

UNIVERSITY OF NOVA GORICA
GRADUATE SCHOOL

**WOMEN'S EXPERIENCES IN POLITICS AND POWER:
TESTIMONIES OF FEMALE CONSTITUENT ASSEMBLY
MEMBERS IN NEPAL**

DISSERTATION

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Abstract

The Interim Constitution mandated a quota of thirty-three percent of women in all public bodies and the April 2008 elections gave women 197 seats (thirty-three percent) in the Constituent Assembly. This dissertation portrays political and gendered data on both the political situation in Nepal as well as the women who joined the Interim Government in 2008 as part of the Constituent Assembly, the governmental body that is mandated to write Nepal's seventh constitution.

As an intersection between feminism, gender, and political anthropology, this research incorporates testimonies of female Constituent Assembly members and considers their experiences and their interpretations of those experiences prior to and during the process of drafting the first constitution of post-conflict Nepal. They are former housewives, social activists, former slaves, Ph.D. holders, educators, and laborers. The women represent nineteen of the twenty-nine political parties active within the Constituent Assembly. Though their upbringings, experience, and political ideologies are as different as the women themselves, the women now share a unique experience: writing the constitution.

The author explored the women's private lives and their experiences growing up and through this exploration it became clear that the women's personal feelings and experiences all contribute to a gendered perspective of Nepali women's lives before and during their time within the Constituent Assembly. The women's perspectives on major events, including the People's War, within Nepal's history all contribute to a comprehensive look at not only which events played an influential part in Nepal's political path, but also give a voice and gendered perspective of these events. Each woman has her own irreducible history, yet their stories have as many similarities as differences. All of the women share tales of exclusion, hopes of change, and pride in their caste or ethnic group. Whatever the reasons for the eventual successes of the women of the Constituent Assembly, it is clear from their stories that each woman faced (or still faces) familial pressures in regard to their desires to be more than what was expected of them as a girl child. While each woman's story is unique unto her, there are also numerous Nepalese women who share a similar story, however, what makes each woman distinctive is that she left her natal home, gained experiences far beyond what was expected of her, and joined a profession that was, until recently, held by men.

The author examined the women's private lives and their experiences of discrimination and oppression in being both female as well as being part of various ethnicities, religions, castes, political parties, or having an ascribed profession because of one of these other factors. The women's words of these experiences speak of a fine line of freedom both at home and within the political parties. This means that women have to first fight for their rights at home and within society, then within their political parties to have the parties accept the women's roles and thoughts, and then lastly within the CA to be seen as qualified members with opinions of value.

Finally, considered are the women's experiences in the public realm, more specifically as a Nepali politicians and female member of the Constituent Assembly. Though each woman is an individual who came to be elected into the government through different circumstances, they have shared experiences due to their current status as CA members that not only reveals the important moments within their lives thus far, but significant hurdles that they, as female politicians, are facing. Many of the women cited patriarchal attitudes that, to the women, are currently embedded in many of the male CA members. To this end, many of the women feel they are not heard and are not respected within the governmental body because of their gender. Likewise, many women are unsure of their future careers in politics due to economic constraints.

The women explain their hopes that their positions as CA members as well as the accompanying responsibilities of writing the new constitution and affecting policy changes within Nepal will positively influence equal rights not only for women, but for historically discriminated castes and ethnicities. The women's personal feelings and experiences on these events within Nepal's history all contribute to a comprehensive look at not only which events played an influential part in Nepal's political path, but also give a voice and gendered perspective of this specific time in Nepal.

Keywords

Nepal; women; Constituent Assembly; gender; politics; ethnicity; caste; constitution.

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Preface

Having completed my master's thesis on women's and girls' education in Nepal, my academic interests led me back to Nepal once again and specifically to the, as yet, untold stories of the women who were elected into the Interim Government's Constituent Assembly (CA) in 2008.¹ These women hail from each corner of Nepal, represent every political party and caste, and host a multitude of worldviews and ideologies. For me, this is interesting in itself, but as the women are charged with the task of being a part of the team who will create the framework that will lead Nepal into its future, another layer of appeal is added precisely because of this intersection of women and constitution building within a specific time within Nepal's history.

As an intersection between feminism, gender, and political anthropology, this research will incorporate testimonies of female Constituent Assembly members and will consider their experiences and their interpretations of those experiences prior to and during the process of drafting the first constitution of post-conflict Nepal. They are former housewives, social activists, former slaves, Ph.D. holders, educators, and laborers. They possess a wide variety of opinions on political issues, but practice solidarity when debating and lobbying for women's issues. The women represent nineteen of the twenty-nine political parties active within the Constituent Assembly. Though their upbringings, experience, and political ideologies are as different as the women themselves, the women now share a distinctive experience: writing the constitution.

When I began my research and took my first trip to Nepal in February 2010, post-conflict Nepal was nearing the end of the Three Year Interim Plan that aimed to reduce social inequalities and, indeed, create historically progressive changes for women's rights and their roles within civil society. The initial deadline for writing Nepal's seventh constitution was May 28, 2010; however, due to political instability, after my third trip to Nepal in October 2010, the constitution had yet to be written.

During the initial phases of peace negotiations and talks in 2006, involvement of women was minimal. The drafting committee for the 2007 Interim Constitution appointed four women of

¹ When I began this research and writing, this was truly the case, but in December 2011, a large document was published entitled *Women Members of the Constituent Assembly: A Study on Contribution of Women to the Constitution Making Process in Nepal* (listed in the bibliography). While this document was available from that date, it was so large that the website would not allow it to be downloaded. I received the document in a personal e-mail from the one of the publishing partners in February 2012 at which time, the writing of this research was near completion.

the sixteen members. The Interim Constitution mandated a quota of thirty-three percent of women in all public bodies and the April 2008 elections gave women 197 seats (thirty-three percent) in the Constituent Assembly that is mandated to form a new constitution; women are indisputably involved and placed to make critical contributions to historical issues including power, violence, exclusion, caste, and equality. Female contributions from disparate perspectives, caste, and political backgrounds can undoubtedly affect the rehabilitation and reconstruction phase as well as constitutional content and emerging policy. Analyzing Nepal's peace process and social development without considering the gender dimension results in an incomplete picture as women and men are affected differently by contemporary armed conflict and its aftermath.

The constitution that is being written will be formed and influenced by the complexity of Nepal's social arrangements, customs, religions, and situation of transition from a country in conflict country into a post-conflict situation. Transition and change are the goal of constitution-drafting and implementation process. Thus building a new legal system and arguably an altered social order, lives of Nepali citizens are also shifting in that the situation of *post-conflict* is not a static condition. Perhaps levels of normalcy returns or perhaps new roles are reified. Who best to glean accounts of transition, either personal, professional, or of the state, than the Constituent Assembly members who are intimately acquainted with the process on many different planes?

The South Asian country of Nepal presents an opportunity to explore women's participation, voices, and ideals as members of the Constitution writing team while being situated in post-conflict period. The first Constituent Assembly meeting was held on 28 May 2008, where Nepal was declared as a Federal Democratic Republic. From that time until the present, the Constituent Assembly has been charged with drafting a new constitution. After its completion, and acceptance, CA members will disband and continue on with their lives. Documenting Nepali women's individual perspectives during the current social reconstruction is indispensable for analyzing this time for an emerging federal republic's people and society. Indeed, these women can bring a new dimension to the otherwise black and white empirical data on constitution building whereupon individual thoughts and reflections are missing. By listening to these women we can begin to understand a frame of reference they provide for analyzing social and political issues of importance. It is a glimpse into the future, into personal political utopias if you will. Regardless of political affiliation, all of these women have been struggling and continue to strive for social change.

In examining the experiences, thoughts and stories of these women, I will examine the concepts that emerge as important and analyze the similarities, differences, and contradictions within those to better elucidate a framework for which these women are currently working and living. Recording Nepali women's perspectives and agendas during the current social reconstruction is essential for documenting this historic time for an emerging federal democratic republic's people and society.

Nepal is headed toward rapid change as underrepresented groups, lower caste, ethnic groups, and women are given a voice for the first time. Previously, Nepal's human capital was based on the experience and abilities of a rather small selection of high caste men. Now with women's capital and caste capital included, Nepal can no longer remain stagnant as with these voices, experiences, and varied abilities, the only feasible path is one of change. "Gender, race, ethnicity, caste, and class are best analyzed as they intersect in creating social relations of power, and as different historical, cultural, and political-economic processes shape the configuration of power within a society" (Morgen 1989: 11).

Though gender is recognized as an important and relevant factor in analyzing societies and the individuals who live within those societies, bodies of work with empirical data on Nepali people, including reports and documentaries on the People's War, are oddly devoid of or have limited gender data. Additionally, there is no research that takes into account personal experiences of these women to date, both within the public sphere and within her family/community, making this research necessary to understand the positions, lives, and experiences of these women during this time. Within my research I was interested in my respondents' personal volition that led them to be part of the Constituent Assembly and what being part of the CA means to them. Part of my investigation was centered on how the women perceived their own experiences within the Constituent Assembly, being a woman in a role that until very recently was held almost exclusively by men.

My key concepts within this research design are *gender and politics*. I look specifically at how gender relations and ideas about gender are shaping political and economic change within Nepal. To that point, anthropologist Arturo Escobar wonders how a "political culture" is carved out of the background cultural domain within a given society" (Escobar 1992: 405) and "[h]ow are culture and politics intertwined in the practices of 'new actors'?" (Ibid.) These questions are exceedingly relevant to the research at hand. The new actors being the women are creating a new political culture and therefore also aiding in a social, cultural

transformation that allows women to participate fully in a traditionally male dominated domain. Though many themes will be introduced within the research, gender and politics are cross-cutting concepts that emerge throughout.

Initial steps

Why study women?

The choice to study women world leaders implies that within it there is something here to evaluate and explain. Also suggesting that there is some value to knowing more about “women” leaders, otherwise why would we care if they are women or not? (Hoogensen and Solheim 2006: 33)

Research in Western democracies posits that women’s presence in government helps to shape legislative agenda, as, even though women’s opinions and political stances vary considerably, women, as a collective, do in fact emphasize the importance of family, children’s issues, and gender equality than their male counterparts (Montgomery 2003). Moreover, Harding emphasizes that women’s voices are crucial in order to maintain social justice:

[I]t is women who should be expected to be able to reveal for the first time what women’s experiences are. Women should have an equal say in the design and administration of the institutions where knowledge is produced and distributed for reasons of social justice (Harding 1987: 7).

Harding stresses that it should be women who speak of their own experiences as it is these experiences that will affect the dynamics of the society. These arguments imply that the participation of women within the constitution drafting team could deeply influence its content and language pertaining to gender equality. Though the majority of the female CA members are new to politics, my personal belief is that, as a critical mass, they can effect change. “Women may not come to the starting line with the same resources or skills as men, and this can result in differences in outcomes...” (Paxton and Hughes 2007: 10). In Nepal, the majority of the female CA members have come to their positions with different backgrounds, skill-sets, knowledge, and experiences, not only as women, but as a member of X caste or Y ethnicity; it is because of these differences between the male and female CA members that I suppose that the outcomes of the constitution drafting, in terms of laws and language, will be different than in the past. As Nepali women are thirty-three percent of the Constituent Assembly and Nepal has never seen a critical mass of women within the government, it can be said that since the situation is new, the outcomes will also be new, even unexpected.

However, the question remains: Can the women of the CA represent all Nepali women? There is no simple answer to this question and as yet, no way to measure such an answer.

Following Weldon's observation on the complexity of group perspectives, I believe the women of the Constituent Assembly fit the following analogy:

Group perspective can be thought of as a puzzle of which each member of the group has a piece. The more pieces of the puzzle, the better picture we have. When additional pieces are very similar to existing pieces (the same color or texture) we learn little about other areas or features of the puzzle. The greater the diversity in pieces, the better idea we have about the different areas and parts of the puzzle. Moreover, when members of the group come together, they can compare their puzzle pieces to which she or he holds a piece (Weldon 2010: 232).

Weldon offers a notion of how groups work together which is especially useful when thinking of how the women of the CA will be able to come together and attempt to represent Nepali women and act in their best interest. As individual female politicians, the women hail from nineteen political parties, therefore their political ideologies might be as different as their backgrounds in terms of caste, ethnicity, region, or religion. Yet, as a group they are attempting to make all of their plans and ideas fit together. A puzzle completed.

Methodology and process

Initially, I had planned to meet with between fifteen to thirty female Constituent Assembly members and conduct multiple interviews with them within the time frame when I was in Nepal. My first trip to Nepal, I talked to thirty-one women; I could have stopped at thirty as we were virtually out of time, but my assistant said it was bad luck to end on an even number, so we scheduled one more interview. By the end of my field research, I had conducted eighty-three semi-structured interviews with thirty-seven women from nine political parties. I also had maintained an ethnographic diary whereupon I detailed all meetings, observations, and news pertaining to the political situation in Nepal. Additionally, after leaving Nepal, I researched existing United Nations, Non-Governmental Organization (NGO), and Nepali Government documents, ethnologies, and academic texts on Nepali society, politics, and history, including education, gender, and development as materials for analysis.

This research is gleaned from personal interviews of current Constituent Assembly members who have come from disparate rural villages and cities, of low and high castes, the well-educated and the not-so-well-educated, and have come together to represent both their gender and their ethnic or caste groups in a specific moment in Nepal's history. The eighty-three interviews that I draw upon were all held between February and October 2010 in Kathmandu, Nepal, whereupon I listened and recorded the women's life stories, perspectives on being a

female politician, and hopes for the new constitution. Many of these women spoke in English, but there were women with whom a translator's services were called upon. I interviewed thirty-seven women who stated an affiliation with four religions, eight caste/ethnic backgrounds, eighteen regions, and nine political parties.² Eight of the women were directly elected and twenty-nine were proportionally elected into the Constituent Assembly in 2008. The women's education ranged from being illiterate and signing an "X" for their name to one woman who held a Ph.D. Twelve of the women spoke English during our conversations, while the others required either partial or full use of a translator.

My initial objective of the research design was to observe relationships where possible between the women and their existing social networks. However, upon arrival in Nepal and seeing firsthand the time constraints of the women themselves, it became clear that observing the women either at Singha Durbar³ or with their families/friends would be impossible. Georgiadis presented the following thought on obstacles to fieldwork within urban settings:

Undertaking fieldwork in urban settings can be a challenge (Hannerz 1980) as endeavoring to develop relations of intimacy and trust with strangers is not easy in an environment where personal interactions occur in a diversity of venues, where friendships mature behind closed doors and where a sense of community does not always develop from partaking in local activities (Georgiadis 2007: 9).

While I was invited to many of their homes for breakfasts and lunches, and met a handful of friends and children through various circumstances, it was not possible to spend days with them, let alone several hours at one sitting. Though I cite the main reason for this difficulty to their hectic and demanding schedules, it must be said that also I had a restrictive schedule. In each trip to Nepal, I could only spend approximately two weeks or slightly less as I had a one year old daughter at home, a husband who travels internationally at a moment's notice rendering child care a major concern if both parents are out of the country, and was pregnant for two of the three trips. In fact, for my last trip to Nepal, my mother flew from the United States to China in order to babysit for my daughter while my husband and I were away from home.

² Political Parties: Communist Party of Nepal - Maoist, Communist Party of Nepal – Unified Marxist Leninist, Nepali Congress, Nepal Sadhwawana Party, Madheshi Jana Adhikar Forum, Federal Democratic National Forum, Communist Party of Nepal – Unified, Rastriya Prajatantra Party, Nepali Janata Dal.

³ Singha Durbar is the main government building complex which holds Parliament and the Constituent Assembly.

Due to the unforeseen challenges, my final research objective was to glean a clear view of how the women understand themselves, their lives before they entered politics, and now that they are active within politics. Additionally, to elicit their understandings of gender, equality, and politics in a traditional and transitional society which will create a greater understanding of Nepali women's experiences as the sheer number of women in political bodies increase. In order to meet my objectives, semi-structured interviews, historical analysis, ethnographic diary of all observations, and to a lesser extent, media analysis were utilized as research tools.

Interviews and fieldwork

Qualitative studies are invaluable to understanding women's experiences within politics in Nepal because of their thematic contributions. Due to the circumstances in which I met with the women (having left their home places to be in the capital city as part of the government) it was not logistically possible to spend time in each woman's home place as they were spread in each corner of the country and the women themselves did not frequent those homes because of work constraints and lengthy travel times (sometimes a few days needed for travel). Likewise, among the women I met with, outside of Nepali at least five languages were considered their mother tongues; indeed, many women did not speak the national language of Nepali. My own knowledge of Nepali language is minimal; I am comfortable with basic greetings, salutations, phrases for getting around the city in a taxi, and can recognize terms that were used with frequency during the interviews, including the People's War, People's Movement, and the Constituent Assembly, however my language ability does not extend beyond that. Due to my limited knowledge of Nepali and of the other local languages used in Nepal, it was necessary to work with a translator who spoke Nepali as well as five local languages. Though the language barrier was not a problem in Kathmandu because of the extensive amount of time and work that was offered by the translator, communication barriers would have been great should I have traveled to each of their home places. However, this is not to say that I was not invited to their home places or that I did not want to go. If circumstances had been different, I would have loved to travel with them to their home places to see firsthand the places and people of which they spoke.

That said, as I had previously lived in Nepal, I do possess intimate knowledge of life in a small village, including roles that are assigned to women and the beliefs behind those roles. And while I do carry that knowledge from my own personal experiences, initially in planning my field research I had envisioned participant observation within the actual structures of the

Constituent Assembly as a key methodological component in my research in order to gain a more holistic understanding of the women's lives. However, after fully realizing the structure of the women's lives within Kathmandu I quickly learned it was not possible. As a result, interviews are heavily quoted and analyzed throughout the text as, in the end, the life stories that the women shared with me were the priority for my research. Interviewing was the most effective way of finding out about the women's life stories, perceptions of politics, and their experiences as female politicians within the Constituent Assembly.

I interviewed each woman not as a woman from a specific region, caste/ethnicity or political party, but as a woman member of the Constituent Assembly. Having said that, I was steered toward certain female CA members by some of the women as many of the female CA members baldly stated that I should meet a wide scope of women who hold a wide variety of experiences within their lives that led them to the CA. My familiarity with Nepal's history, having extensively studied it prior to my fieldwork, as well as my personal familiarity of living in rural Nepal with an ethnic minority who did not speak the national language of Nepali, engendered a certain ease in our conversations as I was knowledgeable about the events of which they spoke.

Initial contacts were made via personal NGO contacts in Nepal and through the Nepali Consul General in Ljubljana, Slovenia, who had friends within the Constituent Assembly. Through my NGO contacts, I was sent a partial list of female CA members and their contact information. With that, I began e-mailing them knowing full well that I would probably be ignored or be unknowingly filtered into a spam folder. I e-mailed twenty women and heard back from three indicating that they would be pleased to meet with me and to contact them again upon arrival in Kathmandu. It was through these initial contacts, along with the help of former colleagues in NGOs, that I was able to meet with thirty-seven women. I met the majority of the interlocutors due to the snowball effect; in that women introduced me to other CA members they thought I should meet or I was referred to women through a local NGO. Frankly, I was thrilled that any of them actually said "yes" to meeting me in the first place. I was scared that they would be too busy to meet with me and have no interest in meeting a Ph.D. student who was curious about the women of the Constituent Assembly. But they did. And so this was my first lesson: not only was gaining access to them fairly easy, but these women wanted to tell me things about themselves in relation to the past and present political situation. They wanted their stories heard.

The women's lives in Kathmandu were incredibly hectic and meetings were scheduled for most of their days. The majority of my meetings were scheduled on the day of, sometimes with ten minutes notice. Having been referred to specific women and given their phone numbers, my assistant and I would call the women (hope that they would answer as there is no voicemail) and try to schedule an appointment. During each of my visits to Nepal, my schedule was unpredictable and hectic. My assistant, Nitu, and I spend a lot of time rushing to meet someone only to wait for long periods for them as the meeting was late or there was a problem at security at Singha Durbar. The women were glad to meet with me if they had the time which frequently meant between meetings if I could make it to that part of town in time before she left for her next appointment. That said, once the women met me, they always made more time for me so we could complete our conversations. Additionally, while I was allowed access to Singha Durbar, where approximately twenty-five percent of the interviews were held, the women attended many meetings that I as a foreigner was not privy to, including planning/strategy meetings within their political parties.⁴

Though I wished I could stay in Nepal for longer periods of time during my field research, in the end I am glad that I made three separate journeys as it gave me the time and space to reflect and gain perspective on what I had been told, what I had not been told, and which topics seemed of greater interest to them than others. I wanted the women to speak as freely as possible, so I asked a few questions and let them just talk. Initially, I rarely interrupted (only if something was really not clear) and only asked a new question when they asked me if there was anything else I wanted to know, but then soon realized that the majority of women responded to a structure that was more conversation-like, which is how most of the interviews then took place.⁵ As knowledge of the women and their perspectives increased, new thematic topics were incorporated into our conversations. This method of approach led to a deeper appreciation of women's attitudes regarding politics and patriarchy, and their experiences within both the private and public realms.

For my first field research mission in February 2010, the interview structure included broad topics on collocutors' family lives growing up, career prior to their inclusion in the Constituent Assembly elections, and perspectives/experiences as a female politician within the CA at present. While I was introducing topics for discussion, I gave free reign for the

⁴ The other interviews were held (almost equally) in political party offices, coffee shops, the Centre for Constitutional Dialogue, and their homes.

⁵ One woman just wanted to talk and I never interrupted her train of thought. Conversely, a few women really wanted me to pose topics for them and ask specific questions.

women to determine how she wanted to interpret the themes and what she wanted to share within our conversation. Each interview was recorded and varied in time from thirty minutes to three hours, depending on each woman's time constraints. After each interview, I wrote notes on the meeting regarding their feelings about certain topics (very animated, irritated, excited), relevant observations about the session, as well as any conversation that we had after the recorder was powered off.⁶ Within the sessions with my interlocutors, I began each by introducing myself saying a thing about my Ph.D. and why I chose to learn about the women in the Constituent Assembly. In placing myself within the conversation, I utilized Oakley's theory that interviews are most successful "when the relationship of interviewer and interviewee is non-hierarchical and when the interviewer is prepared to invest his or her own personal identity in the relationship" (1981: 41).

After returning to Slovenia, transcribing the interviews, and critically thinking about the topics that were broached by the women I came to the conclusion that some of the topics needed further and clarifying information in order for a full understanding of these topics to occur. As a result, I developed new questions for discussion within the second interviews during August 2010 in which I met with twenty-two women (fifteen second interviews and seven initial meetings). These questions referred to their understandings of caste, freedom, and various forms of political and ethnic affiliations.

During the second set of interviews, I was able to bring up topics that had already been breached. It was during these meetings that a feeling of trust was solidified as I returned once again to meet with them. Additionally, during this interview, it was known that I was pregnant; I believe that my pregnancy and solo travel back to Nepal made a positive impression that I was serious about hearing their stories. In October 2011, I traveled to Nepal for the third time. During this trip, I had two objectives: final interviews and photographs. I did not have specific questions in mind for the third interviews, only topics for consideration. These topics were based on analysis from my initial two conversations with the women. The topics included their explanations of women's solidarity within the Constituent Assembly, current societal challenges for women, and the quota system that was instituted within the Interim Constitution that mandates thirty-three percent women within all governmental bodies, including the Constituent Assembly.

