herbal medicine project. This project aims to generate more income for the locality and the province by promoting the production of herbal medicines. This program did not necessarily target Tharu. However, the *vaidya* expanded it to a more holistic project of constructing a *namunā* (model/archetypical) Tharu village; this will not only promote herbal medicine but also rejuvenate Tharu cultural life in terms of food, clothing, songs and dance. In other words, the *vaidya* pursued an integrated project explicitly guided by an imagined totality in Turner's terms, which in this case was a vision of an ideal Tharu village. However, the Tharu village envisioned here is no longer a relatively isolated community, as described by McDonaugh. The village actively invites non-Tharu outsiders and works with the government and uses its financial support.

The ethnographic description above concerns how Tharu identity is experienced and produced in the daily lives of a Tharu family in contemporary rural western Nepal. The history of exploitation is recalled and contemporary prejudices against it are related. At the same time, we saw active efforts to mobilize both cultural and natural resources in an effort to produce a more robust and economically prosperous Tharu locality (model Tharu village).

Tharu Cooperative

In December 2022, I was invited to attend the tenth Annual Meeting of a multipurpose cooperative in a Tharu village in western Tarai. One of the

[35] *Ṭol* is a unit of clustered residences, which is smaller than what I am here calling "village." There is a *baḍghar* in each *ṭol*. There is also a village-level *baḍghar*.

founding members of the cooperative was an old acquaintance of mine. He has also been a founding member of a major Tharu organization active in western Tarai since the 1990s but expressed frustration with local non-governmental organizations becoming donor-dependent. He thus joined others from the village to establish a savings and credit cooperative. Initially, people in the village were suspicious of the enterprise. Many had had bad experiences with "cooperatives," often being cheated or losing money. However, the cooperative gained trust and slowly expanded. It now has approximately 6,000 members (each member representing a household) and a large volume of active transactions. Among other things, the cooperative established a primary school that provides multilingual education in Tharu, Nepali and English. The primary purpose of this multilingual education is not so much the "preservation of Tharu language" as facilitating a smooth entrance into school education and learning for Tharu-speaking children. "I think everyone has the experience in our first days of school of wanting to go to the toilet, but not knowing how to say it in Nepali. I actually wet myself, not knowing what to do," one board member explained. "That is why we use Tharu as one of the languages of instruction up to third grade."

The general meeting began, as is usually the case with these kinds of meetings, with the singing of the national anthem. After a series of ceremonies, the officers of the cooperative gave presentations in Nepali based on their annual report. Songs, dance and comical play, all in Tharu, were performed between presentations. In one of these interludes, children danced to a song composed during the initial days of the Tharuhat movement, which reflected the sentiments of some of its participants back then, as described earlier.

> Indigenous Tharu, we are sons of the soil of Tarai; if this land become Madhesh, we will no longer be Tharu. How do we preserve our identity (*pahicān*)?

After presentations on the annual report, guests delivered their speeches. Many Tharu guests spoke in Nepali. "Why are they speaking in Pahadi?" a friend sitting next to me asked. "Perhaps because there are some Pahadi in the audience?" I replied. In addition to representatives from wards, municipalities, and other major figures in the locality, guests from distant locations were also present. These included members of a cooperative in

Mugu who visited the Tarai to print teaching materials for the Karmarong language. They said that they were impressed by the work and success of this cooperative and felt strongly encouraged that people here were working together to promote their own identity.

Another guest was a female Pahadi administrative officer from the municipality. She congratulated the cooperative for its growth and success, and said: “However, it seems that most members are Tharu. This cooperative would have been even better if it had more non-Tharu members.” She accused the cooperative of being exclusive. Indeed, although the guests from Mugu congratulated the cooperative for promoting Tharu culture and identity, and although it was initiated and is being run by an all-Tharu team, there is nothing in the rules and regulations of the cooperative that says it is exclusively for Tharu. It seems that the apparent exclusion of non-Tharu from the eyes of the administrative officer matters because the enterprise was successful. She is, in effect, saying that non-Tharu people are excluded from economic opportunities by the Tharu.

What is important in thinking about indigenous politics or politics of difference more generally, Turner wrote, is assessing whether a particular course of action enhances or decreases people’s ability to define and pursue what is important to themselves. A founding member of the cooperative felt that the activity of the NGO he had been working with was constrained by its dependency on donors. The cooperative was founded to address this problem through the accumulation of economic resources. One of the things they did through their newly accumulated capital was to found a multilingual school for Tharu-speaking children. Again, their actions differ from the isolationist attitude described by McDonaugh. The school represents their desire to educate Tharu children who can engage with the national society and beyond using Nepali and English. However, they want their children to learn these skills in an educational setting where they do not need to feel prohibited from speaking Tharu.