⁶ Many of the women talked as they were walking out the door, getting into taxi, or as we were walking together.

During our conversations, I kept in mind that through the interviewing process I should not expect to amass “pure data”, for all interviews are subjective; in order to achieve holistic comprehension of the women’s perspectives it was necessary to learn about the “context” in which thoughts and views are expressed (Hammersley and Atkinson 1983: 112). To that end, I also met with NGOs and other organizations that directly worked with the Constituent Assembly members or for the inclusion of women in politics in Nepal.⁷ These organizations and people within them gave personal accounts of the political situation past and present, policy change, human rights, and democracy within Nepal.

I did not impose my views on the women, though during some of the interviews their opinions of what my opinion could be was brought up. A few times I was asked what I would do if I were a Nepali politician; I always managed to redirect the question. It was not my place then, nor is it now, to make suggestions or hold specific political views. The Nepali people will decide their political future. Additionally, a few of the women from the Communist Party of Nepal – Maoist remarked about how United States considers Maoists to be terrorists.⁸ I believe that the women who brought up the tensions between Maoists and the USA did so to gauge my reaction or beliefs about the situation as I am American. While I attempted to remain as neutral as possible, it is hard to be neutral about answering a question that is basically, “so you think I am a terrorist?” In fact, and to be perfectly transparent, I do not think that as individual women they should be on the Terrorist Exclusion List. In response I frequently made light jokes and admonished former US President George W. Bush who was President when members of CPN-M and the People’s Liberation Army were placed them on the list in the first place. This point of listening and interpreting the situation and conversation at hand leads me to the next step of my research process: analysis.

Analysis and problems in translation

Qualitative analysis is the search for patterns in data and for ideas that help explain the existence of those patterns. It begins even before you go to the field and continues throughout the research effort... If you’re doing it right, it never stops (Bernard 1995: 360).

Much of my analysis was made once I returned from the field and began to transcribe verbatim the eighty-three interviews I had recorded in Kathmandu. Once this process had

⁷ I met with the Centre for Constitutional Dialogue, International IDEA, the US Embassy, Search for Common Ground, Beyond Beijing Committee, Women for Human Rights, National Democratic Institution Nepal (NDI), and Friedrich-Ebert-Stiftung (FES).

⁸ Members of the CPN-M political party have been on the Terrorist Exclusion List in the USA from 2004 until present.

ended, I entered the text documents into ATLAS.ti, a software programme for qualitative data analysis. Within the data analysis programme, I coded each transcript by examining the text for reoccurring themes. Following multiple readings and re-coding, a final list of codes emerged and it was from this final set of codes that the thematic groups emerged. The key themes that emerged are assembled together under the following seven headings: The women: In private; The women: Public figures; What do women want; The making of the seventh constitution; The quota; Present day: The women as they are now; and Women for women: Perspectives on belonging.

During my analysis of the stories that the women shared, I not only looked carefully at what was said, but how it was stated as well. What was the tone of voice, the context, her attitude and demeanor, her facial expression? Was there an urgency expressed or a hesitancy to voice her thoughts? Oral historian Portelli stated it best when he stated the following:

The most literal translation is hardly ever the best, and a truly faithful translation almost always implies a certain amount of intervention...The same statement may have different quite contradictory meanings, according to the speaker's intonation, which cannot be presented objectively in the transcript, but only approximately described in the transcriber's own words (Portelli 1991: 47).

Indeed, the responsibility that I took by not only listening, recording, and transcribing was greater when analyzing and interpreting the women's words. I am accountable to them and did my utmost to write their words, as well as the meanings behind them, with care and reflection. In this light, Gaines (1995: 69) stated that "linguistic analysis is imperative to the postmodernism movement". This aspect of postmodern anthropology will be employed in my research through deconstructing the language of the women. Though having said that, in some cases, it is also relevant to comment on what was left unsaid as well, as in my example above of the Maoist women stating with frequency that the United States regards them as terrorists.

I conducted thirty of the eighty-three interviews in English; the other interviews were translated from a variety of local languages into English by my female Nepali assistant. I hired Nitu without having met her first as I needed an assistant immediately upon arrival so no time was wasted. She was recommended to me by a friend who said that she was good, though slightly immature. I soon found out what this meant. Though I went through my spiel concerning what I expected of her during the interviews, it soon became clear that what I said and what she heard were different things (incidentally, because of this I now am more aware

of value words and their own individual interpretations). For ninety percent of the time, she was great and behaved exactly in the professional manner we had discussed. Unfortunately, that last ten percent was where the problems arose. During sessions where we were conducting the interview in English, she felt that she was not needed (therefore not representing me in a professional way) and would wander around, sometimes in the woman's house, or, during one meeting with an NGO, take off her shoes to pick at her feet. If there was someone else there that spoke a little English, she would ask them to translate for her; she did this in fun, asking lightly, but I was inwardly horrified each time. That said I didn't want someone else to translate for me other than Nitu as I had fully explained to Nitu expectations during the interviews and translation process. With other people, I could not be sure that they were not adding their own opinions as they translated.

It was a leap of faith using a translator. For all the truly confusing moments, I needed her a lot. Not only that, but since she is Nepali and part of the Madhesi community (as are many of the CA members), all of the women enjoyed meeting her, as she represented a minority group within Nepal. Many times, upon the women meeting Nitu, the first thing they would do was find their connection, family-wise within the Madhesi community. After that they would talk briefly about the Madhesi community; the women from the Communist Party of Nepal – Maoist in particular seemed to like that Nitu was Madhesi as it was widely stated by both Madhesi and non-Madhesi people alike that this group historically has been discriminated against. Additionally, Nitu is a woman, and that was ultimately more beneficial in terms of ease of conversation than having a man with me as a translator as many of the interviews were very personal and more than one ended in emotional tears. I hired Nitu for all three missions for three reasons: she was familiar with our process of contacting and meeting with the women, the women had become familiar with her and established a bond with her, and lastly, I did not want to interrupt the trust they had in me, in us, by bringing in a new, unknown translator. I honestly and truly could not have finished half of my interviews if it were not for Nitu, not only for translation's sake, but for navigation of Kathmandu, and the help she provided for me on a daily basis. However, that doesn't mean that my jaw didn't occasionally drop as I witnessed her idea of professionalism.

Having stated problems with the process of having a translator, I would like to speak a few words on actual interpretation. I aimed to fully appreciate the way their spoken thoughts were intended. In my opinion, within Nepal the difficulty of interpretation lies in the vast geographic and ethnic diversity of the country. The women I spoke with held at least seven

languages as their mother tongue and aligned themselves with eight caste/ethnic groups, and nine political parties. Nitu speaks five languages and her linguistic skills were tremendously helpful in that many of the women could speak their non-Nepali mother tongue and be understood. As a result of the many languages that were spoken, I took detailed field notes that, in the words of Geertz (1973: 16-17) mimicked “thick description” and inspected events in order to “reduce puzzlement”. Likewise, during analysis, I took the following words to heart: “Cultural analysis is (or should be) guessing at meanings, assessing the guesses, and drawing explanatory conclusions from the better guesses, not discovering the Continent of Meaning and mapping out its bodiless landscape” (Geertz 1973: 20).

Anthropological reflexivity: Why Nepal?

The first time I traveled to Nepal it was to work as a volunteer teacher for a local NGO who was funded by a European organization. I arrived with a friend I had met in Japan and was told that we had to pay money for the experience of teaching in Nepal. That was the gist of it, though that’s not how they explained it. My money would buy books, chalk, pencils, and other school supplies. What was left over would go to marketing in Europe. I thought this was odd. I was there, sitting in a windowless office in Kathmandu being asked for money that would go to Germany for marketing? In the end, I found a different organization to work with that needed me, not my American dollars.⁹ I was informed by the organization that the school I would be working in had little in the way of resources, so I bought the items that were most needed and carried them in my overstuffed backpack for the six hour trek it took to reach my temporary home in Phakhel, Nepal.

In Phakhel, I was a teacher at a primary school that offered education to children from kindergarten through grade five. The elementary school in which I taught had no power, water or the most basic of supplies for teaching and learning¹⁰: blackboards, paper, pencils or books. Yet, the eagerness to learn prevailed and the raw enjoyment of learning could be clearly seen. There were only three teachers at the school, meaning that at any given point in the day two classes were without a teacher. With the addition of another volunteer and me, the school then had five teachers. The Headmaster of the school was educated through grade seven and asked us to teach English; the teachers believed that if the kids were able to have a

⁹ I worked with the Kathmandu Environmental Education Project (KEEP) in 2001.

¹⁰ Prior to leaving for Phakhel, I was told to bring supplies to the school as the school was in need. The headmaster had stated a need for notebooks for the children to record lessons, pencils, sharpeners, chalk, and they also requested a map.

decent command of English that then they could work in Kathmandu in the tourist industry, therefore making more money and having more opportunities than if they were to stay in the village. However, school leaving rates being high (sixty children in kindergarten and only five in fifth grade), it was clear that few would ever leave the village in search of a different life as they were needed at home.

After this experience in Nepal, I felt that I wanted to continue to work in Nepal as part of my career. I decided to go to graduate school to study International Educational Development and was in Nepal during the application process. As part of the application process, I was required to take the Graduate Records Exam (GRE) and had trekked back to Kathmandu to do so. Two nights before the examination, I was walking in the tourist section of Kathmandu, Thamel, when I noticed huge groups of people standing in front of a television at one of the guest houses. I went over to see what was going on, as it is unusual to see large groups of tourists watching television. I stepped in front of the television right as Tower Two of the World Trade Center fell. It was September 11, 2001.

The GRE was held at the US Embassy. Instead of wishing us all good luck before the test, the heavily armed security men told us that there had been threats against the US Embassy. We were told that if we saw any flashing lights during the course of the examination, that it was likely the Embassy was being bombed and to exit immediately. There were no flashing lights during that exam; however every single person in there kept a close eye on the lights in question.

In the United States, my family was shaken. I called home and received long haranguing pleads from my mother and step-mother to return home. Not only was People's War at the forefront of their mind, especially as I had no way of telephoning unless I was in Kathmandu, but now America was at war. I didn't want to leave, but I knew I'd be back. I left Nepal shortly thereafter.

Personal biases

When I was first proposing my dissertation topic to a group of professors and peers I was asked a few questions that I still find myself thinking about, questions that I would like to posit now in hopes that I can make myself better understood as a researcher and a person with a background working in Non Governmental Organizations (NGOs). I proudly admit that I have worked for NGOs internationally within Asia and Africa; my intention and desire within

those experiences was to understand perspectives of people within a variety of situations and conflicts. I hold very high regards for many organizations throughout the world as those who work with and for NGOs do so in coordinated efforts with governments, local organizations, and teams of people who are academically trained in international laws, standards, and best practices. Additionally, NGO staff consults local groups and communities in order to know what the people want and what they don't want. While I honestly believe in the positive outcomes that such organizations support, I also have to admit having seen the rare organization that acts in a less than professional manner by conducting a sort of colonial style, forced development, in which people and communities are interfered with because the NGO not only believes their lives should be different, but has a plan to change aspects of their lives, even without once consulting with them. This manner is unsuitable regarding internationally agreed upon codes of conduct and humanitarian law for the vast majority of International NGOs. Yes, there are some groups who play fast and loose with the international standards and who operate within rogue organizations that have their own rules and codes.¹¹

I bring up my opinions on aid agencies and NGOs not only to advise the reader of my feelings, but to say that at no time was I even thinking about trying to change the way any of the women I interviewed feel or what they think or why they think it nor did I offer my opinions unless asked outright. I asked them about their opinions, experiences, hopes as I tried to piece together the perspectives of women who are fighting for their rights and the rights of every citizen of Nepal.

In this light, it must be said that my research interests can be said to be what is currently thought of as "activist research". Speed defines it as "the overt commitment to an engagement with our research subjects that is directed toward a shared political goal" (2006: 71). Why did I choose this subject? Was it an accident? Of course not! I believe that there should be more women in politics. I believe that we should fully support and understand the women (and their experiences) who have made the leap into the traditionally male dominated political world. Decisions by politicians have a great influence on their societies. They can lobby and put into effect laws that promote equality and end discrimination. They can vote on laws that effect health care, education, gender violence, and protection of children (to name a

¹¹ Truth be told, the only NGOs that I have ever seen acting in this way have been organizations supported by or run by missionaries.

few). To this end, I have to admit that I like the idea of more women in government for a great number of reasons. Paxton and Hughes state that:

Studies of female legislators do suggest that women tend to be more collaborative in their leadership styles than men are, answering more positively when asked whether they “try hard to find a fair combination of gains and losses for all sides,” “pull people together,” and “share power with others” (Rosenthal in Paxton and Hughes 2007: 94).

Additionally, research indicates that in general, women are less likely as citizens to “advocate violence and aggression in international affairs” (Paxton and Hughes 2007: 95). However, Lewis (2005: 2) makes the observation that the anthropologist is an “antagonistic observer” who has a skeptical, critical outlook on development and development workers or who is pulled into development for various reasons with “varying degrees of enthusiasm”. Development to Lewis means “planned social change” (2005: 4); using Lewis’ definition, it means that the women themselves are the forces behind this social transformation and “planned” development.

In light of my personal biases, was I able to remain scientifically neutral? I think that this is a question that requires personal reflection. To illustrate my thinking prior to embarking on my field research, a passage from my ethnographic diary:

Insights and impressions are not knowledge (Salzman 2002: 808). And value statements are not knowledge, unless uttered by one who believes it. My interpretations and insights of behavior, non-verbal cues etc are not knowledge, but my interpretation of the subject and possibly of her interpretation of x, y, or z. So what is real? What is knowledge? Knowledge of the self and knowledge of how others perceive themselves, situations etc is only one kind. Perspective might change, behaviors might change, and indeed, they could not even be real in the first place because of my (as an analyst) involvement. I must discard my established beliefs.

My primary goal was to remain neutral and not sway the women to say one thing and not the other. However, being who I am, i.e. a woman, a former aid worker, a mother, a wife, an American, was bound to bring out a set of responses that was different than if a single man was in my shoes conducting the interviews. Can I ever know exactly how their responses were altered by sitting with me instead of someone else? No, I cannot. However, many of the women I met with have a background in NGOs or social service of some kind. The fact that I was familiar with their type of work and the social issues they championed was never a detriment in my research. In fact, it was just the opposite; possibly because I was aware of and care about these issues, our conversations flowed easily. Likewise, some Maoist women

wanted to talk to me about why Americans think that Maoists are terrorists. They asked me about why they, as a political party, are the largest group in Nepal, yet not accepted by the international community, even to the point of being denied visas for travel because of their political affiliation. One woman asked me if I was afraid of her because she is Maoist. In the end, the woman who thought I would be afraid of her because I am American and she is Maoist invited me to lunch at her home so I could meet her entire family. We sat on her bed and she showed me photo albums of her life, shared stories about her deceased husband. My point is, no matter what preconceived notions the women had about me, I truly hope and believe that I put them at enough ease that they shared what they wanted to share. As for me, I went in meeting the woman with a clean slate, not knowing what to expect, not having any preconceived ideas about who these women would be or what they would tell me.

Having said that I remained objective throughout the process as a researcher, as a person, I found myself almost smitten with the subjects of my research. I did not realize how much of an affect they had on me until one morning when I was having coffee at my guest house. I was chatting with an American woman who had been living in Nepal for thirty years and was married to a Nepali man. She asked me what brought me to Nepal and so I told her I was meeting some of the female Constituent Assembly members. She then told me that it was a disgrace to have illiterate women as part of the government and that she heard that their husbands are the ones telling them what to do as none of the women are intelligent enough to have ideas of their own. I was incensed. Who was this foreign woman (albeit with decades of life experience in Nepal) to slander these women who I had grown to respect? Did she assume that the women were leaning on their husbands or listening solely to their husbands because that might be expected in some traditional view that women cannot think for themselves and need a man to do it for them? So in my rather lengthy response to her, I defended these women. It was at this point that I realized not only how much I liked and respected these women, but how inspired I am by them as well. I brought this up with CA Member Salma Paudel¹² who responded that it doesn't matter if a husband helps his wife write out statements: "You can imagine what kind of hard work they are putting in, to present themselves this way." She also likened it to the fact that the Prime Minister has a whole team of people to help him with briefs and statements, so why must the women do it all on their own?

¹² Salma Paudel is a pseudonym.

To conclude my personal reflections on my own biases, I will say that while I found myself defending them while in Nepal during the time that I was with them from morning to night, I held true to scholarly objectivity. In retrospect, at the time I felt toward them like one might feel toward their family; that is, I (as someone who is close to them) can criticize them, but you (who do not know them) are not allowed to do so. I was offering a sort of protection.

In sum, I cannot generalize the women I met with to be in a category of “all Nepalese women”, nor in many cases can I assert that the women of the Constituent Assembly fit within an unbreakable category of “all female CA members”. Yet, though I cannot generalize about the women of the CA as a group, I must still make a group of them. For my Ph.D. thesis research I aimed to document these specific women’s perspectives and interpretations of their own experiences as female Constituent Assembly members during this time of drafting Nepal’s seventh constitution. My research is not only concerned with personal perspectives of gender, caste/ethnicity, and politics, but also of the social circumstances and norms regarding these concepts that invariably have affected the women’s experiences during each of their lifetimes. In the end, from my research and analysis of the women’s experiences and perspectives on Nepal, I am left wondering what affect these women will have on Nepal’s social norms in the long term as their involvement in the promulgation of the constitution is changing the very basis of laws pertaining to gender, human rights, and discrimination.

On confidentiality

Ethically, I as a person and I as an anthropologist feel strongly that I should do my utmost to do no harm and prevent unintended consequences through my research. I told each woman that I was writing a thesis and it would be published for many to read; their consent was given, however I do not wish to disclose their names in certain cases. While the women are public figures and certain aspects of their lives and political leanings are known to the Nepali public, some of their opinions might not be known as expressed within our dialogue.

The women with whom I spoke trusted me enough to tell me their opinions and stories, and under no circumstances do I want those opinions to negatively affect their lives either privately within their families and communities, within their careers as politicians, or as a member of their political parties. It is common in anthropology to provide a pseudonym for each interlocutor. In this case, I feel that creating a pseudonym and altering their identifiable traits for every woman in every instance where I highlight their perceptions is

counterproductive as many times the context of their lives is relevant in examining their perceptions. As a result, I have changed their names in the course of this text in sections when sensitive opinions are expressed or where the information given is not considered common knowledge, i.e. regarding political events or personal history. It is noted in the footnotes in the first instance where a pseudonym is utilized.

Theoretical emphasis: Intersection of feminism, politics, and anthropology

Several areas of study deeply impacted my research and analysis of the female Constituent Assembly members as I looked at their lives both at present during their time writing the seventh constitution and before they embarked on a formal political path. In order to fully understand my theoretical background while examining the lives and experiences of Nepali women in politics, it is necessary to outline the disciplines and areas of study that have most influenced my work. First, I will discuss feminism, including personal ideas of feminism as well as some thoughts from one female CA member regarding the topic. Even though this research is not overtly about feminism, feminism influenced anthropology (in the form of feminist anthropology) and for me, feminism influences political anthropology. Next, I explore the concepts of political anthropology and outline how this area of study enmeshes with feminism to fully inform my research in Nepal.

Initially, it is necessary to define a term that will be used with frequency throughout this research and especially within the following sections: gender. In her 2004 article, *Bridging Feminist Theory and Research Methodology*, Janet Saltzman Chafetz declares that the following definitions of gender are fully accepted by those who call themselves feminists:

1. Whatever else it may also be, gender is a system of inequality between males and females as sex categories by which things feminine are socially and culturally devalued and men enjoy greater access to scarce and valued social resources.
2. Gender inequality is produced socioculturally and is not immutable.
3. Gender inequality is evaluated negatively as unjust, unfair, etc.
4. Therefore, feminists should strive to eliminate gender inequality (Chafetz 2004: 965-66).

While this definition essentially details ideas of gender from a feminist point of view, it is necessary to point out that within each culture the idea and norms of gender are different meaning that gender as a concept is not static, but fluid. Thus, these differentiations in gender roles can account for variances in gender stereotyping across cultures and can create a multitude of *male* and *female* roles (Marini 1990: 102).

Doing Gender (1987), an article by Candace West and Don Zimmerman, suggested that men and women create gender within social relationships throughout their lives as gender is a visible feature of social situations (West and Zimmerman 1987: 126). Thus, doing gender is an everyday approach that both men and women are actively engaged in which continues gender roles as routines and accomplishments (Ibid.). The act of doing gender alludes to an

active process also implies that the social norms of gendered behavior can change over time (Deutsch 2007: 107). As the societal concept of gender changes with time, outside influences, internal strife, the re-ordering of government, and the creation of laws can both greatly influence this process of change.

Within this research, I am looking specifically at the societal process of constitution building which entails much collaboration between women and men, including struggles for power that are born from gender distinctions:

Gender is a powerful ideological device, which produces, reproduces, and legitimates the choices and limits that are predicated on sex category. An understanding of how gender is produced in social situations will afford clarification on the interactional scaffolding of social structure and the social control processes that sustain it (West and Zimmerman, 1987: 147).

What was expected of their adult lives when they were girls is different than the roles they now inhabit as women. In this way, looking at the female CA members in Nepal, it seems that previous gender expectations are evolving. Likewise, what “gender” will be in the future is a current unknown.¹³ My research looks at gender process at the macro and micro levels (within the home and society as well as within the political structures). It is through observing this process in Nepal that we can begin to understand the social influences on gender expectations.

On feminism

Feminism is a broad term which, at its core, conceptualizes relations between men and women and also explores oppressive gender relations:

Gender inequality is built into the organization of marriage and families, work and the economy, politics, religions, the arts and other cultural productions, and the very language we speak. Making women and men equal, therefore, necessitates social and not individual solutions (Lorber 2009: 8).

Above, Lorber indicates that gender expectations and inequality/discrimination based upon those expectations are enmeshed within societies, therefore, because of these widespread beliefs, structural changes are necessary that address gender inequality and gender equality at

¹³ Here I would like to note that Nepal is one of few countries that recognizes a third gender. Third gender was first recognized by the Nepali Supreme Court in 2007. Third gender people are either biological males who have feminine gender identity/expression or biological females who have masculine gender identity/expression (CNN 2011). It is strongly believed that rights, protection, and citizenship will be ensured for third gender individuals within the seventh constitution, but already people could identify as third gender within the May 2011 Census (Kinoti 2011).

all levels. That said, feminist Sherry Ortner offers her opinion that structural changes might not be successful as gender inequality is so ubiquitous:

The universality of female subordination, the fact that it exists within every type of social and economic arrangement and in societies of every degree of complexity, indicates to me that we are up against something very profound, very stubborn, something we cannot rout out simply by rearranging a few tasks and roles in the social system, or even by reordering the whole economic structure (Ortner 1974: 67-8).

In response to the pervasiveness of gender equality globally, feminists have put forth many different ideas on how to address societal gender relations and gender inequality. In a slightly different view, Ann Scales (2006:19) stated the following when referring to her personal views on feminism: “I don’t believe that all social problems are created by gender inequality or solvable by gender equality.” When looking at the specific situation of Nepal, both sets of opinions have merit as gender inequality is and has been a pervasive factor within society. On the other hand, so have caste discrimination, ethnic discrimination, and religious discrimination. This type of inequality was coined as intersectionality by critical legal theorist Kimberlé Williams Crenshaw (1991) as she argued how race oppression and gender oppression intersected in black women’s lives in that they are discriminated simultaneously on the basis of race and gender. Intersectionality thus is in the forefront of politics in Nepal as the CA addresses inequalities of multiple factors within the constitution building process. Indeed, the Nepali women I met with fit many more criteria than just being a woman:

When talking about these multiple sources of power or disadvantage, feminists use the term intersectionality. The idea of intersecting disadvantage is useful because it is difficult to average or add up the situation of being a racial, ethnic, or religious minority and the situation of being a woman to equal the experience of being a minority woman. Intersectionality research asks one to consider that women who are also poor, minority, or from the global south face multiple sources of oppression that may not combine in simple ways (Paxton and Hughes 2007: 27).

However this is not the only way that intersectionality is in play within the CA. Within the variables of intersectionality are different forms of access to power based on these intersecting attributes:

When it is said that people belong to a particular sex, race, class or nation, that they belong to a particular age group, kinship group or a certain profession, we are talking about people’s social and economic locations, which at each historical moment would tend to carry with them particular weights in the

grids of power relations operating in their society. Being a man or a woman, black or white, a member of a European or an African nation, people are not just different categories of social location, with different contextual meaning, they also tend to have certain positionalities along axes of power that are higher or lower than other such categories. Such positionalities, however, would tend to be different in different historical contexts and are also often fluid and contested (Yuval-Davis 2011: 13).

Prior to being part of the Constituent Assembly, the women's many social identifiers also aligned them with a certain access to power or access to create change. The fluidity here can clearly be seen as now, as the women added one more variable to themselves, as a Constituent Assembly member, they potentially have an increased access to power because of their position within the national government, a variable that Nira Yuval-Davis in her 1997 work *Gender and Nation* calls a 'forced identity' (1997: 11).¹⁴ Indeed, their current positions might change again after the constitution is drafted, as there will be no more need for a constitution-writing arm of government.¹⁵ In this way, a way in which historical contexts influence the fluidity of intersecting variables is visible.

It also seems that there is a power within this diversity of individuals who are fighting for equal rights among the lines of gender, caste, ethnicity, language, and religion. When applying the concept of intersectionality to the specific context of Nepal, it is equally critical not just to think of intersectionality as the connecting differences and similarities of women, but also how they, as a the group 'women' are potentially viewed by society:

Not all women in any society are constructed in the same way. Differential positionings in ethnic, racial, class, age, ability, sexual and other social divisions interface with gender divisions, so that although women usually are constructed and treated by various agencies as different to men, 'women' as well as 'men' do not constitute homogenous categories as either social agents or social objects (Yuval-Davis 1997: 116).

The thirty-three percent of women who account for Nepal's Constituent Assembly are often thought as a gender and a job title: female CA members. Many international organizations offer specialized classes and trainings specifically for the female members.¹⁶ However, regardless of their day job, many of the women spoke candidly about how they are treated as part of the group 'women' (for full elaboration on this topic, please see the section entitled

¹⁴ This is not to say that all female CA members feel an increased access to political power or believe that they have more of a voice within their own families or political parties.

¹⁵ As it happens, the Constituent Assembly was dissolved in 2012 after many attempts to draft the constitution failed.

¹⁶ This includes capacity building, literacy, computing, as well as a plethora of topics surrounding the constitution building process.

The women: Public figures) both within their jobs and as part of their communities. Nira Yuval-Davis' writing on gender relations, i.e. the "positions and positionings of women", patriarchy, and the nation state are particularly poignant in understanding the context of the female CA members. She maintains that the discourse on nation and that of gender intersect and are created by the other (1997: 4). She argued that it is "impossible to understand state citizenship without analyzing the multi-layered structures of people's citizenships that include, intersectional ways, citizenships of sub-state, cross-state and suprastate political communities" (2011: 201). Thus, it is vital to glean a full picture of a state's gender hierarchy in order to analyze potential change within those roles.

The state is made up of individuals; in Nepal's case it hosts a great diversity of individuals due to their quota system. For the election process, Article 63 (5) of the Interim Constitution required all political parties to ensure that at least one-third of their candidates be female. As a result, the women CA members are from different castes and ethnic groups: *Jānajatis* (35.7%), *Brahmins* (22.4%), *Madhesis* (15.8%), *Dalits* (10.7%), *Chhetris* (10.7%), Muslims (2.6%) and others including *Kirat* (2%) (Women's Caucus, 2011: 63). They also represent different religions: Hindu (57.7%), Buddhist (9%), Muslim (2.6%), Christian (.5%), Secular (26.5%), and other (3.6%) (Women's Caucus 2011: 64). Additionally, their ages range from twenty-five to over seventy years old (the majority of women are between thirty and thirty-five) (Ibid.). Thus voices from regions near and far, from high caste to the lowest of the low, from Hinduism to Islam, as well as the vast differences in Nepal's ethnic communities will be heard and these it seems possible that these perspectives may influence the outcome of Nepal's new constitution. In this way, it also seems possible that there could be a power of intersectionality emerging as the women are now using political presence and political responsibility as a form of power by voicing their histories and perspectives and in their actions as they attempt to influence constitutional law.

Judith Squires stated that there are three dimensions of equality: "equality as individual justice, equality as group justice, and equality as diversity" (in Dobrowolsky and Hart 2003: 202). Within this research, I will be focusing largely on the second and third dimensions, equality as group justice and equality as diversity. In some ways, the female CA members are seeking justice for past inequalities, for being ignored in the past as they were not recognized by the state, therefore no social benefits applied to them. They are seeking improved standards of living as women from different ethnic groups, varying languages, religions, and caste distinctions, thus entailing recognition of the state and equal rights under the law.

Equality as diversity is particularly relevant within Nepal as there are over one hundred caste and ethnic distinctions. The women of the CA do not want to give up their backgrounds or beliefs as they are proud to be the women they are. Nepal is a mosaic of ethnicities, castes, religions, and languages; the female CA members are advocating for equality for all individuals within the social distinctions of Nepal. “Women of all kinds need a concept such as rights as a resource to challenge multiple forms of oppression” (Dobrowolsky and Hart 2003: 70). With this idea in the forefront of their minds, the women are lobbying for increased recognition and support for diversity as they participate in constitution building. Likewise, within this paper I posit that within any particular culture at any particular time gender roles and expectations must be explored and discovered, it cannot be presumed. As I look specifically at the female Constituent Assembly members in Nepal, I explore both the differences and the similarities of experience between the female Nepali Constituent Assembly members. That said, and also in an effort to emphasize their diversity, I will mark the differences and highlight the commonalities without assuming that the female Constituent Assembly members are a homogenous group.

In Nepal, women’s political perspectives have only recently been heard; this is also true of other castes, ethnicities, etc. that have been discriminated against within Nepal. Within those perspectives that have been heard, the voices heard are largely female Maoist women who spoke of the People’s War, their reasons for joining the PLA, and their dreams for Nepal. One methodological aspect of feminism concerns revealing women’s perspectives which are discovered by listening to women. Women are not only female members of society; they are women from various ethnicities, castes, regions, religions, political backgrounds, or sexual orientations. Thus within my research I will highlight the specific perspectives of Nepali CA members who are women.

In researching various forms of feminism, it is clear that there is not one clear cut theory to approach the roles of women in Nepal, their experiences in politics, or their life experiences. However, there are a few approaches that I will employ when analyzing Nepalese women’s experiences that are cross-cutting within this research: liberal feminism and multicultural feminism. Here I will expose those premises of each feminist theory that directly relates to my research on women in politics within Nepal, as there is not one specific theory of feminism that is directly and wholly applicable. I will also link each practice of feminism in a concrete example within my research in order to more fully understand the theoretical formulations.

Feminism and its influence on anthropology

Waves of feminism were initially coined by American feminist Marsha Lear in the 1960s when she wrote on the resurgence of feminism in the US as being the “second wave” (Kinser 2004). From her distinction, a “first wave” was determined and, later, a “third wave” was also born. The three waves of feminism delineate historical events in relation to feminism’s evolution within the United States, but the terminology does extend to feminist movements within Europe as well (Kroløkke 2005: 1). The time period from roughly from 1850s/60s to 1920 is frequently referred to as the first wave of feminism or suffrage feminism as this time period saw a movement for reforms addressing social and legal inequalities of women in both the United States and Europe (Code 2000).¹⁷ Major concerns of this period were education, employment, and marriage laws; consequently, achievements of first wave feminists included increased access for women in higher education, enhanced opportunities professionally, and the Married Women’s Property Act of 1870 (in the United Kingdom) which addressed property rights of married women. In the US, the first wave of feminism coincided with other reform movements, including abolition, temperance, and rights for women of color (Kroløkke 2005: 4).¹⁸ The defining aspect of the first wave within anthropology is that for the first time, women’s voices were registered in ethnographies. This was a distinctive change from the previous era as much of the research had been conducted by men and analyzed male perspectives. Biological sex was thought to determine social roles, though gender was beginning to emerge within analysis (Levine in Visweswaran 1997: 598).

According to Visweswaran, the transition from Victorian to modern feminism occurred between 1880 and 1920 (1997: 594). The transition from first wave feminism to second wave feminism marked the shift in understanding from “women” signifying the term “gender” to the development of the *standpoint theory* as well as the development of the sex/gender system, demarcating each as a separate category (Visweswaran 1997: 595). Developed by Nancy Hartsock in 1983 in her article *The Feminist Standpoint*, the standpoint theory was a result of deep analysis of post-war welfare societies and subsequently their consequences for women throughout society. This theory was created with the idea that differences between women were diminished in a way that one common experience of women emerged. “Starting off research from women’s lives will generate less partial and distorted accounts not only of

¹⁷ Although Nancy Cott (in Visweswaran 1997) stated that the term itself, feminism, did not emerge until after 1910.

¹⁸ Black women abolitionists of this time include Maria Stewart, Sojourner Truth, and Frances E. W. Harper (Kroløkke 2005: 4).

women's lives but also of men's lives and of the whole social order" (Harding 1993: 56). Thus, women's perspectives can generate points of analysis for the society as a whole.

The second wave of feminism spanned from approximately 1960 to 1980 (Code 2000 and Visweswaran 1997). It is thought by scholar Charlotte Kroløkke (2005) to have been deeply influenced by leftist movements in the US and Europe including the anti-Vietnam War movement, lesbian and gay movement, and specific to the US, civil rights and Black power (Kroløkke 2005: 8). The feminisms that are frequently associated with this wave are *liberal feminism*, *Marxist*, and *socialist feminisms*, and *development feminism*. During this time period, feminists began to separate sex and gender as distinctive concepts, stating that sex is biological and gender is socially constructed. Second wave feminists "saw women as fundamentally equal in their subordination" (Visweswaran 1997: 596). Contrarily, it is also thought that many within this group of second wave feminist anthropologist that there was a disconnect between the female authors and their subjects with regard to unity of opinion that would then lead to a universal women's point of view (Visweswaran 1997: 607).

Margaret Mead was recognized by feminist ethnographer Kamala Visweswaran as a second wave feminist and one of the leading figures in the culture and personality anthropological movement of the early twentieth century. She also was instrumental in developing the distinction between sex and gender in her famous work, *Coming of Age in Samoa* (1928) in her examination of "the process of growth by which the girl baby becomes a grown woman" (Mead 1928: 196). In this fashion, her work influenced feminist anthropology as it examined the influence of cultural expectations on individual's social development.

It was also during this time that two women from outside anthropology published works that were influential to the discipline. French philosopher, Simone de Beauvoir published *The Second Sex* (1952) and within it examined why, historically, women have accepted inferior social positions than that of men. The other woman to contribute to this period was American psychologist Betty Friedan. Her work *The Feminine Mystic* (1963) examined gender roles within families and questioned women's fulfillment in traditional roles. Within anthropological research between the 1920s and the 1960s, many of the topics of analysis with relevance to women focused on marriage, kinship, and the sexual division of labor. It was not until the 1970s that anthropologists began to look at male and female experiences as different from the other.

Malathi de Alwis, in her 2004 article *Feminism*, argued that the “marriage” between anthropology and feminism was cemented with two edited books that had a strong influence on feminism, politics and anthropology: *Woman, Culture, and Society* by Michelle Rosaldo and Louise Lamphere, and *Toward an Anthropology of Women* (1975) by Rayna Reiter (de Alwis 2004: 121). In Reiter’s comments in *Toward an Anthropology of Women* she places the edited volume in a specific time and place regarding politics, feminism, and anthropology:

This book has its roots in the women’s movement. To explain and describe equality and inequality between the sexes, contemporary feminism has turned to anthropology with many questions in its search for a theory and a body of information. These questions are more than academic: the answers will help feminists in the struggle against sexism in our own society...our political critique must be based on this understanding of the origins and development of sexism (Reiter in de Alwis 2004: 121).

Thus “anthropology of women” began in the 1970s by confronting how women were represented within ethnographies (Moore 1988: 1). Moore explained that the problem was thought to be male bias, which was then broken down into three levels: male bias as an anthropologist, societal views on gender, and assumptions by Western anthropologists that gender relations in other societies mirror that of their own country (1991: 2). Thus feminist anthropologists began their initial goal of analyzing women’s perspectives, activities, and thoughts by speaking to the women themselves, not relying on male informants’ information (Moore, 1991: 2). While this initial step was important and necessary for the development of feminist anthropology, a problem was realized in that “adding women” to ethnographies would not solve the problem of “women’s analytical invisibility” (Moore 1991: 3).

In the late 1970s and early 1980s, anthropology of women, as a term and discipline transformed from a discipline where women studied women, to feminist anthropology. “Feminist anthropology is more than the study of women, it is the study of gender, of the interrelations between women and men and of the role of gender in structuring human societies, their histories, ideologies, economic systems and political structures” (Moore 1991: 6). Jane Collier and Michelle Rosaldo argued in their 1981 article *Politics and Gender in Simple Societies* that “productive and political processes cannot be understood in isolation from the cultural perceptions which people have of those processes, and that any analysis must focus both on what people do and on the cultural understandings which underlie their actions” (Moore 1988: 36). The notion of political and social processes going hand in hand is applicable to the constitution building process in Nepal as the politics surrounding the

process are informed by people whose social and gender expectations have been enmeshed within laws and policies of inequality historically within Nepal. It appears to be cyclical.

One of the second wave feminisms, liberal feminism supports the theory that women's differences to men should be minimized as gender differences are not biological; therefore men and women are not dissimilar. If this is the case, that men and women are the same, then by this reasoning, both should have equal rights under the law. Thus, by ensuring equal rights within the law, male and female citizens are equal within society and can excel as a person according to their individual skills (Hoogensen and Solheim 2006: 39). Two of the main contributions of liberal feminism were, firstly, to illuminate how women are discriminated against within modern society and secondly, to indicate that though women and men are different, women are not inferior to men (Lorber 2009: 10).

Ann Scales said it best when she stated that "feminist work is the study and practice of all that follows from the proposition that women are people... This includes the observation that women have historically been understood as "women" while men were understood as "people." "(2006: 19-20). It is because of Scales' statement that I have two sets of feelings toward liberal feminism. My first inclination is that there is a fault in this reasoning as it ignores the reasons women were legally discriminated against in the first place. Likely there are many complex reasons that, within any particular culture, women were not given equal rights within the laws and policies that exist that govern and structure each society. My question is this: what has changed about the society that if equality within the law is written or constitutionalized? Will the act of recreating or evolving laws then translate to gender parity within the society?

In my research, many of the female Constituent Assembly members believe that if constitutional rights are given and implemented, Nepalese women will indeed have more opportunity, thus bridging the equality gap; indeed, many of the women of the CA see their position within the CA as a way to fight for constitutional equality and non-discrimination. That said, on the other hand, yes, if the basic tenants of liberal feminism were to be directly applied to my research, Nepal would be a different place upon the acceptance of the new constitution as perhaps once all things are equal inside the law society would also reflect equality and equity.

In 1992, Rebecca Walker published an article in response to Clarence Thomas' confirmation to the United States Supreme Court after Professor Anita Hill (University of Oklahoma)

alleged prior sexual harassment while working with Thomas. Walker's article entitled, "I am the Third Wave" in the US's Ms. Magazine effectively birthed the "third wave":

So I write this as a plea to all women, especially women of my generation: Let Thomas' confirmation serve to remind you, as it did me, that the fight is far from over. Let this dismissal of a woman's experience move you to anger. Turn that outrage into political power. Do not vote for them unless they work for us. Do not have sex with them, do not break bread with them, do not nurture them if they don't prioritize our freedom to control our bodies and our lives. I am not a post-feminist feminist. I am the Third Wave. – Rebecca Walker (Third Wave Foundation n.d.).

Third wave feminism spans from the 1990s to the present (Code 2000) and is linked with the desire of new discourse and a critique of the second wave (Mann and Huffman 2005). Mann and Huffman (2005: 57) indicate that there are four overriding perspectives in third wave feminism thus far: intersectionality, postcolonialism/global feminism, postmodernism/poststructuralism, and the agenda of younger feminists. Other defining aspects of the third wave include the critique gender essentialism (the idea that "woman" is a universal category therefore downplaying difference in individual women) and the emergence of "sex" as a social category indicating the idea that a sex/gender system exists within societies in which biological facts are organized into gender distinctions (Visweswaran 1997: 591). Likewise, within the third wave:

The focus has shifted towards more particularistic and historically grounded studies that place gender at the center of analysis. Issues significant to women of color, lesbians, and Third World peoples are now recognized and incorporated into the scholarship produced by feminist anthropologists (Lamphere 1996:488).

Judith Lorber calls feminist theories that have sprung in this period Gender Revolution Feminisms as in her opinion, "[t]hese feminisms thus have the revolutionary potential of destabilizing the structure and values of the dominant social order" (2009: 25). They are *multicultural*, *men's feminism*, *social construction feminism*, *post-modern feminism* and *queer theory*. Most relevant to my line of research and analysis is multicultural feminism.

The concept of multiculturalism exists "[b]ecause societal cultures play so pervasive and fundamental a role in the lives of their members, and because such cultures are threatened with extinction, minority cultures should be protected by special rights" (Okin 1999: 15). But how does this enmesh with feminism? Multicultural feminism supports the belief that women's experiences differ due to specific caste, ethnicity, languages spoken, age, etc. and

that globally women experience oppression, but they do so in line with those attributes (Hoogensen and Solheim 2006). Indeed, multicultural feminists have indicated that these differences are structurally intertwined.

It is not enough to dissect a social institution or area of social thought from a woman's point of view; the viewpoint has to include the experiences of women and men of different ethnic groups and religions and must also take into consideration social class and economic conditions (Lorber 2009: 25).

Another point made by multicultural feminists is that the subordinate position is not entirely based on gender, but on the other social aspects and attributes as well, meaning that there are multiple bases of domination and subordination. This also indicates that men too can be part of the subordinate group, but males and females of caste, ethnic, etc. groups who have dominated often are oppressed in different ways (Lorber 2009: 26). As a result of this oppression, multicultural feminism thus encourages cultural diversity and denounces intolerance (Okin 1999: 14). However, one cannot ignore the fact that intolerance does exist and the principles of cultural tolerance are not practiced, both outside of and within each country. Indeed, within Nepal such discrimination and intolerance has historically existed with the intentional invisibility of certain castes, ethnicities, and genders which are built into the law.

Within the perspectives of some multiculturalists there is a strong push to provide group rights to minority groups. However, the clear problem with this idea of group rights is this: “[H]ow can we endorse special rights for groups that treat female members as subordinate no-accounts?” (Cohen, Howard and Nussbaum 1999: 11). Likewise, political theorist Susan Okin, posits that when oppressive ideas and practices are so deeply embedded within the group that the idea of gender equality seems offensive, perhaps “we ought to be less solicitous of the group and more attentive to the costs visited on female members” (Cohen, Howard and Nussbaum 1999: 11).

Many countries globally are home to a great number of men and women who have different religions, social statuses, languages, ethnicities, and caste distinctions and within these groups there are those who are dominant and those who are subordinate. I can relate to this by thinking of the men and women in Nepal who are part of a minority ethnic group, Madheshi. Both men and women from this group have historically been discriminated against, even to the point of having to obtain a passport to travel from their natal homes into the capital city.

Yet, while this law applied to both males and females, within the communities women faced other forms of oppression that were not state sanctioned. Many Madheshi women were not allowed by their husbands, fathers, or other male kind to leave the house; other Madheshi women were allowed to leave the home, but only if their faces and hair were covered at all times, so the only visible part of each woman is her eyes.¹⁹ The Madheshi women I spoke with all (without fail) mentioned how being covered was detrimental to women. Many women were visibly upset about being covered and went to great lengths to show me how they should be covered and one woman even dug up some photos of Madheshi women where you could not even see their eyes. The impression was that this practice, to the women I spoke with, was in some way shameful. The point of this small story is that it is easy to understand and look globally at the situation of women and see how various facets of discrimination affect women, but not solely on the basis of being female as other factors interplay with issues of domination and discrimination.

The theories illustrated above of multicultural feminism hold true throughout my research as the women of the Constituent Assembly come from different religions, regions, castes, ethnicities, speak different languages, and come from twenty-nine different political parties. Without fail, each woman I spoke with elucidated some form of discrimination within either her personal life or her professional life (sometimes both) that she directly attributed to her experience of belonging to a certain caste, ethnicity, religion or to her life experiences including previous occupation, political beliefs, or marital status. In this way, multicultural feminist theory holds true that the oppression of women is intertwined with her gender, caste, religion, religion, and profession (to name a few). Yet, within this theory, the question remains, “How should we understand a commitment to equality in a world of multiple human differences, grim hierarchies of power, and cruel divisions of life circumstance?” (Ibid.).

In sum, within the third wave of feminism, Visweswaran astutely commented on ideas that emerged:

If “feminism” has changed substantially in the past one hundred years, so too has our understanding of what constitutes gender; thus, different forms of feminism have produced different understandings of gender, where

¹⁹ Here I would like to point out that I do full well know that women have different opinions of being covered. I have met Muslim women who find no issue with their faces and bodies being covered by a burqa. A friend in New York told me that she felt incredibly uncomfortable when she stopped wearing a burqa in post-September 11 America. She stopped wearing it as she thought it was dangerous to continue, but she was resentful of this fact and preferred to be covered.

gender itself cannot be separated from the categories of race, class, or sexual identity that determine it (Visweswaran 1997: 592).

As stated above, changes in the understanding of gender have emerged and have influenced new forms of feminisms that directly relate to the process and goals of the female Constituent Assembly members as they use ideas of gender, ethnicity, caste, and religion (among others) to inform and engender equality within the constitution building process.

Feminist influences - in sum

Many female anthropologists throughout the twentieth century asserted theories to explain women's lower status. Sherry Ortner asserted that women around the globe were thought to be closer to nature within their social and physiological roles whereas men are thought to be closer to culture: "On the basis of her socializing functions alone, she could not be more a representative of culture. Yet in virtually every society there is a point at which the socialization of boys is transferred to the hands of men" (Ortner 1974: 80). Looking forward at Ortner's statement of women as those enmeshed with nature who also provide cultural learning for young children, it would be plausible to wonder the following: As female political actors are recreating laws to protect and empower women, are they engaging in creating new culture, therefore blurring the lines between nature and culture, between male and female roles? How will feminism understand this group of women who both care for the young (nature) and create laws and social norms (culture)?