The ethnographic sketch above shows an apparently successful case of economic empowerment. Recall that, in the description of mob violence immediately after the Tikapur incident, Gautam noted that the economically and politically successful Tharu were targeted. These cases show that both the Tharu and non-Tharu groups recognize that the Tharu are making visible

economic progress.[36] This means that while the history of the exploitation of Tharu by others continues to be remembered and recounted, the current situation of Tharu as a whole cannot be described as that of general poverty and deprivation. The cooperative is an example of an effort to link an increase in economic activities to the enhancement of the Tharu's sociocultural abilities. Economic progress can also attract others' envy and sometimes turn successful Tharus into targets of violence.

Promoting Baḍghar/Bhalmansā System

In January 2023, I accompanied my friend Ekraj Chaudhary to a program organized by the Kanchanpur chapter of Tharu Kalyankarini Sabha. This program was organized by the Kanchanpur chapter to celebrate the upcoming Maghi, the Tharu new year. Chaudhary is a Tharu journalist and researcher. Among other things, he translated the 2015 Constitution of Nepal into Tharu language (Chaudhary 2074 v.s.). He has been the foremost advocate of *baḍghar* system for the past twenty years. In particular, he insisted that the practice should be officially recognized and receive public funding.

At the beginning of his speech, he sang a Tharu song celebrating Maghi. He then spoke about the *baḍghar* system, basically in the Tharu language but repeating some of the lines in Nepali, making sure that non-Tharu speakers in the audience could follow the speech.

> Ever since the time when the Tharu began to live together as a group, ever since they began cultivating this area, they began to work together in cooperation, share their food with each other, select their leader and create their customs. When did this work start? Ever since they began to live in groups. After they began to live in groups, they selected a leader. What kind of leader did they choose? They chose as their leader, the most knowledgeable, the wisest, the strongest person in the group, the person who understands most the hardship and suffering of the others, who can bring people together and lead. They called this leader *matawān* in Dang; after they came to Banke and Bardiya they called it *baḍghar*; and when they came here in

[36] This is even visible in freed *kamaiyā* settlements. In many settlements, former *kamaiyā* live in *pakkī* (cement) houses. Although the majority of them still engage in physical labor inside Nepal and abroad, a number of them now own their own businesses.

> Kailali and Kanchanpur they called it *bhalmansā*. The names are different but the work they do is the same.

Throughout the speech, Chaudhary referred to the leader mainly as *bhalmansā*, because the speech was made in Kanchanpur. There are *bhalmansā/baḍghar*s at different levels, for example, at the *ṭol* (neighborhood), village, and district levels. *Bhalmansā* are elected every year in Maghi. They were mostly elected through unanimous agreement of the community. However, I have heard of cases in which *bhalmansā*s are elected by voting or by drawing lottery. The *bhalmansā* is responsible for organizing all major rituals, including life stage rituals. The *bhalmansā* are also responsible for organizing public works, such as repairing village paths or irrigation canals. During the period when there were no elected representatives of local bodies due to the armed conflict, the government relied heavily on the *bhalmansā*s to carry out public work in Tharu-majority areas.

In his speech, Chaudhary is obviously presenting a highly idealized portrait of *bhalmansā* practices. There are people in western Tarai, both Tharu and non-Tharu, who emphasize the "feudal" nature of traditional *bhalmansā/baḍghar* practices that does not fit well with commonly held notions of democracy and egalitarianism. They emphasized that the role of *bhalmansā* used to be carried out by the wealthy and powerful Tharu of the village, whose orders the other villagers obeyed. I will not pursue the issue of historical transformations and the diversity of *bhalmansā/baḍghar/mahaton* practices here (I hope to discuss this topic in another paper). Instead, I focus on the vision of *bhalmansā* practices that activists such as Chaudhary are seeking to promote.

In his speech, Chaudhary emphasized that the *bhalmansā* are deeply involved in the lives of all Tharus from birth to death. They help organize vaccination programs for infants and are also involved in arranging marriages; they declare, in a prescribed ritual gesture in a wedding ceremony, the successful formation of a marriage. They mediate disputes and organize funerals.