Their private lives too are political. These women did not wake up one day as political beings. You could argue that being female or Dalit or Muslim in Nepal is political in and of itself as discriminatory laws existed, the absence of their rights within the state of Nepal was political. Political in that as no laws mentioned them or gave them rights these groups were either intentionally ignored or ignorantly forgotten by those who were making policy decisions. Likewise, the women's natal homes or places where they lived before coming into politics can be understood as a private political space as this is the space where they first had the initial thoughts that propelled them to act, to join politics, even though it was not accepted by most families as a proper profession for women. In this way, social action began in the private sphere and led them to the public arena of national politics.

Home is, after all, where much of culture is practiced, preserved, and transmitted to the young. On the other hand, the distribution of responsibilities and power at home has a major impact on who can participate in and influence the more public parts of the cultural life,

where rules and regulations about both public and private life are made. The more a culture requires or expects of women in the domestic sphere, the less opportunity they have of achieving equality with men in either sphere (Okin 1999: 17).

When looking specifically at how the women of the Constituent Assembly see feminism, one among my collocutors, Binda Pandey stated the following:

Even now I advocate for women's rights and they [men] blame... "Oh she is very feminist" and when I talk with them same person, ok we should not only fight for the numerical participation of the women and women should also be competent and women should be qualified so we have to think in that way also, and they [say], "Oh yeah, ok, good".

What Binda is referring to in the passage above is the negative feelings she perceives from men regarding feminism. When she advocates for women's rights, she is labeled a feminist and it is inferred that as a feminist (in this scenario) that she blindly wants rights for women and thinks nothing more of it. Then, when she further explains her desires of capacity building for women so they are qualified and knowledgeable, the people who are contrary to her being a feminist back down and accept, at least outwardly, her agenda for equality and state that "now you are less feminist." Though Binda perceives feminism or rather being a feminist to be a negative thing as seen by others, I cannot speak on feminism for the other women of the Constituent Assembly as Binda was the only woman who mentioned it outright.

Knowing that the women themselves did not speak of feminism, why did I employ these specific theories of feminism? From meeting with the women, listening closely to their experiences, and then analyzing their perceptions, it becomes clear that they themselves speak to these theories from the way they articulate their opinions, experiences both in their personal lives as well as within their position as Constituent Assembly members.

As I stated previously, there is not one school of feminist thought that is wholly applicable to analysis in Nepal's situation as a post-war country, with changing gender roles, constitutional laws being amended to reflect gender (caste, ethnic, etc.) equality. Nepali women believe society is changing and we know conclusively that laws are changing too. During this specific period women are, for the first time, a critical mass within the government, thus changing the preconceived notions of acceptable women's employment and capacity in terms of their gender. Additionally, what is expected and true about women as a gender is in great

flux within Nepal as the women proffer a strong agenda for constitutional change that would fundamentally alter Nepali women's lives.

Political anthropology emerges

In the early days of political anthropology, identified by Lewellen (2003: 7) from approximately 1860 to 1960, the discipline and its practitioners focused primarily on politics in stateless or "simple" societies (a stateless society being a community without a state, such as tribal societies, clans, etc.) and much of the anthropological research was to inform colonial authority figures as to the workings of the social systems within their colonies. The distinction of "simple" societies can be seen as follows:

In the simplest societies, there is little more than the very important differentiation on the basis of sex and age and the non-institutionalized recognition of leadership in ritual, in hunting or fishing, in warfare, and so on, to which we may add the specialization of the oldest profession of the world, that of the medicine man (Fortes and Evans Pritchard 1940: 22).

Also in this early period, Robert Lowie published *The Origin of the State* in 1927 which some argue was the initial foundation of political anthropology (Thomassen 2008).

Within the 1930s, two events occurred that helped form political anthropology as a discipline. First, Bronislaw Malinowski developed the participant-observer method which became the model of research for many British anthropologists who would then bring political anthropology to the forefront with their analysis of African societies (Lewellen 2003: 6). The participant-observer method developed as a primary anthropological research method in which researchers and informants formed relationships and from these relationships, the anthropologist was able to better learn about the society, through participation and observation.

Secondly, Alfred R. Radcliffe-Brown established structural-functionalism as a framework which to analyze societies. Within this theory, all parts of the society (including marriage, kinship, economics, politics, and religion) functioned in accordance with the others (di Leonardo 1991: 4). Functionalists also believe that social change occurs in an orderly manner. Structural-functionalists acknowledge that change is sometimes necessary to address social issues, but during the process of change people and institutions must adapt at the same rate. A. R. Radcliffe-Brown is often thought of as a founding figure of political anthropology. He was a structural functionalist in the pre-war period and analyzed how "single institutions

were always analyzed against the larger social order that they were seen to uphold” (Thomassen 2008: 266).

Both Malinowski’s and Radcliffe-Brown’s practices offered much influence to a book *African Political Systems* (edited by Meyer Fortes and E.E. Evans-Pritchard); this book is thought to be the one piece of work that established modern political anthropology (Lewellen 2003: 7) as well as established the British structural-functionalist school (Thomassen 2008: 266). Radcliffe-Brown prefaced the book and stated that at that time, “The comparative study of political institutions, with special reference to the simpler societies, is an important branch of social anthropology which has not yet received the attention it deserves” (in Fortes and Evans-Pritchard 1940: 12). His statement indicated that this work that dealt specifically with politics and political systems and utilized anthropological methods and theories was still part of social anthropology, thus indicating that political anthropology in its modern sense did not exist until the birth of *African Political Systems*. *African Political Systems* outlined the development of eight political systems in Africa and its data was meant to study these systems under European rule which was deemed important “to the peoples of Africa and to those who are responsible for governing them” (Fortes and Evans Pritchard 1940: 6). They also pointed out that the individual’s role in society is important in how he relates to economic, religious, and political structures (Fortes and Evans Pritchard 1940: 22).

In the 1940s and 1950s, the British functionalist schools began to focus on it as they “openly reacted against evolutionism and historicism” (Thomassen 2008: 266). From the 1940s and 1950s anthropologists who studied peasant societies in Latin America and Asia had increasingly started to incorporate their local setting (the village) into its larger context, as in Robert Redfield’s famous distinction between “small” and “big” traditions, developed in the 1930s (Ibid.). In 1954, Edmund Leach published *Political Systems of Highland Burma* which was significant for two reasons: 1) it made clear that on the ground realities of politics are different than mapping them from above, so to speak, and 2) it was the first political anthropological work that was set out of Africa (Lewellen 2003: 9). Also in the 1950s, Max Gluckman, critic of colonial ideologies, began experimenting with ethnographic focus being on the individual rather than the methodological norm of looking at groups. Gluckman also founded the anthropology department at Manchester University in the United Kingdom. The department, better known as the Manchester School, “came to represent a new orientation to society based not on structure and function but on process and conflict” (Ibid.):

Gluckman focused on social process and an analysis of structures and systems based on their relative stability. In his view, conflict maintained the stability of political systems through the establishment and re-establishment of crosscutting ties among social actors. Gluckman even suggested that a certain degree of conflict was necessary to uphold society, and that conflict was constitutive of social and political order (Thomassen 2008: 266).

Gluckman's concept of process and conflict within society as well as ethnographic methodology of focusing on individuals has influenced my research and analysis in Nepal for a number of reasons. Within my research it seems that the participatory process of the individual women within politics and constitution building allows for a fuller understanding of the political process as personal accounts are given and analyzed. It is individuals who are the political actors within political structures. If only looking at the structure, gaps can be seen, whereas if ethnographic data is in place, the gaps are filled and a holistic view comes into focus. Also, when looking specifically at Nepal, conflict does abound in a prominent manner, with the most obvious event being the decade long People's War. The People's War influenced the end of the monarchy and the beginning of a different governmental structure. Then within the new government, new constitutional laws are being created in order to facilitate further societal change. However, with Nepal's diversity, not only of ethnic and caste, but of political ideologies, conflict has been part of each step of the process as each political party and each interest group (caste, ethnic, gender, language, etc.) advocates for issues of personal interest. It seems that the process of conflict within Nepali society is in fact the catalyst of political change. In the words of Fortes and Evans-Pritchard, there currently seems to be simultaneously "conflicting tendencies" and "divergent interests" (Fortes and Evans Pritchard 1940: 32).

Around the 1960s, anthropologists focus began to shift from stateless societies to more "complex" social settings in which the presence of states, bureaucracies and markets became more visible in ethnographic accounts" (Thomassen 2008: 267). The 1960s and 1970s also witnessed the emergence of Europe as a category of anthropological investigation. As "complex" societies began to be analyzed, anthropology became more political as it became necessary to look at how states and societies were linked (Thomassen 2008: 267).

Also during this period, the concepts of gender and politics entered the anthropological realm of academia and scholarship. Ted Lewellen cited three phases, beginning in 1960, in which anthropology began to look at issues of women and power. He posits that the first phase was

“revolutionary” as it was the first time within anthropology that a male bias was recognized within the discipline (Lewellen 2003: 131). It was during this first phase that women were represented, but usually as “passive and powerless” figures in relation to male relatives (Lewellen 2003: 132). The second phase turned the focus from women to gender as a concept that was “cultural” as gender is socially constructed. The other point of the term gender during this time was that it is “relational” meaning that it involves the interaction between males and females. The third phase was described as: “fusion of three separate but related theoretical orientations: postmodernism, postcolonial theory, and globalization” (Ibid.). The effects of this phase were that research began to be more “focused and less interested in cross-cultural generalizations, a “renewed interest in the effects of history”, and “a tendency to give a greater voice to the subaltern subject” (Ibid.).

In this vein political anthropologist, Ted Lewellen stated that within the discipline, the “universal political subordination of women” was accepted until the 1970s. This period of the 1960s and 1970s within the United States saw much political activism which in turn influenced academia. In the 1970s, western feminist anthropologists worked to “expose sexism in public and private life, to alter the male-biased presumptions of scholarly and popular culture” and began to explore the differing experiences as academic topics (di Leonardo 1991: 1). Also during this time political anthropology pieces focusing on women began to be conceived and published, including Jane Collier’s (1974) *Women in Politics* and Louise Lamphere’s (1974) *Strategies, conflict and cooperation among women in domestic groups*.

It was in the 1980s and 1990s after feminist anthropology had emerged, the discipline was not thought of as political, however most of the scholarship revolved around women’s power. It was then that two theoretical schools within feminist anthropology came into focus: 1) analyzing gender and its social constructs and 2) examining gender stratification. Another focus for academics within gender and politics was to “better account for the realities of gender as a complex process and in doing so to make our theories and studies more accurate and scientifically meaningful” (Mazur and Goertz 2008: 1).

As political anthropology moved from the twentieth century to the twenty-first, new topics and questions are arising that address a wide variety of global political concerns. In a 2004 compilation by David Nugent and Joan Vincent, *Companion to the anthropology of politics*, twenty-eight chapters were offered:

Affective States, After Socialism, AIDS, Citizenship, Cosmopolitanism, Development, Displacement, Feminism, Gender, Race and Class, Genetic Citizenship, The Global City, Globalization, Governing States, Hegemony, Human Rights, Identity, Imagining Nations, Infrapolitics, Mafias, Militarization, Neoliberalism, Popular Justice, Postcolonialism, Power Topographies, Race Technologies, Sovereignty, Transnational Civil Society, and Transnationality.

As one can see from the list above, the concerns of political anthropologists in the current time are much removed from the work of early practitioners. Political anthropology continues to evolve as a sub-discipline and offers salient thematic research to the contemporary global political arena.

Political anthropology paradigms

Political anthropology is no different than other sub-disciplines of anthropology in terms of embracing theories and concepts that influence and guide its practitioners' research. In his 2001 work, *Political Anthropology: Power and Paradigms*, Donald Kurtz follows Thomas Kuhn's (1970) approach of referring to the body of theories, concepts, and strategies as paradigms.²⁰ He highlighted two characteristics that define a paradigm: 1) that the subject matter of the paradigm is unique enough to attract practitioners of other paradigms and 2) that the subject matter has enough space for various problems and concepts to be explored by practitioners (Kurtz 2001: 11). As a direct result of the defining characteristics of paradigms, they become popular in the beginning of their conception as anthropologists are "creative" as they incorporate the new paradigm into their research. However, as paradigms age, they become less relevant for two main reasons: the nature of the problems it was conceived for has changed and/or the environment of the subject matter has changed (Kurtz, 2001: Ibid.).

Kurtz refers to five paradigms that are represented within political anthropology: structural-functionalism, processual, political economy, political evolution, and postmodernism (Kurtz 2001: Ibid.). He maintains that each paradigm has had its place as the dominant place within anthropology, now, some of the paradigms (specifically structural-functionalism and process) have been "absorbed" into anthropological research and while there may not be specific illusions to these "absorbed" paradigms, each remains alive within recent paradigms (such as postmodernism) (Kurtz 2001: 3).

²⁰ Thomas Kuhn's work was entitled *The Structure of Scientific Revolutions*.

In utilizing anthropological methods and concepts, I found the paradigms to be useful in demarcating the specific topics within my research. Below I will discuss the five paradigms, but will focus more on processual and postmodernism as these paradigms are most relevant to my research and scope.

Structural-functional paradigm

This paradigm was heavily influenced by the work of Bronislaw Malinowski and Alfred R. Radcliffe-Brown. Within political anthropology's conception, anthropologists such as Fortes and Evans-Pritchard, and Radcliffe-Brown relied on structural-functionalism within their research (Kurtz 2001: 12). Within their work, most structural-functionalists primarily analyzed the relationship between political structures and social order, but largely did not focus on political actors within those structures. According to Kurtz, today, this paradigm is largely not in use despite its initial influence in the development of political anthropology.

Political Economy

This paradigm dates back to the period of Enlightenment and during the nineteenth century it was present in both Marxist and non-Marxist theories (Kurtz 2001: 14). As political economists were the initial group who was working with this paradigm, they consistently addressed the relationship between economies and political policies (Ibid.). As political anthropologists began to work within the political economy paradigm, they broadened the scope to include political structures and agents within those structures (Ibid.). Today, this paradigm is used widely as it continues to look at "agent-driven politics of dominant and subordinate social categories in different kinds of political systems" (Kurtz 2001: 15).

Political Evolution

This paradigm is similar to the previous political economy paradigm as both look at aspects of political economy. Largely, this paradigm looks at the changes of a political system as a consequence of economic variables within society, but the marked difference here is that these sociopolitical changes (institutions, structures, and actors) evolve. Much research within this paradigm has explored qualitative changes in sociopolitical systems as well as the evolution of political roles, with more emphasis on the former (Kurtz 2001: 15).

Processual paradigm

Of the paradigms, processual is the only paradigm that is specific to political anthropology. In 1966, Marc Swartz, Victor Turner, and Arthur Tuden addressed the concepts for the process theory as a reaction against structural-functionalism (Lewellen 2003: 85). They posited that the study of politics “is the study of the *processes* involved in determining and implementing public goals and in the differential achievement and use of power by the members of the group concerned with these goals” (Swartz, Turner and Tuden 1966: 7). As this paradigm was conceived in response as a rejection of structural-functionalism, the primary focus is on the rejection of political structures as the sole aspect of analysis. That said, political anthropologists working within the processual paradigm highlighted conflict and power in the way that “politics was a process in which political agents used power and a variety of strategies to attain public goals” (Kurtz 2001: 13).

Swartz, Turner, and Tuden (1966) put forth two political phases that, in their opinions, addressed most political situations. The first phase is the *Mobilization of Political Capital*. This is considered a preliminary phase in which groups and individuals attempt to gain support, i.e. mobilize their political capital (Swartz, Turner and Tuden 1966: 32). Specific to my research, this is the political phase that would relate to the pro-democracy movements within Nepal, pre-1996. The second phase is *The Encounter or “Showdown”* which is broken into five mini-phases: *Breach of Peace*, *Crisis*, *Countervailing Tendencies*, *Deployment of Adjustive or Redressive Mechanisms*, and *Restoration of Peace*. *Breach of Peace* is the period when a group or individual involved in the potential conflict decides to provoke the other party. In Nepal’s history the *Breach of Peace* period would be in 1996 during the first Maoist uprising in Rolpa in hopes of turning Nepal into a democratic republic. The phase of *Crisis* is when “apparent peace becomes overt conflict” (Swartz, Turner and Tuden 1966: 33). The People’s War would correlate to the *Crisis* phase. *Countervailing Tendencies* addresses the phase in which conflict is occurring, yet custom or practice restrains the conflict from destroying the wider society. In Nepal, both the People’s Liberation Army and the Royal Nepalese Army clashed for ten years, but the social order remained in that gender, caste, ethnic, and religious distinctions remained, but also during the years of conflict a social shift began in which women to began break from their expected roles and take on new responsibilities. In this way, the social order remained, but did begin an evolution. Finally, *Deployment of Adjustive or Redressive Mechanisms* is the process of arbitration, mediation in order to “heal the breach” (Swartz, Turner and Tuden 1966: 35). This period would relate to

the end of the deposing of the king, the end of the monarchy, and the beginning of post-conflict reconstruction.

Swartz, Turner, and Tuden maintained that each phase “leaves its stamp on the structure of social relations in the political process” (Swartz, Turner and Tuden 1966: 37). They maintained that through using their processual system, “subordinate processes – such as decision-making, the judicial process, the agitation and settlement of politic issues, the application of sanctions, the resolution of disputes, etc. – find their appropriate places as components of phases in a major sequence” (Swartz, Turner and Tuden 1966: 39). When looking at the political processes in Nepal, their system of phases does seem appropriate and relevant.

As further research owing to the processual paradigm developed three trends became visible: 1) the focus shifted from equilibrium to change 2) practitioners began to focus their research on political agents who were lobbying for power and 3) the scope of research broadened and began to look specifically at how “traditional cultures” transform as they are influenced by the modern industrial state (Lewellen 2003: 85). The processual paradigm, as it relates to conflict and process is relevant to my specific work in post-conflict Nepal during the constitution building process as I look at perspectives of political actors, some of whom have played major roles in each phase of the political crisis in Nepal. Now, as political agents, the women of the Constituent Assembly are embedded within the political process and can be seen as a catalyst of change within the political process of constitution making.

Postmodernism

While postmodern political anthropologists have a wide range of focus, including gender, citizenship, and identity, there is a trend for analysis of agent-driven politics (Kurtz 2001: 17). Postmodernism rejects and deconstructs global worldviews such as Marxism, capitalism, etc., but at the same time does not seek a new theory that would account for explanations of a society as a whole. It also blurs academic boundaries and is thus interdisciplinary in nature. One aspect of postmodernism that is particularly relevant to my political ethnography is that of verbal discourse. Postmodern anthropologist, Stephen Tyler (1987) argued that verbal discourse is pivotal in understanding how the world is perceived and understood as it is only then, through the spoken word that these views come into focus:

Post-modern anthropology is the study of man "talking." Discourse is its object and its means. Discourse is at one a theoretical object and a practice, and it is this reflexivity between object and means that enables discourse, and that discourse creates. Discourse is the maker of the world, not its mirror. It represents the world only inasmuch as it is the world. The world is what we say it is, and what we speak of is the world (Tyler 1986: 23).

Within my research, it can be seen through the women's past and present experiences of patriarchy which makes their narratives exceptionally relevant to this period in Nepal's history as they speak openly of their experiences of being female both to the wider audience of the Constituent Assembly. As more people, Nepali and not, learn about these specific experiences, more insights will be gleaned of the transformation of Nepali society from a monarchy to a federal democratic republic from the perspective of the women who are immersed in the process. Not only will we learn more about the legal transformation process, we will learn more about the experiences of female politicians in Nepal, which is an academic area where there is little scholarship thus far.

Through exchanges of social knowledge the people of Nepal, both women and men, become aware of the experiences of being female, being a *Kamalari*, or being *Dalit* (to name a few). The sharing of those experiences is both political and feminist. As the women share their experiences, they do so not only so others know of their specific situations in life, but many have an even greater motivation: change. As the women are actively engendering non-discriminatory laws for the good of the country, the political arena of Nepal will transform, is transforming, from a male dominated place to one where women, even if they do not feel entirely welcome at the moment, are present and are voicing their opinions.

Additionally, according to Kurtz, the postmodern paradigm "also embodies the most remote ideas of politics and the political that are not clearly embedded, accountable, or fashionable in any of the other paradigms related to political anthropology" (Kurtz 2001: 17). In this way, there is much room within this paradigm for new concepts and areas of focus that meld disparate disciplines. Thus, postmodernism makes room for my scope of research that infuses feminism and political anthropology.

Keeping in mind the points above, it is important to address the many critiques of postmodernism from both the feminist and the anthropological standpoints. Postmodernism, as a theory aims to present data with as little bias as possible, thus relinquishing the classic anthropology traditional methodology of participant observation and largely replacing it with

a methodology based on discourse analysis. Critics of postmodernism believe that because of this reliance on discourse we, as anthropologists, do not understand more fully “the other”, but in fact, the anthropologist (as researcher) gains a fuller understanding of him/herself as through the anthropologist’s interpretation of the other reveals his/her own beliefs (Gaines 1995: 70). On the other hand, American feminist bell hooks in her 1984 work *Feminist Theory From Margin to Center* argued that postmodernism has provided a space for “the voices of displaced, marginalized, exploited and oppressed black people” (1984: 25), thus indicating that, in her opinion, “the other” in fact can be more understood as more “others” and their histories are recognized and given a voice.

Also an aspect of opposition of postmodern theory is the perspective that it allows for the “fragmentation of the concepts of sex, race, and class and to the denial of the pertinence of overarching theories of patriarchy, racism and capitalism” (Walby in Parpart 1993: 441). To argue this point, it seems that in exploring hooks’ belief one is able to contend that the idea put forth above that postmodernism denies the pertinence of patriarchy and racism could be taken as a matter of perspective. In Walby’s view postmodernism denies overarching theories that affect women, but hooks states that postmodernism gives opportunity for new voices to be heard and I posit that these new voices might delve into theories of patriarchy and the like, but in a way that has not been previously experienced or documented.

In analyzing and utilizing discourse, differences are unveiled which bolster deeper understanding of the women who are involved in creating policy and law at the highest level; these differences are very much appreciated by postmodern feminists as it is a reminder that women are not a homogenous group. Not all feminists believe that a focus on difference is needed as this focus may lead to “political fragmentation and the dissipation of feminist consciousness and activism” (Bordo in Parpart 1993: 442). Conversely, in this instance, it seems that within the women of the Constituent Assembly, the “difference” can be seen as a source of political power as the women are using all of their histories and perspectives to breakdown and reform political power hierarchies. Postmodern feminist perspective legitimizes the women’s voices as they represent themselves not only as Nepali women, but as women with political presence. In my purview, the postmodern feminist political anthropological perspective can be instrumental as we continue to recognize women from around the globe as political agents with their own histories and perspectives.

Power

In 1966, anthropologists Swartz, Turner, and Tuden, in their 1966 work *Political anthropology*, defined politics as having three qualities: a political process is public and not private, politics concerns goals, and it involves some kind of “focusing on power” in its broadest definition (1966: 6):

These goals will include the achievement of a new relationship vis-à-vis some other group or groups: winning independence, fighting a war or making peace, gaining higher prestige than previously held, changing the relative standing of castes or classes within a group, etc. (Swartz, Turner and Tuden 1966: 5).

Indeed, the female Constituent Assembly members with whom I spoke did speak of a couple of the goals outlined by Swartz, Turner, and Tuden, those being gaining higher prestige than previously held and changing the relative standing of castes or classes within a group. While none of the women explicitly stated that they are seeking a higher position within their society, I will argue that the women are doing just that as they lobby for equal legal rights within the new constitution. Likewise, within the processual paradigm, the overt goals of groups are recognized. In order to obtain and enforce these goals requires power. “Political anthropology thus consists mainly in the study of the competition for power, and the way in which group goals are implemented by possessing power” (Lewellen 2003: 85). Thus my work is a reflection upon the gendered structural position of power as it explores overtly gendered political ideas, having to do with decision making and leadership as well as less overt political concepts including the women’s experiences within their families and communities.

Power is a concept that cannot be separated from politics, as political actors create, vie for, and use power to achieve personal or group goals. “Doing gender furnishes the interactional scaffolding of social structure, along with a built-in mechanism of social control” (West and Zimmerman 1987: 147). Power within politics is especially salient where women are key actors. With that thought in mind, how can one conceptualize the idea of power, gendered power, when analyzing women in politics? Through these experiences of encountering power, meaning is attached individually and collectively. Some feminist theorists advocate

that the ability to work as a group is another form of power, the power to bring about political change as a collective (Paxton and Hughes 2007: 21).²¹

The secondary status of woman in society is one of the true universals, a pan-cultural fact. Yet within that universal fact, the specific cultural conceptions and symbolizations of woman are extraordinarily diverse and even mutually contradictory. Further, the actual treatment of women and their relative power and contribution vary enormously from culture to culture, and over different periods in the history of particular cultural traditions (Ortner 1974).

Foucault famously said that “power is knowledge” (1979). If this is the case, then as the women of the CA have gained knowledge on equality, rights, constitution making and the like, they cannot return to not knowing. Likewise, the men (and sometimes women) of the CA who have learned about the real life situations of the female Constituent Assembly members as they told about being a slave, or being beaten for having a certain belief, or seeing their female kin shunned during menstruation and freezing to death – this too is knowledge that then cannot be un-learned. So now there is a power in the responsibility of all CA members to take what they know and mold it into the best possible laws that will support the best possible and utopian future for Nepali society.

As the women glean more knowledge for themselves, this in itself is a transition that can allow the shift to having the internal power to resist having power exerted over them. This in itself is a form of social transformation. To that point, scholar who studied gender transformations in conflict situations in Sierra Leone, Aisha Fofana Ibrahim stated that “though generally women have less power than men, within the category *women*, there are those who are more powerful than others and have more access to power than others” (2009: 194). This example aptly describes the women with whom I met; women who now have more access to power than others, and within the group of co-locutors, some women held more power than others.

There is the yet untapped power of Nepali women in civil society. Women’s capital, how much they can add or will add, how much they will or won’t be involved in implementing equal rights within the country, this unknown power of what can be could theoretically change the fabric of Nepali society. However, the strength of women within the CA might not be enough to wield political power due to variant ideas and political ideologies. In a 2011 document written by the Women’s Caucus in Nepal, stated the following:

²¹ Kabeer 1994 and Parpart, Rai, and Staudt 2002.

Multiple identities such as gender, ethnicity and regional identity among women CA members have been blamed for weakening the Nepali women's movement. In the CA, 62.8 per cent of women CA members think that there is a lack of unity among them, which has led to lack of attention to gender/women's issues in the CA (Women's Caucus 2011: 89).

The Women's Caucus followed up on this statement by arguing that though there is a perceived lack of unity because of the strides that the women have made in putting forward agendas of caste/ethnic groups and providing leadership within the CA to advance previously neglected issues. Likewise, in the case of Nepal's constitution building process, there are many actors vying for power. The Women's Caucus deems that all major decisions related to issues of national significances are made by political parties and the influence of women on issues such as state restructuring is negligible (2011: 91).

Previously, I spoke about multicultural feminism and the multiple forms of discrimination that are faced by women. Now, as the concept of power is introduced, it is relevant suggest that women also have differential amounts of power based on those same factors (ethnicity, caste, religion, etc.). Likewise, "women may be situated in multiple groups that pursue conflicting agendas" (Paxton and Hughes 2007: 27). In Nepal one could argue that its ethnic groups, caste groups, religious groups are gendered, meaning that there are significant differences in access to power and opportunities: "Women and men are socially differentiated in order to justify treating them unequally. Thus, although gender is intertwined with other unequal statuses, remedying the gendered part of these structures of inequality may be the most difficult, because gendering is so pervasive" (Lorber 2009: 29).

As I have addressed the power of individuals, what of power the state holds? Nepali women and men had historically had a different relationship to the state. In *Feminism and Anthropology*, Henrietta Moore asserted that since men and women have different relationships to the state, the following occurs: state structures and policies have different effects on each gender, and that women and men do not have equal influence on state actions (Moore 1988:150). Bearing that in mind, it seems that there can be both positive and negative aspects to the power states wield as they have the power to support gender equity as well as the power to socially oppress. The state produces laws in hopes that these laws will be implemented and accepted as social norms. In this way, new state policies can be quite uplifting for groups who have been discriminated against thus the state plays a large role in redefining gender ideologies, the social position of women, and possibly most importantly,

determining how much control women have over their own lives. Indeed, the process of building a constitution is critically important to the future of Nepal as the constitution, as a state document, is “about encapsulating a country’s highest ideals and emphasizing its most significant identities” (Dobrowolsky and Hart 2003: 37).

In Nepal, the political power struggles and their results have meaning for their citizens. In a new Federal Democratic Republic, little does not have meaning for the people who most wanted the country to change. How will the women lend legitimacy to this document? Does it mean anything to the women that the monarchy was abolished? What does it mean that women are part of this system of government and decision-making on the national level? Will they adhere to or break out of the roles and behaviors expected of them? Because of their gender, will stereotypes be brought out in evaluating their performance? What does it mean that women are part of this system of government and decision-making on the national level? What meanings will the people attribute to the new constitution and government? And on a different level: Does their gendered upbringing lead them to have different attitudes than men? Will they adhere to or break out of the roles and behaviors expected of them? Because of their gender, will stereotypes be brought out in evaluating their performance? The personal accounts and stories of each individual woman will increase our understanding of gender politics, the power of thirty-three percent representation of women, and the relationship between constitution making and women’s presence within government within post-conflict Nepal.

Gender within the political state

Even before the first words were spoken with the women, they set the stage for conversations revolving around politics as I met with them at their political party offices or within Singha Durbar. While this was not my explicit choice, it does indicate that for the women, these offices and government buildings are important to them as this is where they work, strategize, and collaborate in the constitution building process. This is where their lives are focused during this period of time. The women chose to tell me personal and political things at the physical political center of Nepal, within Singha Durbar.

Within political anthropology the state is thought of “as a political structure, organization, or system, and as a context for the analysis of politics” (Kurtz 2001: 16). While this is true in a structural sense, without looking at the political actors within the structure, there are other views. Many feminists hold the following to be true:

The law, politics, religion, the academy, the state, and the economy...are institutions historically dominated by men, and symbolically interpreted from the standpoint of men in leading positions, both in the present and historically. These institutions have been defined by the absence of women (Acker 1992: 567).

How does feminist theory address this belief, that the state is defined by the absence of women? Within feminism, practitioners and theorists have debated for years over a feminist theory of the state. Following this debate, feminist Judith Allen stated the following on this topic:

Feminism has not been guilty of oversight or failure in *not* developing a distinct theory of 'the state'. Instead, feminist theorists' choices of theoretical agendas with priorities other than 'the state' have a sound rationale that deserves to be taken seriously. 'The state' as a category of abstraction that is too aggregative, too unitary, and too unspecific to be of much use in addressing the disaggregated, diverse and specific (local) sites that must be of most pressing concern to feminists. 'The state' is too blunt an instrument to be of much assistance (beyond generalizations) in explanations, analyses or the design of workable strategies) (emphasis in original) (in Waylen 1998: 39-40).

In the above, Allen distinctly states and argues the fact that within feminism 'the state' as a category of analysis is too broad and that theorists have instead spent their time and analysis on other topics which are more specific, therefore have a higher priority. Similarly, Irene Silverblatt in her 1991 work, *Interpreting Women in States*, argued that when analyzing social processes, it is impossible to include women as a separate category as women are very much infused in social and political processes:

Like history, "women" cannot be added to social process, since they are the stuff of social process. Like the "state," "women" is not a self-evident category to be presumed by social theory; rather, the construal of gender relations and of women must be in accord with specific histories and contexts. And finally, like all products of the social imagination, such conceptualizations carry ideological shadings; the images of women and society we bring to bear in social analysis have their history, too, one that is also enmeshed in the social swings of power (Silverblatt 1991: 155).

Women's agency impacts on the state and thus the state impacts on women. However, politics is "dominated by men and symbolically interpreted from the standpoint of men in leading positions" (Acker in Paxton and Hughes 2007: 26). As this is the prevailing thinking on the maleness of politics, I again maintain that a new way of thinking and theorizing about political systems that hold a critical mass of women representatives. Acker's statement is a statement that still holds true in most countries in the world, but does not address the

countries in which the disparity in gender representation is becoming more equal, where the standpoint of women can now be documented and analyzed.

Women's lives intersect with the political realm in other ways as well. As populations shift with changing political-economic realities, women physically move as do their perceptions of their past. "[O]ur knowledge of past realities is dependent on past observers whose cultural lens may be unclear to us" (di Leonardo 1991: 30). This is one opening where my research might be of importance to later anthropologists, as this shifting of realities is happening now. The clearest voices that can speak of the past are speaking now; in registering their perspectives on the process, we can then know their feelings of the past and present simultaneously during this time of transformation.

In Lawrence Rosen's (2009) work *Law as Culture*, he argues that law is constituted by culture and culture by law. Law does not and cannot exist in isolation from culture and society and at this moment is undergoing a deep transformation whereupon a new constitution is being drafted. When I speak of transformations within law I carefully consider gender, custom, and social norms. Regarding gender, the finished constitution will reveal how the multifaceted topic of gender was accepted and the levels to which it was integrated into the new fundamental principles of Nepal. Yet, will the new constitution differ from those of yore or will it remain the same in terms of gender awareness and equality? On custom, clearly no Nepalese woman or man is cut from the same mold; however in order to fashion a constitution that is for the people, general cultural assumptions must be made. Of course, individual differences in opinions, religions, political affiliation, and morals are vast, so the notion that *law is culture* begs the question, for whom: whose customs, daily practices, and beliefs will be absorbed into the law? Whose moral agency and values will prevail for generations to come? Additionally, on the topic of social norms, I will consider that law is a framework for order; perhaps it even gives elements of order and legitimacy though the social norms that it endorses. It can be argued that law gives meaning to circumstances and actions, therefore when creating law the creators are seeking the social norms that will be considered law. "Indeed, one of the main insights provided by political anthropologists was always that the "political" cannot be so neatly separated, as the political sphere intersects with social and cultural patterns and practices" (Thomassen 2008: 264).

How does law affect structural gender relations? Law is a social tool, thus its "value depends upon its success in promoting goals that people decide are worth promoting" (Scales 2006:

98-99). Likewise, law “represents opportunities for feminism. Law is power” (Bartlett and Kennedy 1991: 4). Eleanor Leacock and Karen Sacks, both Marxist anthropologists, studied the cultural norms and social processes by looking at how gender transformations were interwoven with the development of the state. It is significant at this point in time in Nepal that the acceptance of women in government might be seen as a social process that acts as a catalyst for gender equity within the entirety of Nepal. Indeed, as these women attained economic autonomy as they earned salaries, some for the first times in their lives, the idea of female’s independent from males, ergo, women having individual power over themselves, has come into the forefront. Will the implementation of the seventh constitution further engender women’s economic and political empowerment and autonomy?

Comparative issues

While my scope of research is not comparative in nature, I would be remiss in not offering an account of similar situations where women have been a significant factor in state building or constitution building. Nepal is not alone in its path of post-conflict reconstruction; indeed, there are other countries that have witnessed political, economic, and social gains for women during the post-conflict situation. In existence today, there are approximately 200 national constitutions, over half of which have been drafted in a post-conflict situation post 1974 (Van der Leest, 2007). Most recently, in Asia alone, Fiji (1997), Indonesia (1999–2002), Pakistan (2010), Nepal (at present), Afghanistan (2004), Mongolia (1992), Thailand (1991, 1997, 2006, 2007), Myanmar (2008), and the Solomon Islands (2009) undertook constitution building.

Globally women have been a part of constitution building. The following list is not exhaustive, but indicates the growing trend of women participating in national politics at the level of constitution making. In Uganda (1995), two women were members of the twenty-one Constitutional Commission and fifty-one women were part of the 284 member the Constituent Assembly (17%).²² Zimbabwe in 1996 saw thirty percent women in the National Constitutional Assembly. During the 1997 constitutional reform in Eritrea, the Constitutional Commission boasted twenty-one out of fifty women. In 2001, Bougainville’s Interim Provincial Government and the Bougainville People’s Congress established a Constitutional Commission of twenty-four members, which included three women and a Constituent Assembly, which included eight women of 136 members. In East Timor (2002), forty percent

²² Later more women were involved boosting the numbers to 72/284 or 25%.

of the Constitutional Commissioners were women. In Afghanistan (2003) women represented twelve percent of the delegates in the Loya Jirga (Grand Assembly who debated the new constitution), while two women sat on the nine-member Drafting Commission. And in May 2012, Fiji's Constitutional Commission became the first commission with female majority (three of five members are women).

Although many documents exist that have recorded women's participation within the constitution building process, national machinery for gender equality, how gender has been instituted within new policies, best practices, and gains that societies might be able to expect from having women as part of the process²³ there are shockingly few accounts where the women's voices have been registered and the process, through their eyes, has been documented. This gap in knowledge should be bridged.

Like Nepal, South Sudan is in the political phase of post-conflict reconstruction. Similarly, a quota system has been initiated to ensure twenty-five percent female representation within the government. In late 2011, there were more than ninety-five female Members of Parliament in the National Legislative Assembly, five female ministers and nine deputy ministers in the Republic of South Sudan's government (Edward 2011). Likewise to Nepal's situation, a Transitional Constitution was endorsed in 2011 and includes provisions that support gender equality; there are also plans for the development of a permanent constitution. While there is emerging research indicating general obstacles to South Sudanese women within the political arena, there are yet to be any works analyzing the perspectives of women involved in constitution making in South Sudan as the process is very new; however, an opportunity to explore South Sudanese women's perspectives and experiences in comparison with those of Nepali women would be not only fascinating, but would indicate how women are affecting and being affected by government in post-conflict situations in the early twenty-first century.

In sum

For the purposes of my research, I melded two concepts in order to explore a feminist political anthropology that is an examination of political and social culture as well as the transformations therein as the women transgress current social expectations of what can be expected of a woman during this time in Nepal's history.

²³ Van der Leest 2007, International IDEA 2005a, 2005b, 2008, Hart, Paxton and Hughes, and Dobrowolsky to name a few.

Within the text I will explore the perspectives of female politicians whose overt goal is to create gender equality in all facets of society. My interpretation was developed through highly individual ethnographic accounts which employed theoretical principles of feminism and political anthropology. I provide analysis and personal accounts of how female political actors fit into and relate to the political structures of the Nepali government. Indeed, constitution building is a process in which a political structure is developed (both as a document of the constitution and as a new federal government is designed).

It is clear that feminism and multiculturalism both have positive aspects to offer, however, the two are not easily reconciled in certain situations, Nepal being one of them. Susan Moller Okin, in her 1999 book *Is Multiculturalism Bad for Women* argues that there are ideas within every society that provide rationales for the subordination of women and to that end, we (as humans) should be less understanding to the group/society and more concerned with the consequences on its female members. It is this concept of multiculturalism that the women CA members are grappling: group equality and gender equality. Simultaneously, they advocate for the rights and equality of both within the new constitution. If both interest groups (caste, ethnicity) and women are given equality under the law, how this will translate into daily life is yet an unknown factor.

As politicians, they have examined issues of diversity, equality, rights, state-building, and constitution making. As female politicians they have considered the consequences for women if laws are not changed and rights for women are not given or implemented. Transformation and upholding of diversity with laws boasting non-discrimination result from both political struggle as well as collaboration within the policy making bodies of the government. There is a capacity within the women's work which can transform national diversity into a more unified nation. Previously excluded groups (in terms of constitutional law) might now be recognized, therefore giving them equal voices as citizens of Nepal. In this way, the fractured feeling of being an unrecognized group can begin to be mended as the law recognizes national diversity.

In Nepal, previously women were affected by national policies and procedures and now, with the inclusion of women in the Constituent Assembly, women are now affecting the social processes that create change. The fact that now there are thirty-three percent women in the Constituent Assembly indicates that within Nepal, enough people were ready to transform the political structure of the government into a space where women and men can work side by

side. In this way, the transformation of the space has turned into a new cultural idea, an idea that can spread and begin to be accepted by the whole of Nepali people, an idea that will grow until it is the norm that there are female politicians at all levels of the government. At some point, this new cultural idea will be the norm, not just a new development.

MacKinnon posits that male power is thus state power in her 1987 work *Feminism, Marxism, Method, and the State*: “It is because the state, in part through law, institutionalizes male power. If male power is systematic, it *is* the regime” (MacKinnon 1987: 141, emphasis in the original). Following MacKinnon’s point that male power dominates and thus creates the state, it is then plausible to ask, what of states that have a critical mass of women? If within the state, male power and female power are both present, will the current feminist presumptions of the state being “male” still be relevant? (MacKinnon 1987: 140) Or will new theories, present themselves that more specifically address these new states that are actively being constructed by women as in the case of Nepal, Rwanda, South Africa, and Liberia? Will the feminization of politics create new paradigms within both feminism and political anthropology?

Gender is intertwined with political and social processes as is the structure that creates such gender norms. Gender is political, thus the act of *doing gender* is then a political action. “If we do gender appropriately, we simultaneously sustain, reproduce, and render legitimate the institutional arrangements that are based on sex category” (West and Zimmerman 1987: 146). This thought reminds me of the adage that “well behaved women rarely make history.” Will the emerging culture of Nepal’s women doing politics engender the dismantling of previously held gender expectations? Will their political voices act as the catalyst to alter structural accounts of gender within communities and households? In this way, if what gender means in Nepal can be changed, it also indicates that the political and societal structures that previously supported their exclusion within society can be changed. Which comes first, the dismantling of gender as a concept or the evolving of the political structures that determine gender within specific cultural contexts?

When looking specifically at my research and how it revolves around women within a political state, it is relevant to query the relationship between feminism and the state. Following MacKinnon (1991: 186) I am interested to know how Nepali women understand the state. This question is now what I am analyzing with the help of the female Constituent Assembly members. Within my research I employ the methodologies of feminism and

political anthropology as I listened and documented Nepali women's life experiences both before becoming a member of government as well as during the constitution writing process. Patricia Cain believes that listening to women is a critical component within legal theory:

There does appear to be general agreement that feminist method begins with the primacy of women's experience. Listening to women and believing their stories is central to feminist method. If we are careful to listen to women when they describe the harms they experience as women, we are likely to get the legal theory right (i.e., perceive the problem correctly and propose the right solutions) (Cain 1991: 263).

I also explore their agendas as they aim to bolster gender equality within constitutional laws of Nepal and note the resistance/apathy to those agendas by other members of government. Within feminist scholarship, it has been noted that when looking at the state's relationship to women that while the state has largely acted to reinforce gender subordination, opportunity does exist to ameliorate gender relations (Waylen 2008: 125). It seems that this is what the female members of the CA are striving to do; to use this opportunity to engender equality and bolster gender equity. In this way and with this importance, "[p]rocess has joined outcome as a necessary criterion for legitimating a new constitution: how the constitution is made, as well as what it says, matters" (Hart 2003: 12).

On Nepal

The research which is presented here will address the political history in Nepal beginning in the late 1940's whereupon democracy was vied for within Nepal by both newly formed political parties as well as the reigning monarch. It can be seen through the events in Nepal beginning with the inception of political parties within the country, how political events, such as the Panchayat system, the *Jana Andolin* (People's Movement), the People's War, including the heavy participation of women as members of the People's Liberation Army, and the post-war activities of women contributed to the quota system which mandates thirty-three percent of the current Constituent Assembly (CA), who are tasked with writing Nepal's seventh constitution to be women. The research concludes with an overview of the political situation in Nepal today by looking at the political stalemates that have led to lengthy delays in the drafting of the constitution.

Though much of this research is gleaned from historians' accounts of Nepal's history and what is generally known about Nepal, I also use personal interviews to elaborate on events that had a direct impact on the interviewees, including the panchayat years, reasons behind the People's War, and the experiences of being a soldier within the war. This research will incorporate testimonies of female Constituent Assembly members as they personally recall those moments and events in Nepal's history. The women are former housewives, social activists, slaves, Ph.D. holders, educators, and laborers, and have come together representing their political parties, castes, and gender in a specific moment in Nepal's peace process. The women were elected into the Interim Government's Constituent Assembly in 2008 and represent twenty-three of the thirty-one political parties active within the Constituent Assembly.²⁴ The interviews that I draw upon were all held between February and October 2010 in Kathmandu, Nepal. Many of these women spoke in English, but there were women with whom a translator's services were called upon. When I quote the women, I do so in their exact language unless noted that the translator's words were utilized.

These women can bring a new dimension to existing documentation on political history whereupon individual thoughts and reflections are missing. By listening to these women we

²⁴ Initially, there were twenty-five political parties in the CA and women were represented in nineteen of them. Later, one party merged and a few parties fractured, leaving thirty-one parties. When I was present in Nepal, women were represented in nineteen of twenty-nine parties. Please see Annex 2 for a detailed representation of political parties and female membership.

can begin to understand a frame of reference they provide for researching and understanding social and political issues of importance.

Kings and political parties

The Rana family was a powerful family in Nepal who began ruling Nepal in 1846 after a massacre at the palace which left over thirty people dead, including the Prime Minister. Due to the political instability of the time, Jang Bahadur Rana established himself as the Prime Minister and ensured that from that point a hereditary Prime Minister directly from his family. Soon after taking control as Prime Minister, Jang effectively marginalized the established monarchal King into a figurehead, thus reducing his political power in Nepal. During Prime Minister Jang Bahadur Rana's reign from 1846 – 1856, he “maintained a ‘closed door’ policy of previous Nepalese governments, refusing to allow European traders into the country, rejecting a proposal for a road connecting Kathmandu to India and allowing the British resident and his staff access only to strictly limited areas” (Whelpton 2005: 47). When Jang himself died in 1877, a series of intricate family events occurred resulting in a new line of the Rana family taking power: the Shamsheer Ranas.²⁵ During this period (1885 – 1951), the first Nepali newspaper²⁶ was born, the first college was founded²⁷, and Singha Durbar²⁸ was built.