> *Bhalmansā* system is such an important culture for the Tharu community that we have to preserve it. Why should we preserve it? No matter how economically rich a person is, if that person is not

> happy (*sukhī*), they cannot do a good work. In order to be happy, the person needs to be able to speak one's own language, be able to follow one's own customs. Only when the person is able to sing one's own songs, then the person becomes happy. When a person is happy, they have good thoughts. They can do good work, and they can do a lot of good work. For this reason, it is a treasure of the state, and the state should protect it.

Chaudhary has advocated for the official recognition of the practice for twenty years; however, there was no response until recently. Since the first local elections under the new federal republic constitution, thirteen municipalities so far have passed what Chaudhary refers to as "*Baḍghar/ Bhalmansā Ain*." The first to pass the *Baḍghar Ain* on Pus 25, 2077 v.s. (January 9, 2021) was Barabardiya Municipality in the Bardiya District. The full form of the Act is as follows: *Bārabardiyā Nagarpālikāmā Raheko Baḍghar Praṇālī Saṁrakṣaṇ, Pravardhan ra Bikās Garna Baneko Ain* (Act for preserving, promoting, and developing *baḍghar* system in the Barabardiya Municipality). These acts recognize the existence of the practice as an important institution, describe its characteristics, and call for its preservation, promotion, and development. Chaudhary states that this was possible only because of the federal republic system.

> People say, "Republicanism came to Nepal, federalism came to Nepal, but what did we get?" But that's not the case. If it weren't for federalism, this most important practice of the Tharu would never have achieved legal recognition.

He reminded the audience that under the 1990 Constitution, Rajbiraj and Kathmandu municipalities decided to adopt Maithili and Newari, respectively, as their official working languages. These decisions were struck down by the Supreme Court, but federal republicanism made the difference, Chaudhary argued. *Baḍghar/Bhalmansā Ain* received official recognition for the first time and was recorded in government papers. However, Chaudhary feels that this is insufficient.

> The acts were passed and our identity (*pahicān*) was secured. That was good. The state has addressed our feelings. You recognized me

(*main cinlī*) as Ekraj Chaudhary. I now have identity (*pahicān*). But identity alone is not enough to support your life. To subsist, you need so many different things. The state system is created to provide all those necessities. We pay taxes to the state, they are gathered in one place, and again, they come back to us. What I am trying to say is that we need access to state resources.

For this purpose, he recommended formally registering *bhalmansā/ baḍghar* organizations with the municipality. *Bhalmansā* is already an organized activity. Each *ṭol* or village has rules enforced by the *bhalmansā*. However, these rules are not written down in formal manner. From here on, Chaudhary went into detail about the procedures for formally registering *bhalmansā* organizations with the municipality: they will need an official name, official rules, bank accounts, seals, signboards and so on. Official registration would give them the same rights and duties as the *ṭol bikās saṁsthā* (neighborhood development organization).[37] *Bhalmansā* organizations will be eligible to apply for and receive the same budget for local development. However, both *bhalmansā* and *baḍghar* support all aspects of life in the Tharu community, including communal and life-stage rituals. Addressing mayors and representatives at provincial and municipal levels present at the meeting, Chaudhary says that officials need not be afraid of giving rights to the *bhalmansā*, as these organizations would have the same status as the *ṭol bikās saṁsthā*. If the *bhalmansā* can be directly involved in the process of planning for the village, and then in the process of disbursing the budget, they will become endowed with full authority.

From here on, he switched his topic from *bhalmansā*, but continued to specifically address the members of the provincial parliament and other political representatives. He noted that Article 42 of the Constitution on the right to social justice provides for the proportional inclusion of socially and economically backward classes and marginalized groups, including the Tharu, in all state bodies. However, more than seven years after the promulgation of the Constitution, this provision has not been implemented, because the

[37] The federal government issued "*Ṭol Bikās Saṁsthā* (Neighbourhood Development Organization) Formation and Mobilization Procedure" in 2021. According to Chaudhary, the government is hoping the *ṭol bikās saṁsthā* to take up the responsibilities currently taken up by a variety of local user groups, whom the government apparently sees as not functioning very well.

Federal Civil Service Bill, which is necessary for its implementation, has not been passed. Article 56, Clause 5 of the Constitution provides for "Special, Protected or Autonomous Region" for social and cultural protection, and economic development, but it needs to be set by federal law.[38] Similarly, Clause 2 of Article 7 provides for making the non-Nepali language(s) spoken in the province the official working language. Last year, the Language Commission recommended Doteli and Tharu in the Far-west and Tharu, Awadhi, and Magar in Lumbini Provinces as official languages. However, there has been no government reaction. "I ask especially the members of provincial parliament here, to make Doteli and Tharu the official working languages of the province," he added.