Also during this time, discontent with the Rana regime began prompting the formation of political parties whose objectives were to overthrow the Rana regime and instill democracy within Nepal. The Communist Party of Nepal was founded in September of 1949 and stated that “the espousal of armed struggle as an element in the strategy of the Nepali communist movement” was their main objective; the first leaflet produced by the Communist Party of Nepal published April 1949, declared that Nepal should establish a ‘new democracy’ as in China – if necessary through armed struggle – so as to create a people’s Republic” (Karki and Seddon 2003: 6). Likewise, in 1950, Nepali Congress emerged as a political party and immediately came to the consensus that armed struggle was the only option to successfully overthrow the Rana regime, though while also maintaining a principle of non-violence.

²⁵ The Shamsheer Ranas were Jang’s nephews.

²⁶ The Gorkhapatra remains as a Nepali language newspaper today.

²⁷ Trichandra College is still a college today.

²⁸ The current government complex that houses Parliament as well as the Constituent Assembly is Singha Durbar.

Political parties were not alone in attempting to end the reign of the Rana family. In an attempt to overthrow and end the Rana regime, in 1950, King Tribhuvan fled to the Indian Embassy and was granted permission to enter the newly independent India. It was at this time that the then-Prince Gyanendra Shah, Tribhuvan's grandson, was briefly proclaimed king by the Rana regime, despite the fact that he was only three years old, in a bid to oust his grandfather King Tribhuvan. Once King Tribhuvan was safely in India, Nepali Congress, began launching armed attacks throughout Nepal using the Indian railway system as a means to transport materials into Nepal. India, as an interested party with a shared border, hoped that an agreement could be reached between King Tribhuvan and the Rana family; at one point India ceased allowing Nepali Congress from utilizing the railway system, however as the Rana's proved intractable, the Indian government gave leeway to Nepali Congress to proceed with their activities (Whelpton 2005: 71).

The Rana family and the King came to an agreement in 1950, supported by India, in which King Tribhuvan agreed to his role as constitutional monarch under a new democratic constitution written by an elected constituent assembly²⁹; this agreement never was fulfilled by either King Tribhuvan before his death in 1955 or his successor, King Mahendra due to political fractures and power struggles between political parties. However, in 1959 a new constitution was promulgated by King Mahendra. As part of this constitution, the king retained the power to dissolve parliament without the consent or knowledge of the Prime Minister; as a result, in 1960, King Mahendra did just that. Two years later he promulgated the fourth constitution banning all political parties; this was called the Panchayat system.

Panchayat system: "We couldn't even teach Macbeth!"

In 1951, upon King Tribhuvan's death, his son, Mahendra became king. King Mahendra followed in his father's footsteps by continuing democracy and holding Nepal's first election; however, this democratic rule ceased in 1960 when he assumed absolute control of the government. King Mahendra introduced the panchayat system in 1962, under which all political parties were banned. While few of the female Constituent Assembly members spoke of their lives during this period, the few who did expressed the limitations within society, consequences for exceeding those limits, and of their impressions of the struggle to attain democracy once again.

²⁹ This agreement is commonly known as the Delhi Compromise.

Pramila Rai shared her memories of this time in Nepal's history. During the panchayat years, her father was a politician and began to work underground, though unfortunately he was jailed many times as well because of his suspected activities. He eventually fled to India and continued to support and work for the restoration of democracy from across the Nepalese border. Pramila was deeply impressed by her father's commitment to democracy in Nepal and expressed that it is one of the reasons that she is involved in politics today.

While Pramila's shared thoughts on the panchayat years were brief and focused on memories of her father, Suprabha Ghimire spoke at length of a number of different facets of Nepalese society and her sometimes incredulousness of her personal experiences. First, she shared with me an eye opening experience when she traveled to England during the panchayat era:

Actually I was very much impressed in 1970 when I first went to England and they openly discussed some labor leaders who were saying that, and an anarchist also, who were saying, "Why should we have kingship? It is a white elephant"³⁰ they said. But nobody was vexed and everyone just took it as matter of fact! So, people should be able to express their ideas and so that is how I craved to have that kind of advanced [society].

Suprabha's words indicate a restriction that she felt as a Nepali citizen in that she could not speak freely or negatively about the monarchy within Nepal without possible consequences. In this way, she began to understand from her English peers that a society where people can express themselves freely was the type of society that she wanted to fight for. Being a former professor, Suprabha spoke of the restrictions within the educational system during the panchayat years:

During the panchayat time we couldn't even teach Macbeth or King Lear because there was an upsetting of kings. So, that was not tolerated to us. When the people's power, we said let's protest. We wanted just the restoration; initially we were not out to dethrone the king. We demanded democrats.

She then continued on to tell about how she along with other university professors reacted to these constraints by adopting the motto "intellectual freedom." She also spoke of another international experience during the later years of the panchayat system as well as the restoration of democracy within Nepal:

In 1987, I went to France for a short period and stayed there for one year. And then, after I came back to '89. There was an embargo imposed by

³⁰ A white elephant is an idiom used in the United Kingdom to express that something is more trouble than it's worth.

India, for rice, petrol and kerosene. And from the television programmes, the news people wondering why the Nepalese couldn't protest for such a strong disturbance and why be silent, why couldn't they raise their voices in protest? [The foreign] person who manages the programmes said that Nepalese people are very passive and they don't resist. I was very much pinched by these comments.

We used to think that Nepali people are famous all over the world as being big people. And here there are these people who think us nincompoops! And cowardice people! And that resentment told me that I must do something, because there was no democracy and freedom of speech, expressions were curtailed during the panchayat system. And for centuries we were muted by this autocratic Rana regime and our psyche was slave, to be quite frank.

I had no idea that the [People's] Movement was going on in the country, so when I came back, end of '89, the movement was in its full swing. And the university teachers were very much associated and they protesting everyday there was a protest and so I immersed myself completely in the movement against the panchayat regime and for the restoration of democracy. In forty-nine days from the start of the movement, the movement was successful, so democracy was restored.

The movement that Suprabha was unaware of was initiated by underground opposition forces formed a coalition that strove for a multi-party democracy in what was coined the People's Movement or *Jana Andolin*. The government attempted to stop the non-violent protests using tear gas, mass arrests, torture, beatings, and brutal force. In the following days, hundreds of people were killed when the police opened fire on crowds of unarmed demonstrators. Constituent Assembly member Sarita Giri stated that:

The 1990 movement was relatively short. It was a movement for a short duration of time, just one and a half month. And it is limited agenda, restoration of democracy and multi-party system. That was the only agenda, so it was political, so you can see formal sense of, you know, very limited agenda.

The people's movement finally prevailed and the two main opposition parties, the Nepali Congress and the United Left Front,³¹ formed an interim government and held the first democratic election in thirty-two years.³² The 1990 Constitution redefined Nepal from "an independent, indivisible and sovereign monarchical Hindu Kingdom" as stated the Constitution of 1962, to a "multi-ethnic, multilingual, democratic, independent, indivisible,

³¹ The United Left Front was a coalition party consisting of seven communist political parties: Communist Party of Nepal – Marxist Leninist, Nepal Workers and Peasants Party, Communist Party of Nepal – Marxist, Communist Party of Nepal – Burma, Communist Party of Nepal – Amatya, communist Party of Nepal – Fourth Convention, Communist Party of Nepal – Manandhar.

³² One woman was included in the Interim Government, Sahana Pradhan.

sovereign, Hindu and Constitutional Monarchical Kingdom” (Article 3 (1) and Article 4 (1) respectively) Additionally, Article 114 (17) in the 1990 Constitution required all political parties to have five percent women candidates for the House of Representatives and three percent in the elections for the National Assembly. The panchayat years were over and democracy was revived, bringing “representative democracy” (Krämer, 2008: 179). From 1990-1996, there was a new parliamentary monarchy with the Prime Minister being head of the government; despite this change in governmental structure, the situation was fragile and led to recurring elections in 1991, 1994, and 1999.

Marxism-Leninism-Maoism: The “isms”

Before going much farther, it is important to define a key concept that many of the women speak of, communism. There are seven communist political parties represented within the Constituent Assembly in Nepal,³³ the most powerful are the Communist Party of Nepal – Maoist (CPN-M) and the Communist Party of Nepal – Unified Marx Leninist (CPN-UML),³⁴ both function under the umbrella of communism, but have different political ideologies.

In her way of explaining the Communist Party of Nepal – Maoist, Hisila Yami, female CA member and author of *People’s War and Women’s Liberation in Nepal*, posits that the use of the “scientific principle of Marxism-Leninism-Maoism as well as the Prachanda Path” was the reason that many women and oppressed groups were encouraged to join the People’s Liberation Army (PLA) (Yami 2007: 92). In February 2001, CPN-M adopted Prachanda Path to combine “armed mass revolt” and “people’s war” in what was described as a “progressive shift” (Sharma 2007: 7). The Prachanda Path is an amalgamation of Marxism-Leninism-Maoism theories adapted to Nepal’s politics and situation.³⁵

When speaking of what the main difference between CPN-UML and CPN-M, Renu Chand stated that:

We are differentiating our ideologies and communism of course, but the implementation factors are different, we are Maoist, even they accept Maoism, not Maoism, what do you call it? Mao thoughts, thoughts of Mao. We consider as “ism” they consider as “thought”.

³³ Communist Party of Nepal Maoist, Communist Party of Nepal - Unified Marxist Leninist (CPN-UML), Communist Party of Nepal – Marxist Leninist, Communist Party of Nepal – Marxist Leninist (Samajbadi), Communist Party of Nepal – United, Communist Party of Nepal – Unified, Communist Party of Nepal – United Marxist

³⁴ With 239 representatives and 109 representatives, respectively.

³⁵ It is not uncommon for communist groups to adapt a local name in order to specify their particular brand of communism that is specific to their country.

But what are the main theoretical differences between the largest two communist parties in Nepal, CPN-UML and CPN-M? The Communist Party of Nepal – Unified Marx Leninist is self described as follows:

The Party upholds the principles of socialism and pursues the road of People's Multi-Party Democracy which is a creative application of Marxism and Leninism in the Nepalese condition. Consolidation of democracy, strengthening people's sovereign rights, changing the socio-economic relation and acceleration of the economic development in the country are the major concerns of the Party. Periodical election and the government of the majority, pluralism, rule of law, human rights are other important elements of the People's Multi-Party Democracy. The Party adheres Marxism - Leninism as its guiding principle and socialism its goals to achieve (CPN-UML n.d.).

While at first glance CPN-UML seems to share many of the same overall objectives as the CPN-M. According to International Crisis Group (ICG), the goal of a “new people’s democracy” (*naulo janbad*) was shared by almost all of Nepal’s communist factions at the start of the 1990s (2005: 3). The ICG also stated the following:

The concept of "new democracy" is inherited from the thoughts of Mao Zedong, which in turn built on the views of Lenin, Trotsky and Stalin. The "new democratic revolution" marks the transition from the classical Marxist stages of bourgeois hegemony ("old democracy") to proletarian hegemony ("new democracy") (2005: 3).

The Maoists, however, hardened their opposition to the multiparty system and took up armed struggle to overthrow the monarchy and establish a communist republic, launching the “People’s War” in 1996 (Ibid.). In essence, while both CPN-UML and CPN-M were both seeking a “total transformation of the Nepali society”, the parties went had very different strategies (Sharma 2007: 7); the CPN-M’s strategy for attaining their goals was a “protracted people’s war”, whereas CPN-UML did not enter into armed conflict as a means to meet their political goals (ICG 2005: 2). According to a 1990 interview between ICG and Baburam Bhattarai, current Prime Minister of Nepal, the CPN-M held the following to be true regarding parliamentary democracy and Maoist plans for a new system:

In a parliamentary democracy you don't redistribute the property, you just advocate free competition. Free competition among unequals is naturally in favour of the more powerful ones. When we perform this new democratic revolution, we will immediately redistribute property. We will confiscate all landed property and redistribute the wealth among the poor. The political institutions may be the same. We believe in political

freedom. We will have elections, but the elections so far have been dominated by money (ICG 2005: 3-4).

The CPN-M did enter mainstream politics in 2007 with their induction into the interim government and, like the CPN-UML did in the early 1990s, accepted multiparty democracy as a way to achieve their goals. Additionally, one of the main differences between CPN-M and the other communist parties in Nepal is the fact that CPN-M is the only party that boasted its own military, the People's Liberation Army. For years after the war ended, the discussion of the future of the former PLA combatants remained a point of contention between the CPN-M and the other political parties within the Constituent Assembly. In November 2011, the Army Integration Special Committee (AISC) initiated a process of integration³⁶ whereupon the combatants were given three choices: rehabilitation, integration into Nepal's army, or retirement.

Many of the Maoist women spoke to me about believing in the "isms", i.e. *Maoism*, *Marxism*, and *Leninism*, but what does that mean, and more specifically, what does it mean for women? Karl Marx barely touched on the subject of women and then only in terms of women being part of the working class oppression, however, Marxist Feminism uses Marx's economic theories to argue that the downfall of capitalism will liberate women. Early Marxist Feminist Alexandra Kollontai believed that "[t]he backwardness and lack of rights suffered by women, their subjection and indifference, are of no benefit to the working class, and indeed are directly harmful to it" (Kollontai 2000). Regarding feminism itself she wrote the following:

What is the aim of the feminists? Their aim is to achieve the same advantages, the same power, the same rights within capitalist society as those possessed now by their husbands, fathers, and brothers. For the woman worker it is a matter of indifference who is the 'master' a man or a woman. Together with the whole of her class, she can ease her position as a worker (Ibid.).

Likewise, Marxist Feminists, as well as the Maoist women I spoke with, believe that private property is the shackle that women are bound by and until that chain is broken, women's societal and economic inequalities will remain. In this vein, Zetkin also stated the following regarding upper-class women, whom she coined "the upper-ten thousand":

These women, in their fight for the realization of their demand vis-a-vis the masculine world of their class, fight exactly the same battle that the bourgeoisie fought against all of the privileged estates; i.e., a battle to

³⁶ This deal was signed by CPN-M, CPN-UML, Nepali Congress (NC), and the United Democratic Madheshi Front (UDMF).

remove all social differences based upon the possession of property (Zetkin 2002).

Amrita Thapa, CA member and Maoist woman, stated that her role model is Karl Marx because of his “have and have-nots ideology and social/economic theory”, meaning power gained through economics, characterized by the struggle between the proletariat and the bourgeoisie or the “have and have-nots”, using Amrita’s words. Marx developed an analysis of history, now commonly known as “dialectical materialism” in which the main causes that determine history are the means of production and class evolution (Sewell 2002). He theorized that the evolution from one type of society³⁷ to another is based on creating a new means of production and that this evolution cannot be without strife. Through the creation of a new means of production, a new ruling class would be formed that reflected that change; Marx coined this as the *dialectic* process (mutually constitutive process arising from inherent internal characteristics of every phenomenon). Marx believed that revolutions would take place naturally, whereas Lenin upturned Marx’s economic theories in favor of a political theory that allowed for a planned revolution rather than a revolution that occurs at its own time.

In China during the mid-1900s, Chairman Mao Zedong was intent on ending foreign imperialism and differed in his approach in that he saw great revolutionary potential in the Chinese peasants; he campaigned for land reform that would end the landlord system and redistribute holdings in an effort to gain peasant support. Mao built an army, the People’s Liberation Army, who was tasked with protecting the people rather than exploiting them. Chairman Mao, in his 1927 Report on an Investigation of the Peasant Movement in Hunan, referred to women’s oppression as part of a patriarchal feudalism:

A man in China is usually subjected to the domination of three systems of authority [political authority, family authority and religious authority].... As for women, in addition to being dominated by these three systems of authority, they are also dominated by the men (the authority of the husband). These four authorities - political, family, religious and masculine - are the embodiment of the whole feudal-patriarchal ideology and system (Zedong 2004).

While Mao Zedong states that men as well as women are dominated within their lives by various systems within government and community, he further explained that for women the situation is more complicated as women are also under the authority of men, i.e. husbands;

³⁷ Marx identified five types of societies: primitive, slave, feudal, capitalist, and socialist.

this system is what Mao himself, as well as many of the CPN-M party members refer to as the “feudal-patriarchal ideology and system”. Lenin also spoke in a similar manner regarding the systems that are tied to the oppression of women:

Under capitalism, the female half of the human race suffers under a double yoke. The working woman and peasant woman are oppressed by capital; but in addition to that, even in the most democratic of bourgeois republics, they are, firstly, in an inferior position because the law denies them equality with men, and secondly, and this is most important, they are "in domestic slavery," they are "domestic slaves," crushed by the most petty, most menial, most arduous, and most stultifying work of the kitchen, and by isolated domestic, family economy in general (Mao on Women n.d.).

Though no one woman described in detail the “isms” that are the main tenants and beliefs of the Communist Party of Nepal – Maoist, the above outlines the very basic theories of communism and how respected communist leaders spoke, or in Marx’s case didn’t speak, of the situation of women within their respective societies. The Communist Party of Nepal – Maoist has adapted Marxism, Leninism, and Maoism to reflect the specific ideals of Nepalese Maoists. Nonetheless, within this political group, there are women who have fought for these ideals in order to create a better Nepal. These women are not a homogenous group, though many of them have come from the peasant masses, following Chairman Mao’s practice that was introduced in China. Their stories are as varied as their personalities, yet each woman who affiliates with the largest political party in Nepal, keeps her membership in this group as part of her individual identity.

Renu Chand, CPN-M member, says that Chairman Prachanda is the one she wants “to be” as the reason that now there are thirty-three percent women in the CA is directly attributed to his “forward” thinking about women and society. “I am happy that Prachanda, his leadership, but though he is a man, he understands everything about woman and about Dalits and backward regions and he understands it very well.” While no other women spoke of wanting to emulate Chairman Prachanda, many women spoke of the CPN-M being the reason that women were now included in the Constituent Assembly, and directly attributed Prachanda’s views on gender and his belief that women and men are equal in their abilities to their inclusion within the constitution writing process.

The People’s War: “Unifying Nepal”

On 13 February 1996, the People’s War was started by the Communist Party of Nepal - Maoist (CPN-M) with the stated goal of overthrowing the monarchy and “unifying Nepal” as

CA member Bimala KC states. The Vice-Chairman of the CA states clearly that the causes of the People's War were the people's lack of access to basic human rights (education, health, economic access) as well as the abuse of power by the few people who wielded it. Volumes have been written contemplating the causes and political intricacies of the People's War.³⁸ Within the literature on Nepal, the most stated grounds for the initiation of the People's War can be attributed to mass discontent of Nepali people due to strident class distinctions, lack of access to basic amenities for living, oppression of people due to gender, race, caste, and ethnicity, and the desire for a better life. Maoist writer and Constituent Assembly member Hisila Yami, a.k.a. Comrade Parvati, posits that the "fury of centuries of feudal oppression was waiting to be burst" and that was how the People's War began (Yami 2007: preface). Additionally, anthropologist David Gellner expands this contemplation to add that "ethnicity certainly played a role, it is by no means a simple, determining factor" (2008: 21).

What do the women themselves say about the causes of the People's War? Interestingly, only a very few women spoke of this and of those women, all hailed from the CPN-M political party. Vice-Chairperson of the Constituent Assembly and CPN-M member, Purna Subedi, stated clearly the causes of the People's War to be the lack of access to basic needs and rights of poor people within Nepal:

There is the lack of access of poor houses and basic need things and lack of access of those things in the grass root level. So because of these reasons the Maoist have the People's War: to ensure the people who are the, ensure the basic rights, the people who are in the grassroots level have been go to the People's War to fight for the basic needs and rights of the people.

Purna stated that the people at the "grassroots" level were the people who, as part of CPN-M, fought in the People's War in order to improve the quality of life and access to resources that would improve not only their own quality of life, but the quality of life of others who share similar circumstances. Hisila Yami took Purna's sentiments one step further and put a gender component on the basis for the People's War. She, as Comrade Parvati, provided her own thoughts in saying that Nepali women struggled throughout their lives against poverty, "rugged geography" that led to an extreme lack of basic infrastructure, and a "discriminatory Hindu feudal state"; all of which were strong motivators for women to join the People's War (Yami 2007: preface). She also stated that:

³⁸ Hutt 2004, Gellner 2008, Lecompte-Tilouine 2009, Whelpton 2005, Hangen 2010, Karki and Seddon 2003, Sharma 2010, Parvati 2006 to name a few, though this list is by no means exhaustive.

Before the PW started they could not even own the land and house they ploughed and inhabited, they were not protected against polygamy when they were the sole sustainers of family. And when they were raped they could not even abort. Their routine life working as domestic slave in maternal house till the age of marriageable life and another rigorous domestic slave life coupled with early motherhood triggering early setting of old age is so monotonous that they are dying for any change from this vicious circle of life (Ibid.).

In her writing, Yami highlighted a general situational overview of the lives of many Nepali women which indicates gender discrimination at many levels, as well as a lack of opportunity and choice for women to explore other paths. In our personal conversations, she explained that for many Nepali women it would be expected and normal that they turn eighteen years old having already three or four children, then continuing in their lives to become grandmothers by age thirty-five with no future; Hisila believes that their participation in the People's War "gave them a chance for something new." Hisila also voiced her thoughts that "it's nice to see them [as CA members] because during the war they fought sheer out of their will power, sheer out of poverty, fought sheer about the hope to get something new developed."

Like Hisila, Renu Chand, believes that the overall status and life of Nepali women is extremely difficult; indeed, she explained that the situation for Nepali women was a reason that many men, as fathers, encouraged their daughters to join the Communist Part of Nepal – Maoist:

I think that our father just looked at society and they looked at the situation of the women and they didn't want their daughters to be in that situation. That's why they encouraged. Many Maoist women are encouraged by their fathers. Many, many women. And in the PLA, father and daughter in the same army, it was quite normal at that time.

As I did not meet any of the women's fathers, I cannot confirm nor argue against Renu's belief, but certainly further research in this area of familial ties within the CPN-M party would be fascinating. Regardless, Renu's statements that many Nepali men found the general lives of women unacceptable enough that they did not want their daughters to face the difficulties and struggles that many women face, is indicative that prior to the People's War, men too saw the need for change within their communities. In the same vein, Gellner supports both Comrade Parvati and Renu Chand's statements by arguing that "egalitarian ideology, gender-egalitarianism and transvaluation of conventional gender expectations" were also factors in the People's War (Gellner 2008: 26). Moving from the causes of the

People's War to women's experiences within it, the 'transvaluation of conventional gender expectations' can clearly be seen by the lives they led while working with the People's Liberation Army (PLA).³⁹ During the People's War, levels of gendered power within Nepal shifted as women were able to learn about their rights, which was a cataclysmic event in which many women, Maoist and otherwise, began their own forms of resistance, be it as an armed soldier or otherwise. In many ways, the women's stories are similar; the women share losses of loved ones, children born during a war, and the motivation of their losses to strive for a new Nepal. Yet, each woman is her own person with her own personality and path that led her to be part of, not only the Maoist movement, but the Constituent Assembly as well.

Dama Kumari Sharma, who was underground fighting for ten years, says that many women were in the PLA, fighting and doing different types of work that were not the norm for Nepali women. Many of the female CA members who hail from CPN-M worked underground for the entirety of the People's War and were engaged in various ways including recruitment, fighting, and the production of explosives. Hisila Yami as her alias Comrade Parvati wrote that:

[B]y involving women combatants in otherwise male dominated construction works such as building roads, bridges, houses, culverts, irrigation channels etc and by involving men combatants in otherwise women dominated work such as collecting fodder, fuels, food processing, mess works et [sic] PLA has been able to break the traditional division of work thus helping the masses to identify with the new progressive culture (Yami 2007: 57).