> Now, why do I keep saying Tharu, Tharu, Tharu only? There is a reason for that, too. How did the Tharu make this area a livable place? There were tigers, bears, wild animals, poisonous snakes, and other life-threatening creatures here. There were diseases like cholera, smallpox and malaria. Our ancestors battled with these, and endured and endured and endured until our blood cell was disfigured. It is called sickle cell, you know? How do blood cells get disfigured? The scientists have found that if your descendants live continuously in a malarial area for about five thousand years, their red blood cells become sickle shaped. About 78 percent of the population of Barabardiya in Baridya is Tharu. They even opened a sickle cell hospital there. For what our ancestors did to build this nation—as a compensation for that sacrifice, Article 42, the provision for right to social justice, was brought in. That article was not brought in easily. Here, so many people became martyrs, so many people lost their own lives. Article 42 came into being on the foundation of those renunciations and sacrifices. So many people take this casually and say "This thing called sickle cell is a disease that only Tharu get. Let's give them NRs. 100,000. They will take medicine for the rest of their lives, and they will be okay." But that's not the case. Is NRs. 100,000 enough to receive a lifelong treatment nowadays? No, it's not enough.

[38] On the ambiguous place of "Special, Protected or Autonomous Region" in the federal constitution, see Johnson (2022).

Not all Tharu in western Tarai suffer from sickle cell anemia or sickle cell disease (SCD).[39] However, the disease is only found among Tharu and not among Pahadi or other non-Tharu residents in the area. Chaudhary's intention was to construct a narrative that establishes the ancient and continued habitation of the Tharu in western Tarai and to construct their hardship as a result of a history of struggling and sacrifice for the Nepali nation.

Chaudhary further explained that the blood cells of people with round cells lasted for 120 days, whereas the sickle cells started dying after only forty days.

> That is why our ancestors ate four meals a day: *Bāsī* in the morning, *kalwā* during the day, *minhī* in early evening, and *berī* at night; eating pond snails, fish, river crabs, wild fruits and vegetables. That is why we didn't become anemic. … Those whose blood cells die fast tend to become anemic. That's why Tharu need to eat a lot. That's why we need to be able to eat food that we have been eating for a long time.

He then called upon members of the provincial parliament in the room to raise the issue of Tharu food rights, and others present to discuss food rights with their representatives in this manner.

In conclusion, Chaudhary repeated two main points of his speech: that it is not enough to just give identity cards to the *bhalmansā*, who also need authority to make plans and a spending budget; and that NRs. 100,000 is not enough for sickle cell patients, but that the Tharu need long-term protection of their food rights.

Chaudhary's speech had two main themes: the promotion of *baḍghar/bhalmansā* practice and support for those with sickle cells. According to Chaudhary, the *baḍghar* practice is so central to Tharu life that to protect and

[39] National Health Research Council (NHRC) of Nepal conducted population-based screening of sickle cell disorder in Bardiya District from Saun 2074 (July/August 2017) to Pus 2076 (December 2019/January 2020) among 20,000 in Tharu population. Among the 20,000; 2,256 or 11.3 percent were found to have sickle cell disorder. Among this 2,256 with the disorder, 2,111 were found to have sickle cell trait (SCT; having genetical trait of sickle cell disorder inherited from their parents but not the disease); and 145 or 0.7 percent were found to have sickle cell disease (NHRC n.d.). On the history and experiences of sickle cell disorder among the Tharu, see Nakamura (2023).

promote it is to protect and promote their ability to produce and reproduce the distinctive Tharu way of life. Economic wealth is not the utmost value for the Tharu people. You must be able to speak your own language, follow your own customs, and sing your own songs to be happy. We can interpret Chaudhary's speech in invoking and contrasting the themes of wealth and happiness as critically engaging with the slogan, "Prosperous Nepal, Happy Nepali" promoted by Nepal's former Prime Minister K.P. Sharma Oli, mentioned at the beginning of this article. Chaudhary argues that economic prosperity is insufficient for people to be happy. I suggest that Chaudhary is pointing to values that are irreducible to economic value. What is at stake here then is, as Turner argued, people's ability to define what value *is*, and to pursue that value.

In Chaudhary's speech, sickle cell disorder is presented as a result of the sacrifices Tharu made over many generations to make Tarai a habitable place. In other words, he frames the promotion of *baḍghar/bhalmansā* practices as a matter of Tharu cultural rights and the issue of sickle cell disorder as a matter of reparative justice. According to Turner's framework, these are both refractions of the same power—the universal human capacity to produce themselves as socially, culturally, linguistically, or biologically different and distinctive beings through collective and cumulative actions.