Her written words echo the voices of other CPN-M women who experienced alternate responsibilities that many times were radically different than what was the expected norm within their communities. This experience of women taking on men's roles is not a new phenomenon globally, but is for Nepal; one case of women breaking traditional gender roles in another event of resistance was spoken of by Edward Said when speaking of Palestinian women fighting against Israeli occupation during the Intifada (1987-1993):

Women came to the fore as equal partners in the struggle. They confronted Israel [male] troupes; they shared in decision-making; they were no longer left at home, or given menial tasks, but they did what the men did, without fear or complexes (Said 1989: 38).

In many ways, the Maoist women and the Palestinian women share the experience of fighting and gaining access to jobs that were, until that point, only held by men. Many Nepali women

³⁹ The People's Liberation Army was comprised of 3,846 women, equaling twenty percent.

were very proud to have broken the gender barrier. Khuma Subedi proudly showed me photos of her in combat gear with an M16 during her days in the People's Liberation Army; when I spoke of wanting to take a photograph of her, she asked if maybe I would like to take a photo of a photograph of her holding the M16, indicating that to her, that moment in time of being an armed combatant was potent enough that she still identifies with that experience and that is how she wants me to remember her. She also showed me a bullet injury in her arm that she sustained during the People's War. Khuma also spoke several times of having to "pass" as a non-Maoist at certain times during the People's War as it was not safe for communities to know her political affiliation. The most important time that she recalls having to pass was when her son was born; she went from being underground to "aboveground" status in order to deliver, during which time she donned traditional jewelry that married women wear.⁴⁰

Jayapuri Gharti, Maoist Whip, was making explosives and recruiting for Maoist women's associations as a young mother during the People's War. Both Khuma and Jayapuri fought with babies on their backs for the first few months of their children's lives until they left their young children with family and friends to ensure their safety. Both Jayapuri and Khuma's husbands were killed in the war; Khuma's husband never had the chance to meet his son. For these women in particular, there is a matter of pride in the way they speak of fighting with children strapped to their backs and that they left the children to be raised by others; it is an indication of the personal importance placed on the aspirations of the People's War that they sacrificed in this way as well as why the women continue to fight within the CA, to honor the unfulfilled dreams of their husbands.

It is clear through the statements of women involved in the People's War that the roles of women not only changed, but as a result, levels of gendered power within Nepal shifted as women were able to expand the traditionally female experience.

Many of the Maoist women felt quite proud of their gender-breaking roles during the People's War and now feel an extra motivation in the Constituent Assembly that comes from wanting to honor the memories of the loved ones they lost. These feelings, pride and motivation, because of how the feelings were born, can also be a distinguishing factor for many Maoist women who have fought and lived through a war. All of the women's stories highlight a different path; however, in many ways their stories are shared by many other

⁴⁰ Many Maoist women do not wear traditional jewelry when they marry as they see it as a way that patriarchal society is controlling them, in a way, by having to indicate their marriage status when men do not have the same custom.

Maoist women in their experiences as an armed female soldier, loss of husband, and having another woman raise their children. In this way, her life experiences really do make her the girl next door who is not extraordinary because of the distinctive things she has done, but rather normal compared to her friends and colleagues. War time sacrifices as well as the extreme measures, i.e. fighting with a baby on their backs, is a matter of pride for many of the women; they wanted show the world that what they were fighting for was so important to them that they would go beyond gendered stereotypes and start down a path not previously tread by Nepalese women. Their pride was visible in having been part of a series of events that led to the king being dethroned and Nepal being declared a Federal Democratic Republic.

The end: Monarchy and war

The royal massacre of June 2001 plunged Nepal into great political turmoil as Nepal saw three kings within four days. The events transpired when Crowned Prince Dipendra opened fire and killed nine members of his family before turning the gun on himself. Upon the death of King Birendra, the Communist Party of Nepal – Maoist declared Nepal to be a Republic. Although this did not come to pass, there was much public support for this action as the Nepali people had been losing faith in the parliamentary government that they fought for in 1990 (Raj 2001).

Also in 2001, the Maoists had instilled district people's governments in twenty-one districts out of seventy-five and the death toll of the People's War reached approximately 2,000. In late 2001, the government and Maoist leaders came to the negotiating table where the Maoists placed three demands on the table: establishment of an interim government, the election of a constituent assemble to draft a new constitution, and the designation of Nepal as a republican state. These negotiations failed.

Peace talks between CPN-M and the Nepalese government began in April 2003, but after seven months, no compromises had been reached and the rebels ended the cease-fire. In 2005, seven parliamentary parties negotiated a political alliance with the Maoists. Seven months later, the negotiations break down and the Maoists leave the negotiating table. King Gyanendra assumed direct power, dismissed the government, and declared a state of emergency in 2005, stating that this was the only way to defeat the Maoists. Almost one year later in April 2006, the King reinstated Parliament. Directly after the nineteen day People's Movement in May 2006, the restored parliament relinquished the King's executive powers

and announced one-third reservations for women in all government bodies as well as a provision for thirty-three percent participation of women in each governmental body, and citizenship certificates through the mother's name. A comprehensive peace accord was signed in November 2006. This action ended the war between the Maoists and the then royal government, in which more than 10,000 (figures range from 12,000 – 16,000) people were killed and approximately 100,000 people were displaced.

The Comprehensive Peace Accord opened the door for Maoists to participate in the government for the first time; within the legislative Parliament at this time there were fifty-seven women of 330 members, thirty-one of who represented CPN-M. Though this was the highest number of women ever in Parliament, the initial drafting committee for the Interim Constitution of 2007 boasted no women. After heavy protests by women activists, four women were included. Soon after, the Interim Constitution of 2007 was promulgated which allowed for a mixed electoral system (encompassing both first past the post (FPTP) and proportional representation) in order to “encourage participation of various ethnic and regional marginalized communities to the broader democratic framework of governance and policy making” (Sharma 2010: 80).

Political stalemates

The 2008 elections adopted a mixed electoral system comprising of first-past-the-post⁴¹ and proportional representation.⁴² The Maoists won the majority of the 601 seats of and a historic thirty-three percent of all elected were women; twenty-nine women were directly elected in first-past-the-post and 162 women were elected through proportional representation. Each of the 601 members acts as a Constituent Assembly member as well as a Member of Parliament. On 28 May 2008, the Constituent Assembly abolished the 239 year old monarchy and replaced the moniker *Kingdom of Nepal* with the *Federal Democratic Republic of Nepal* as its first acts.

“Political parties in Nepal were founded in order to accomplish certain envisioned changes in social, economic, and political affairs of the country” (Hachhethu 2008: 172). The same holds true today, but with the numerous political parties and therefore the numerous ideologies that each party holds true, there can be no surprises that each policy making decision, nay any

⁴¹ First-past-the-post (FPTP) is an election system whereupon candidates with the most votes win.

⁴² 240 people elected in first past the post, 335 people elected through proportional representation, and twenty-six nominated by the interim Council of Ministers.

decision that requires consensus of the majority, is a major hurdle; as Constituent Assembly member Arzu Deuba told me, “We have a provision in the Interim Constitution saying that seventy-five percent agreement to pass any of these things. And that’s saying a lot.” Likewise, Daya Regmi⁴³ spoke to that point when she opines “that the top leaders have to decide about the constitution and only then will there be progress as Maoist wants constitution according to their principles, communist want according to their principle, Nepali Congress wants constitution according to democracy.”

My first trip to Nepal fell one hundred days before the initial deadline for the promulgation of the constitution. The question of “will it get done on time” was a topic of which many women held strong opinions. Arpita,⁴⁴ a CPN-M representative, voiced her opinion that the timeliness in which the constitution is completed is in the hands of the political elites. “[There are] CA member [who] are very powerful who do not want to make on time.” She also stated that if the decision makers decided to make it happen on time, it could be done, but she was doubtful that the decision to promulgate on time would occur; her words, tone, and demeanor when talking about this indicated that there was little that she as one person could do to change neither timeliness nor minds of political leaders who could initiate the process to meet the constitutional deadline.

Daya echoes Arpita’s sentiments in stating that the leaders from CPN-M, CPN-UML, Nepali Congress, as well as the Prime Minister and leaders from other political parties must make the final decisions:⁴⁵

Now the country is going to federalism and so the system will be different. Different federal government, state government so then there will be elections and it will take time, but they have to make the constitution. Nearly one hundred days left... They have to decide by the political party leaders. Main leaders. If they came at the point and the conclusion then they can...what type of system, what system is preferred? Parliamentary system, unilateral system, presidential system, prime minister system, Westminster system, firstly they have to talk to decide. Without deciding these people cannot make this possible. If those political leaders, the high level leaders, if they decide to do then they can do within one hundred days. If not, it will take more than that. Six months? One year? They have to come to the point. We have to have one direction. But now they are this direction, this direction, this direction.

⁴³ Daya Regmi is a pseudonym.

⁴⁴ Arpita is a pseudonym.

⁴⁵ Kiran says that there are twelve or thirteen people who have this responsibility, but only a few were explicitly named.

Daya's thoughts infer a slight frustration with those who must decide upon the type of governmental system that Nepal will employ. As a Constituent Assembly member, she wonders what will happen if the constitution is not written or finalized, how much longer it will take them to reach a decision. Even though the 601 members of the Constituent Assembly are charged with creating the constitution, the final steps are out of their hands and they must wait for others to make decisions; in this way, it seems that it is out of their hands.

On the other hand, Binda Pandey agrees with both Arpita and Daya in that the decision to have the constitution done on time rests on political party leaders; however, she also feels that she and others have an active role in pressuring the party leaders to come to this decision:

We are now fighting very much to finish the new constitution in time, but the time is very short and we have only three months time, but also, most of us we are pressuring our own party leaders. So that is what we are doing and it also might be creating some sort of aggression for the political leadership to complete the constitution in time, but still it is doubt whether or not we can finish this in time. Maybe, it will not be the final declaration, but also at least we should have the one complete draft of the constitution. With some kind of the draft then it will be able to give and raise the hope of the Nepali society! So we are just fighting and discussing in that way right now. It is really a big challenge.

Binda, a veteran politician, is pressuring her political party leaders to complete the constitution on time and if the final document is not prepared, then a draft should be completed as to show the Nepali citizens that a final constitution will come.

Pramila Rai also believes that it was likely that the constitution would not be made on time and that more time would be needed to successfully compose the seventh constitution of Nepal. However, she fully believes that if promulgation is the priority, then it can be done and if it can be done, it should be done as the Nepali people are counting on the Constituent Assembly:

And now there are only three months left for the completion of, and before three years it was said that the new constitution would be made within this time frame and now there are only three months left. If all political parties come together and work in cooperation, it can be made in three months but the Nepali people need to understand that even if it cannot be done in three months, extra time must be given, like a couple more months, and it is necessary that the constitution must be made and it will give proper justice to the people. And in case of no constitution, there will be other sorts of problems.

[I] believe that the constitution must be made anyhow and if it is not made

than the victims will again be the women and Dalits and the minorities. And some drawbacks and hurdles on the way because the political parties have their own issues and agendas. But the bottom line is that the constitution must be made for the betterment of the people and especially women.

Pramila's words are on par with Binda's as she points out that the constitution is for the people of Nepal; if the constitution is not written on time, the CA is accountable and groups who have historically been discriminated against will not yet have legal rights.

The new constitution was intended to be completed on May 28, 2010, but because of a political deadlock, a one year extension was granted. However, further political stalemates hindered progress. CPN-M Prime Minister resigned in May 2009 over his decision to fire the head of the Nepalese Army; Pampha Bhusal, seasoned female politician,⁴⁶ spoke about how the Maoists are in opposition to the government⁴⁷ (Parliament), but they are not in opposition with the CA as constitution writing is a "common agenda". In another point of view, CPN-UML member Bina Shah⁴⁸ describes the difficulties of having dual responsibilities as Constituent Assembly members and Members of Parliament:

To have the two type of responsibility, one is government side with the constitution making process. Mao have largest party in the country and they governed nine months and then quit. And now they are disrupting Parliament as they are the opposition party, with strikes and that sort of thing so Parliament has closed from time to time because of this reason.

From June 2010 to February 2011, there was no Prime Minister; after seventeen prime ministerial elections, a new Prime Minister hailing from CPN-UML, Jhalanath Khanal was elected and the Maoists rejoined the government. The extended constitutional deadline was not met and a three month extension was granted allowing for the new constitutional deadline to be August 28, 2011. Because of prolonged political turmoil and the resignation of the recently elected Prime Minister Khanal, in August, Nepal was no closer to having a written document and a three month extension was granted for the second time. On August 29, 2011, CPN-M Vice-Chairman Baburam Bhattarai was sworn in as Nepal's new Prime Minister.⁴⁹ In early November 2011, the four main parties agreed to integrate one-third (6,500) of the

⁴⁶ Hon. Pampha Bhusal is a Central Committee Member for the CPN-M and the former Minister of Women, Children, and Social Welfare. She was one of the only women involved in the Peace Process in 2008.

⁴⁷ Prime Minister Pushpa Kamal Dahal (Prachanda) resigned in May 2009 over opposition with other leading parties over the integration of Maoist rebels into the national armed forces.

⁴⁸ Bina Shah is a pseudonym.

⁴⁹ Prime Minister Bhattarai is the husband of Hisila Yami, one of the Constituent Assembly members with whom I spoke.

former Maoist rebels into the Nepalese national army in non-combatant roles; the remaining 19,000 ex-combatants will be offered a rehabilitation package to help assist in establishing their new lives. In November 2011, a fourth extension was granted allowing for a new deadline for the promulgation of the constitution to be 30 May 2012.⁵⁰ This deadline passed with no constitution and no sitting parliament.

Former constitutions

All of the constitutions post-1951 have specifically mentioned women's rights in varying degrees.⁵¹ The 1990 Constitution granted five percent female reservations in Parliament, though not one woman was part of the 1990 drafting committee, and the elections in 1999 saw 5.8 percent women join the House of Representatives. However, most of those women already had strong familial ties within the government; International IDEA (2008) states that at that time the "women members of the House complained that it was difficult for them to get across their own points—they were essentially subordinated to the male members" (p. 9). Additionally, when drafting the 2007 Interim Constitution, initially no women were included in the drafting committee; in the end, the committee was expanded and included three women. The seventh constitution (upcoming) replaces the 1990 Constitution and the women aim to input based on the aspirations of the Nepali people. Since 2000, there have been great strides in the granting of women's rights: women were granted the right to ancestral land in 2001; abortion was legalized in 2003; in 2006 a bill was prevented that would have permitted men to file for divorce if their wife was infertile; and women were able to give their children citizenship rights in 2006.

The previous six constitutions are as follows:

1. Constitution of 1948: Gave all citizens equality before the law, though there was no mention of women.
2. Constitution of 1951: Intended to be an interim constitution. Stated that "men and women equally have the right to an adequate means of livelihood" and that "there is

⁵⁰ The Supreme Court ruled that no further extensions are possible for the Constituent Assembly. At the time of writing, the schedule of completion has been amended eleven times (Women's Caucus, 2011).

⁵¹ Nepal has seen six constitutions from this time; women have participated in two: 1962 and 2007 Interim (as well as the current, yet to be promulgated) Constitution.

equal pay for equal work for men and women”. Special provisions for women were allowed.

3. Constitution of the Kingdom of Nepal 2015 BS (1959): First undertaking of a democratic constitution stating that there would be “no discrimination on the grounds of sex in the application of any law, and none in terms of appointment to the public service” (International IDEA 2008, p. 9). All of the provisions in this constitution applied to Nepali citizens.
4. Constitution of 2019 BS (1962): Known as the Panchayat Constitution. For the first time included provisions regarding citizenship; a foreign women who married a Nepali man could become a citizen, but a foreign man who married a Nepali women could not.
 - a. Muluki Ain, 2020 BS (1963) amended the 1962 Constitution by repealing the traditional Hindu caste system and “eliminated untouchability, caste hierarchy and prohibit[ed] all inhuman penal systems” (CCD 2009b: 4).
5. Constitution of Nepal 2047 BS (1990): This constitution continued on the topic of citizenship and stated that citizenship is passed only through men, though a child of a Nepali woman could become naturalized.
6. Interim constitution, 2063 BS (2007): Widely considered to be the most progressive of constitutions promulgated thus far in Nepal in regards to fundamental rights (CCD, 2009b, p. 4). Regarding citizenship, this document states that citizenship can be passed by both men and women. However, citizenship through marriage remains as dictated in the 1990 Constitution. Additionally there is a new article regarding the Rights of Women (Article 20):
 - a. No woman shall be discriminated against in any way on the basis of gender.
 - b. Every woman shall have the right to reproductive health and other reproductive rights.
 - c. No physical, mental or other form of violence shall be inflicted on any woman, and such an act shall be punishable by law.
 - d. Sons and daughters shall have equal rights to ancestral property.

In studying the former constitutions of Nepal, the women are vying for a document that will uphold the rights of women and that has language that is uncontestable. Fighting against the androcentricism of former Nepali laws and constitutions, CA member Sapana Pradhan-Malla spoke of existing discriminatory language within the Interim Constitution. For her, as a lawyer, she is extremely concerned with the language that will be used and recorded for all time; she wants to be certain that the language used cannot be misconstrued as to further discriminate against women and other excluded groups.

Nepal was a country where we had in first study we found 118 legal provisions discriminating against women no right to property, no right to abortion, no right to access to justice even if there is a rape. Because right to property is very important. No right no equality in citizenship. So even to create your relationship with the state, citizenship is very important.

In examining the Interim Constitution, it became poignantly clear to Sapana that rights for men and rights for women were vastly different in that women were not granted rights equally. She also points out how rights for women can be different than for men in some ways as women, due to their biological sex, may have the need for an abortion or for justice if they are raped; in these cases, laws should be different, but still should exist to protect women. On a positive note, Sapana also thinks that:

[On] one hand because of women's engagement in constitution making lots of difference in language been seen because we want gender friendly constitution, we want to make sure gender neutral at least not gender biased language as we are still using gender biased language.

Pushpa Bhusal, leading advocate for the Supreme Court of Nepal and Constituent Assembly member, also wonders about how to ensure equality through language.

One side is equal language and equal language and equal provision or sentence about the equal, that we are equal. But other side we should have to mention about the affirmative action for that community who are very backward who have lots of expectation who need some change and the state ignore that community so how can we give that language in our constitution?

It is clear from their words that the language of law in regards to equality of women is what they and other female CA members are searching for; it is important not only what they say, but how it is expressed, and how it will ensure the rights of all people, men and women, no matter the interpretation.

How does it work?

Within the sixteen member Interim Constitution Drafting Committee there were initially no women involved. However, this was amended to include four women.⁵² In the first-past-the-post elections there were 369 female candidates from fifty-five political parties.⁵³ Thirty women were elected through first-past-the-post, 161 women were elected through Proportional Representation, and six women were nominated from the Cabinet of Ministers. Of these women, eighteen were former members of Parliament, though most only since the expansion of the Parliament in 2007.⁵⁴ There are 601 Constituent Assembly members representing twenty-three political parties. Each member of the CA is working in one of the ten thematic committees that address substantive constitutional issues or as one of the sixty-one members of the Constitutional Committee who is charged with writing the constitution. The thematic committees are responsible for drafting sections of the constitution while the Constitutional Committee is responsible for melding each section into one whole document. The thematic committees are as follows:

1. Committee on Fundamental Rights and Directive Principles
2. Committee on the Protection of the Rights of Minorities and Marginalized Communities
3. Committee on the Restructuring of the Nation and the Distribution of National Power
4. Committee to Decide on the Form of the Legislative Body
5. Committee to Decide on the Administrative Form of the State
6. Committee on the Judicial System
7. Committee to Decide on the Structure of Constitutional Bodies
8. Committee on the Division of Natural Resources, Financial Rights and Public Revenue
9. Committee to Decide on the Basis for Cultural and Social Commitments, and
10. Committee for the Preservation of National Interest

The Interim Constitution of 2007 instructs that the Constituent Assembly must pass the draft preamble and each article of the new constitution with two-thirds majority. If there is not two-thirds majority, the document will be re-drafted until two-third majority is reached.

⁵² In the Interim Parliament there were seventeen percent women.

⁵³ There were 3577 male candidates.

⁵⁴ Twenty-seven of the 197 women have experience as MPs.

The women: In private

Growing up: Stories of discrimination based on gender, caste, and ethnicity

The research which is presented here will specifically look at Nepalese women's experiences growing up in Nepal and their decisions to migrate from their rural natal communities to the capital city of Kathmandu. It can be seen through the events in their lives that while each woman has her own story, there are common threads within their experiences that can be directly attributed to a larger societal expectation of women and girls. The interviews that I draw upon were all held between February and October 2010 in Kathmandu, Nepal. Many of these women spoke in English, but there were women with whom a translator's services were called upon.

Documenting women's individual experiences growing up in disparate communities throughout Nepal is indispensable for recording gendered points of view of how Nepalese women felt growing up and how they feel when they return to their natal homes. By listening to these women we can begin to understand a frame of reference they provide for analyzing and understanding the experiences of this specific group of women who migrated from their natal homes to Kathmandu. While most of these women can be considered to have migrated for the sole purpose of their current position within the Constituent Assembly, it remains to be seen whether this migration will be temporary or permanent. However, I posit that it is entirely possible that now, directly because of their migration, becoming a role model within their natal homes as well as one of the main reasons for their migration, writing a new constitution whereupon equality will play a large role, that migration patterns in Nepal could change:

As groups migrate, regroup in new locations, reconstruct their histories, and reconfigure their ethnic projects, the *ethno* in ethnography takes on a slippery, nonlocalized quality, to which the descriptive practices of anthropology will have to respond. The landscapes of group identity – the ethnoscaples – around the world are no longer familiar anthropological objects, insofar as groups are no longer tightly territorialized, spatially bounded, historically unselfconscious, or culturally homogenous (Appadurai 1996: 48).

With these women's migration to Kathmandu, opportunities for historically discriminated castes and ethnicities will begin to present themselves, meaning that with these opportunities, migration within Nepal to the larger cities is a true possibility. Not only is the alteration of migration patterns a possibility within tomorrow's Nepal, but the act of migrating may also

have a an effect on how they think of themselves in terms of their ethnicity or caste. It is in this vein that I suggest future academic scholarship in migration as a result of the promulgation of the seventh constitution and its implementation.

Before going any further, I would like to address why the women introduce themselves as either part of the Hindu caste system or as a particular ethnicity. The caste system was developed by the *Muluki Ain*⁵⁵ in 1854 and divided society into a Hindu caste hierarchy. Today fifty-seven percent of the population is counted under the Hindu caste system. However, there are many groups in Nepal who do not follow Hinduism as a religion and therefore cannot be part of the caste system; people who fit into this category largely identify with their ethnic group. Additionally, within some ethnic groups there are people who have a caste distinction and those who do not, meaning that some Nepali citizens view themselves as having both a caste and an ethnicity, and some people then identify with their ethnic background. To this point, “the distinction between an ethnic group and a caste is not really recognized in colloquial Nepali” (Whelpton 2005: 8). Though there are officially over one-hundred caste, ethnic, and linguistic groups recognized within Nepal, I will focus on the experiences of seven women who represent *Jānajatis*, *Madheshis*, *Dalits*, and a non-resident Nepali. I chose these women for the reason that these particular women shared poignant stories that highlighted a dichotomy of their lives growing up and their lives now after they left their natal homes.