As in the previous ethnographic vignettes, Chaudhary's speech is also oriented toward greater engagement with, rather than isolation from, the wider society. It advocates actions to gain more recognition and resources from formal institutions of the Nepali state. However, again, the speech advocates these actions to enhance the ability of the Tharu to produce and reproduce themselves as a distinctive category of social existence. The key to this, in Chaudhary's opinion, is the empowerment of *baḍghar/bhalmansā* practices as a form of self-governance that differs from those structured around the principle of liberal electoral processes. It also challenges the vision promoted by the slogan "Prosperous Nepal, Happy Nepali," and seeks to preserve and promote a collective space in which different visions of happiness, or value, can be constructed and pursued.

Conclusion

At the beginning of this article, I argued that social inclusion, in contrast to assimilation or integration, envisions a process of inclusion of a heterogeneous element into the wider society, in which the included element

retains its heterogeneity. I also discuss Turner's notion of the universal right to difference.

This article examined the evolution of Tharu activism and assessed its current state seven years after the Tikapur incident and the promulgation of the new Constitution. In the immediate aftermath of the Tikapur incident, it was important to emphasize the history of exploitation and deprivation of the Tharu in the hands of the Nepali state and that the Tharu, through their movement, demanded justice from the state. In Turner's arguments about the right to difference, I sought to find clues to understanding the relationship between claims of identity and human rights: they both have to do with the possibility of exercising the ability of individuals and collectivities to produce and reproduce their different and distinctive existence.

The first ethnographic sketch sought to capture how Tharu identity was experienced and produced in the daily lives of a Tharu family in rural western Nepal. The second sketch described the annual meeting of a Tharu cooperative. Both examples involved efforts at enhancing the economic wellbeing by the relevant actors. They also involve willingness to engage with wider world of politics and administration, beyond the boundaries of their own villages. At the same time, their actions are oriented towards constructing an imagined holistic social space in which Tharu practices—Tharu songs, dance, dress, food, language, etc.—thrive. The third example, the speech by Ekraj Chaudhary argues that the promotion of the Tharu practice of self-governance, *baḍghar prathā*, will be the key to producing and reproducing such social space.

In his article, Suresh Dhakal (2022) commends the effort to promote and gain legal recognition of the *baḍghar* practice. He sees the involvement of *baḍghar*s in the official process of local governance as a move that can reduce the gap between bureaucratic processes dominated by bureaucratic administrators and experts, on the one hand, and traditional local practices of self-governance, on the other, and hence help promote true participatory democracy. He also suggests that official recognition of the *baḍghar* can serve as a corrective measure for the past wrongs, consisting of the Nepali state's neglect of the Tharu community.

However, Dhakal also noted concerns expressed by some of the Tharu leaders that the involvement of the *baḍghar* in the processes of official local governance might somehow compromise their "cultural authenticity (*sāṁskṛtik maulikatā*)." They fear that the unhealthy politicization observed

in forest user groups, school management committees, irrigation user groups, and so on, may also infect the *baḍghar* system. In other words, the fear is that the institution of the *baḍghar* practice may become just another arena of local politicking, losing its good and distinctively Tharu characteristics.

The production and reproduction of culture is always done against a background of entropy (Appadurai 1996). Chaudhary wagers here that official recognition and access to the flow of public funds will strengthen, rather than weaken, the *baḍghar* system. At the beginning of this article, we noted that the notion of social inclusion calls attention to how a wider society (the society in which the heterogeneous element is included) itself changes. Chaudhary, for one, had an optimistic view. Despite many complaints and the defeat of movements for identity-based federalism, the new Nepal with its federal republican constitution allows for much wider inclusion and pluralistic experiments by its members than before. Throughout this article, I have argued that such pluralistic experiments involve reflexive engagements by the actors in the cultural work of imagining and producing alternative social universes.

Acknowledgments

Parts of the research on which this article is based was funded by Japan Society for Promotion of Science (16H05692; 19H00558). I thank Seira Tamang, Pratyoush Onta, Lokranjan Parajuli, Mark Liechty and Seika Sato for their incisive and constructive comments on draft versions of this article. Remaining errors and weaknesses are mine. I am deeply grateful to Tharu residents and activists in western Tarai who shared their time and thoughts with me over the past three decades, and especially to Ekraj Chaudhary for the collaboration and friendship.

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