When I first met the women, they all spoke of their backgrounds and experiences growing up in homes which, while all Nepali, were differentiated by other factors: religion, ethnic group, and caste distinction.⁵⁶ The women who spoke to me about their communities and homes spoke fondly of the people, if not the traditions which oppressed women and girls. However, as proud as the women are of being part of their group, the vast majority of these groups historically have been subjected to exclusion, dominance, and subordination meaning that for these women discrimination has touched their lives for a number of reasons.

I met with women that hold a plethora of experiences in discrimination that are based on gender, ethnicity, caste, and religion: *Jānajati*, *Madheshi*, *Maitili*, *Dalit*, and Muslim. Additionally I met with one woman who identifies mostly with the occupation, in this case

⁵⁵ Legal code introduced by the first Rana Prime Minister.

⁵⁶ However, as cited in Hangen, the lines between caste and ethnic affiliation is often blurred (2010: 26).

Kamalari, which is traditionally related to her *Jānajati* status. Each woman shares tales of exclusion, hopes of change, and pride in their caste or ethnic group.

Jānajati: The “have nots.”

Jānajati groups are frequently defined, by both scholars and the women themselves as indigenous people. Additionally, all *Jānajatis* fall outside the caste system. The Nepalese government recognizes fifty-nine official *Jānajatis* who constitute thirty-seven percent of the total population (Manchanda 2009: 132).⁵⁷ That said, *Jānajati* groups do not share any particular language, religion, or customs, indicating that though all fifty-nine groups are characterized as *Jānajati*, there are many differences between these groups. As *Jānajati* groups comprise such a large proportion of Nepal’s population, it is important to hear their accounts on growing up as a *Jānajati* girl.

Sita Gurung spoke to me briefly about what it is to be a *Jānajati*; interestingly, Sita compares the *Jānajati*’s historic discrimination to that of the “Red Indian in New Mexico [United States]”. She grew up in a poor community where there was a big gap between “have and have nots” where the status of women is “very low and the conditions are very poor”. She also feels that as a *Jānajati* woman she has limited economic access and decision-making power. For Sita, who is part of the *Gurung* ethnic group, the caste system does not directly affect her as she is Buddhist and the caste system is officially for Hindu groups. However, Buddhists are outside the dominant religious group of Hindus, meaning that her family and community felt excluded for reasons of religion, language, and ethnicity. Sita tells that she felt discrimination when she was a child and she still feels it now within the Constituent Assembly as Nepali is not her mother tongue and Hinduism is not her religion.

Now, as a grown woman and member of the Constituent Assembly, Sita lives with extended family in Kathmandu. Sita works long hours and does not perform the reproductive work that would have been expected of her within her natal home; however, she expounded on the roles and behavior expected of her when she returns to the community of her natal home:

It [my behavior] will be changed when I go back to my hometown because I adjust to their culture. So having food, dress, automatically change. But I

⁵⁷ However, some experts (Manchanda 2009) who believe this number is incorrect as the census does not report populations of less than 10,000 people and there are some (though not known how many) *Jānajati* groups that fit this criteria. After the 2001 census, the National Foundation for the Development of Indigenous nationalities found that sixteen *Jānajati* groups that were not mentioned (Hangen 2010).

can speak, walk, and talk with people freely, but daily routines is automatically changed according to my hometown.

He [my brother] is more junior position in the hometown, but whenever she [Sita] goes back to the hometown, she has to do all the responsibilities that normal women do at home like cooking, cleaning the pots, she has to do all that. But she compared to her brother, if he is CA member than many community people come to their home and respect him and talk with him very nicely and have some meeting at home, but being a woman CA meeting, there is not anything like that for her, only must do what the normal women do in her house and in her community.⁵⁸

Sita, as a female government official, must leave her profession behind when she returns to her natal home and perform the role that is expected of her as a woman. She adapts per the situation and changes her behavior accordingly, meaning that when she returns home, instead of going to meet members of her constituency or having meetings as would a man in her position, she stays inside the home and performs her role as expected of a woman from that community. Sita seems to resent this though she plays the role expected of her. Does she act according to community norms out of respect for her family and friends or does she do it because acting like her brother, for instance, would be difficult and might negatively impact those whom she loves? Does she return to the behaviors that were expected of her as a girl because she feels a sense of guilt because she left that home and made another? Are the expectations of Sita, as a *Gurung* woman, higher now as she is no longer a resident of that community as if her behavior is consistent with other local women, it may indicate that she still belongs? I can only surmise the particularities of how Sita's move from her place of birth has influenced her communities' perceptions of her actions. However, the fact that Sita freely admits that her behavior changes when she returns to her natal home indicates that there are conscious reasons that she does so. While Sita spoke of the difficulties she faces when she returns to her birth home, another *Jānajati* woman spoke of the difficulties she faced when she was growing up and during her decision to leave her natal home.

Other *Jānajati* women have much different experiences than the one Sita shared. Shanta Chaudhary, *Jānajati* woman, grew up as a *Kamalari*. She defines *Kamalari* as "people who are working under people as a slave." Shanta, the Chair of the Natural Resources Sub-Committee, defined herself as an ex-*Kamalari* when she shared her story with me. Though the practice of bonded labor was abolished in 2001, slavery is still practiced in Nepal. Indeed,

⁵⁸ In the words of the translator.

Shanta, her husband and children were all *Kamalaris* until she became a member of the Constituent Assembly.

Shanta and I met in her office at Singha Durbar⁵⁹ in the presence of her male driver and male assistant.⁶⁰ She was very open about her experiences and did not seem to censor herself even in the presence of the men, perhaps because, after two years, she is very familiar with them and they too know her (for me) shocking story. When Shanta was small, she wanted to stay at home with her mother and go to school, but she had no choice as her parents were “slaves”, i.e. part of the *Kamalari* system, as were her six older sisters. She was eight years old when she began working as a *Kamalari*. Shanta entered the Constituent Assembly as illiterate; she never had the opportunity to attend school because of her “family's low economic status and the fact they had no land.” Her typical day began at 4:00 a.m. and during land cultivation, she was required to work eighteen to twenty hours per day. As a slave, she was never given proper clothes to wear or given sufficient food to eat; she was required to eat the “wasted food”, i.e. food that was not eaten or disposed of by her employers. She married a man who is also a bonded laborer as this is what was expected of her.

When she was eighteen years old, she began to wonder why she should live this way and have this type of life. Shanta says that the “fight for the *Kamalari* came slowly out of [my] heart.” Upon becoming involved in advocating for the rights of the *Kamalari*, the community became increasingly negative toward her, local men did not allow their wives and daughters to have any contact with her. When Shanta went to meetings, held by non-government organizations (NGOs), community members would tell her husband that she was seeing and meeting with other men, causing him to beat her publicly. Once he dragged her to the middle of the village by her hair, punched repeatedly in the face, and broke her hand in order to “discipline” her. She says that nobody supported her during that time.⁶¹

Shanta was a slave for eighteen years until 2007. She now has two children that previously, before Shanta became a CA member, were *Kamalari* as well. They “grew up for eight years in a high status house”, and were not given the opportunity for education. Shanta worries about what will happen after her term as a CA member ends as after her term as a Constituent Assembly member ends, she will return to her home town, but is worried because she is not

⁵⁹ The main government building in Kathmandu that hosts the Parliament as well as the Constituent Assembly.

⁶⁰ As a Chairperson of a Constitutional Committee, Shanta has a government vehicle that is allocated to her.

⁶¹ She also says that during this time her goats were poisoned as a type of community intervention meaning that Shanta should stop attending meetings and go back to ‘normal’.

saving any money now as she gives a large percentage of her income to people who are close to her and are in need. She wonders how she will continue to have her children attend school since she will not be able to afford it. Additionally, her husband has had a hard time finding work since she became a CA member. The reason for his hardship was unclear, but I understood it to be that since she is a CA member land owners will not hire him as his wife can provide for him and their family. She does not seem bothered by this fact, in fact she seems lackadaisical about her husband in general (shrugging about his plans - doesn't seem to care all that much). But she says he is happy that she is part of the Constituent Assembly: "well, both happy and sad." In looking closely at Shanta's story of leaving her home and the *Kamalari* way of life, I wonder if the case can be made that Shanta's move from her natal home has affected her husband's livelihood in an unexpected way; did she expect this consequence that her husband would not or could not find work when she moved on? Did he? While I cannot answer those questions now, cases like Shanta's would be interesting for future research if looking at changes in familial situations after the migration of one partner, especially in the cases of *Kamalaris*.

Shanta's story highlights an intentional and self-propelled change in her own path: from slave to Parliamentarian, from being illiterate to helping write the constitution. She also directly influenced the lives and futures of her children as previously they were bonded laborers with very few opportunities available and now they are enrolled in school and can act as children, not slave laborers. Shanta says that the experience of being *Kamalari* has influenced her children's conception of money; whenever she purchases something at the market, her son asks her if it really necessary as he is worried about not having any money and having to return to the life they previously were accustomed to. Migration from their natal home has directly impacted her children's future as they will no longer be slaves and will have a future that was not imaginable until their mother left her natal home and expected role as a *Kamalari*. Additionally, while I cannot say if her community, family, or friends underwent a change in their way of thinking regarding what is possible for those who are *Kamalari*, I can say that they did witness Shanta breaking free from the perpetual servitude of being a *Kamalari* and because of that, perhaps other women and men too will follow in her footsteps.

Shanta now feels that she acts as a role model for other *Kamalari*. She says, in the words of the translator, that she "came from up to now from the very ground grass root level and she wants to introduce herself as a very poor and grass root level people leader. So she wants to recognize herself as poor grass root people's leader." When she speaks with other *Kamalari*

women, she says that they are emotionally attached to her as she intimately shared their experiences; Shanta also says that they feel encouraged by her story and that they themselves are starting to feel courageous. Perhaps the *Kamalari* women with whom she speaks are also beginning to think of a better life for themselves; this in itself can be the spark of personal reflection, the initial glimmer of societal change. In Shanta's case, will her success as a result of (directly or indirectly) leaving her natal home inspire others to do the same? Will one case, can one case, act as a catalyst in migration of *Kamalari* women? Again, in the future, migration of *Kamalari* would be important to analyze in order to understand patterns of migration within Nepal in the 21st century. Additionally, Shanta's story of being a *Kamalari* was shocking for many members of the Constituent Assembly (as well as reporters with whom she spoke, apparently one reporter cried hearing her story), indicating that as a direct result of Shanta's migration, wider audiences of both Nepalis and those outside of Nepal are becoming aware of *Kamalaris'* lives as they are in Nepal today. This type of awareness could be beneficial to the *Kamalari* group as now government officials and policy makers alike know the reality of modern day slavery.

Madheshi: Being "backwards."

Who are the *Madheshi* people? The term *Madhes* signifies people from the plains of the Terai. Today, *Madheshis* are one of the largest communities in the Terai as well as one of the largest ethnic groups in Nepal, accounting for thirty-two percent of the total population (Manchanda 2009: 144). Despite their numbers, there has been historic discrimination of *Madheshi* people due to the region they hail from. In fact, one facet of this exclusion is that it is estimated that in 1995, the number of *Madheshi* people without citizenship in Nepal was between three and five million (Jha 2010); however, awareness campaigns were launched in 2007 and at that point, approximately two million residents were granted citizenship documentation. Currently more than 300,000 *Madheshi* still are without citizenship certificates due to the past requirements of identity documentation and efficiency in Nepali language, plus a general lack of awareness (Ibid.).

I met Gayatri Shah, the youngest member of the Constituent Assembly, four times during my visits to Nepal. She is a vibrant, loquacious, spirited woman. She felt that she had so much to tell me that we went to dinner one night just so she could finish the stories she had been telling me earlier in the day. She told me of the time when she learned what *Madheshi* meant because her house was broken into due to her family being *Madheshi*. She learned that day

that some people within the community didn't like her or her family for the reason of their ethnicity, but as a child, it was a hard concept to learn.

When Gayatri spoke of the *Madheshi* people and their experiences, she alternately became very animated and sometimes rather sorrowful. To illustrate the conditions of the community, Gayatri explained that there no toilets and because of this reason, hygiene and cleanliness are a problem. She had many stories to share that explained women's situations within the *Madheshi* community: women are dependent on men, not allowed to leave the home, and each woman's head must be covered so that only her husband can see her face. She says that education for girls is not a priority as when the girl marries, she then belongs to her husband's family and at that point there is no need for her to be educated as she will just stay in the home and have children. That said, child marriages are very common, with girls marrying as early as eleven or twelve years old. Gayatri believes that *Madheshi* men don't want anything to change as the men don't want the women to leave the house or become educated as it is a threat to their daily lives.

Gayatri, for everything she has accomplished at twenty-six, spoke very frankly about feeling like an outcast within the *Madheshi* community as she veered from the norm, left the Terai, and got an education. This was unexpected in her community as her family was not educated, her own mother being not literate. Gayatri spoke of how her father's friends kept asking him why he allowed her to go into politics and why he didn't marry her off or strongly persuade her work in another sector. Despite the pressure from their community, her father must have been rather forward thinking as he encouraged his daughters to obtain their school leaving certificates, university, and then enter a career.⁶² Currently, Gayatri stands out within her community not only for the fact that she is a successful politician, but the fact that she is over twenty-five and not married.⁶³ She explained that she was born *Madheshi*, thinks of herself as *Madheshi*, but no longer really fits in with *Madheshi* culture. However, through it all, she is very happy and proud to be *Madheshi*.

Gayatri spoke of *Madheshi* men not wanting things to change because it is a direct threat to their daily lives if women take on new roles. Will Gayatri's success story and her influence as a female *Madheshi* politician sway other women into thinking they too could have a different

⁶² Gayatri has a twin sister.

⁶³ The last time I met Gayatri, she called her mother down to meet me. It was my impression that she wanted her mother to meet me as proof that a woman could marry "late" and have babies. I was thirty-two when I married and at thirty-five had my second child. Gayatri was astonished by this and called her mother down as soon as she found that out.

type of life than what is currently expected of them? Will personal epiphanies transpire and with those striking thoughts will women not only imagine a different life, but act on their dreams, possibly leading more and more women and families to leave their natal homes? Honestly, only time will tell, but it is my firm belief that this research will act as background knowledge when looking at patterns of migration, female migration in particular, in the coming years. The feelings of discontent along with emerging role models from rural communities might very well inspire societal change through modifications of expectation through the eyes of women.

Within the classification of *Madheshi*, one CA member, Sharda Jha made other distinctions; she was proud to define herself as *Madheshi* upper caste,⁶⁴ *Maithili* woman. She and her two teenage daughters tell me that being *Maithili* means having a strong heritage and using *Maithil* language which is, in their words, “a beautiful and poetic language”. The three women spoke of literature and *Maithil* women’s art as part of traditional customs within their community; they also told the story about how Janakpur (their home place), was the birthplace to the Hindu goddess Sita. “*Maithil* women’s perspective on their own culture is completely unknown because they are far removed from the outside social and political sphere” (Burkert 2008: 263). Though this is true, anthropologically speaking, the very fact that a *Maithili* woman has been elected to the Constituent Assembly and has shared her experiences in the CA (and with me) indicates an opening in which the perspectives and lives of *Maithili* women can be heard and explored.

“Ideal behavior for [*Madheshi/ Maithili*] adult women...is almost total seclusion, and so women are not perceived as needing a means of communication with the outside world – if anything, such a skill might cast suspicion on their behavior” (Archarya, 2005: 263). Sharda spoke of growing up as part of a very conservative *Madheshi* community in which the vast majority of girls were not allowed to attend school. She says that girls in her community were only seen as people who would cook, take care of a home, and deliver four or five children; nothing more was expected of them. Perhaps “nothing” was expected of the women and girls because of the strong societal and ethnic traditional beliefs that girls are not as intelligent or capable as boys and men or perhaps nothing was expected, therefore “nothing” would be what the women would be allowed to do: a conscious or unconscious endeavor to curb girls’

⁶⁴ She is Brahmin, but never actually spoke of this. Her eldest daughter communicated it to me during one of our interviews.

potential. Though Sharda was required to cover her head, she did attend school. In fact, she gained her Bachelor's Degree.

Sharda says that it was not easy to break into politics or to be a woman in politics; she was the first woman from her community to break this traditional barrier. Her husband initially supported her, but then when she was out campaigning for votes her family's support deteriorated. Family members began to speak ill of her, they "scolded" her, and in the end, her husband was completely against her involvement in politics, her campaign, and her wish for a career outside the home. Later when she was elected to the District Development Committee,⁶⁵ she was the only woman out of twenty-one people. There were times when her community spoke ill of her, and even times when she was beaten by the police and taken to jail. "There are some people who have a bad idea about women and they don't get satisfied with the women in politics," she says. Sharda came through the criticism and now feels that she is a respected member of her party within the Constituent Assembly.

Now Sharda feels that she gives more time to politics and less to her family and that politics is what is the most important to her at this time. Though this might be the case, her daughters tell me that they are very proud of their mom. It is clear that they have a close relationship by the way they joke about trendy clothes that Sharda is wearing (at the encouragement of her daughters) and the matching pink glittery toenail polish that all three women are wearing; apparently the girls had wanted to paint their mom's toenails the previous night. So, while Sharda might be a busy politician and CA member who is representing *Madheshi* and *Maithili* women, she is still a mother who shares daily intimacies with her girls. It is likely that due to Sharda's dreams and actions of becoming a politician, her daughters, like Shanta's children, will have different experiences than what they would have had in their natal home. Sharda's daughters, Preety and Kriti, would have been expected to marry early, have children, and stay within their husband's home. Now, being raised in Kathmandu by their mother who is a successful politician, the girls are expected to continue their education and have daily exposure to careers and roles that Nepali women are now fulfilling within the capital city. Additionally, through the close relationship with their mother, Preety and Kriti have daily exposure to the intricacies of the constitution making process which is something that very few young women in Nepal experience.

⁶⁵ District Development Committees are a branch of the Nepali government mandated by the Interim constitution in 2007, but were in effect since 1991 as autonomous self-governing bodies, though there was no constitutional provision for their existence. Their main function is to coordinate development activities within the district. There are seventy-five DDCs in Nepal.

Gayatri and Sharda spoke of the oppression of *Madheshis* within Nepal and within that, the domination of *Madheshi* women due to community created gender beliefs and discrimination. The women spoke of wanting to engender positive change in the Terai through increased human rights awareness, access to education, and job opportunities, as well as through increased representation in the government. The *Madheshi* female Constituent Assembly members do not fit in with the norm of their communities, but as they continue to travel back to their communities and advocate for change, perhaps others will take their lead, gain the courage to break from the expected mold, and step into the public eye, literally as well as figuratively.

Growing up Dalit: “Lowest of the low.”

Growing up as a *Madheshi* Dalit, Ramrati Ram spoke of the specific situation of women and girls who share this ethnicity and caste association. Ramrati is from the *Chamar* sub-caste. She explained that the *Chamar* caste “means the most Dalit; very low caste of the Dalit community.” *Chamar* is also an occupational caste, meaning that it is expected that men and women follow in the footsteps of those before them and perform certain jobs. *Chamar* women’s caste occupation is to assist women who have recently delivered a baby; they must stay with new mothers for five to twelve days after childbirth for the period when the new mother herself is considered polluted and untouchable. For those days, five days being the norm, the *Chamar* woman can touch the mother and baby, but after that she is not allowed, as the mother’s status returns. Caste occupations for men are to dispose of dead animals within the community. Ramrati describes it in the following manner:

When the cow and buffalo give the milk, that milk is drinking to the high status people. And then when the cow/buffalo die the male person remove the dead body and the skin of the dead body, but the skin of the dead body is refined and make shoes and bag and only that work goes to the high status people and the opportunities do not go to the low class people, but their responsibility is to remove the dead body and skin and give to the high class people. Send to the factory. They refine the skin there. That work is only for high class people.

Ramrati is angry that the *Chamar* don’t have any opportunities to do the other work that correlates with refining the animals’ bodies into products, as increased skills correlates with raised economic statuses. Ramrati says that *Chamar* also work “like *Kamalaris*, like slaves; even if they work hard, there is little food and no clothes to wear.” Though the *Chamar* are considered untouchable and treated with disrespect, at one point within Ramrati’s

community, as a group they resisted their traditional roles and expected subservience. Here is a story Ramrati shared about resistance within the *Chamar* community when a government official's cow died:

When his cow has died the *Chamar* community did not go there to throw away the animal; they started to strike that they didn't want to do this type of work. That time the *Chamar* community united through one organization and they started to strike and they start slogan and all things and the guy [with the dead cow] did not do anything against them so the *Chamar* community is encouraged in all those things.

Then they had the *Chamar* Andolin and they succeed and NGOs and INGOs helped at that time. It is a lot of work for landless people and untouchable people. Many people in the *Chamar* community many people do not know the laws about them, so the NGOs and INGOs gave awareness of basic right and legal rights of them and so they know their rights and became united. And she was women association president after that.

Ramrati was heavily involved in the *Chamar* strike and *Chamar Andolin*, though how she was involved was not clear. What was clear was that through these experiences, she gained community recognition and soon after became the Women's Association President. However, her journey into politics became rocky when she was nominated from within her community to be ward president, many people would not even speak to her because of her *Chamar* Dalit status; in fact, she believes that this infuriated many people:

High status people do not want to even give greetings to her because she is a woman and from the Dalit community. Then some high status class people were beating her, physically, and she was seriously injured.

Ramrati persevered; when she entered politics at the national level, she chose to become a member of CPN - UML because she thought they were the political party who were the most sensitive to situation and needs of the Dalit community.

Ramrati's past was met with exclusion and discrimination based on her status as an untouchable and in fact, she still feels very much discriminated against within Parliament and the Constituent Assembly due to her ascribed caste. She maintains that she is "always discriminated against in all part of society, so I am not happy even now." In this way, though Ramrati left her home where she was discriminated against, she still perceives this exclusion in Kathmandu. However, Ramrati does believe that if the problems specific to the Dalits are addressed and equality can be foreseen, maybe then she can find happiness. From speaking with Ramrati, I do not think that she was expecting to find a life free of discrimination upon

her arrival in Kathmandu, so while she was not directly hoping for a better life, she does dream of a better life for others. And that is why Ramrati chose the path she did. That is why she left her home. To this point, she stated that there are improvements within the community, not economically as of yet, but many more *Madheshi* Dalits know about human rights and this, to her, is a vast improvement.

Kalawati Devi Dusad, Assistant Minister of Planning, woman agrees with Ramrati that positive changes are occurring within the Dalit community. She says that when she returns to her community, she encourages the women to explore other paths:

You can go outside, you can be leader in your communities, you can make President and so you can go out from your home, this is the rights of women people, so even I could be success as part of the Ministry and part of the CA, so you women can too! You have to break your role that belongs to traditional culture and you can come out, you have the opportunity to go forward!

Kalawati thinks of herself as a role model for *Madheshi* women and fully believes that because of her experience becoming a Constituent Assembly member, many women are interested in hearing her story:

The women who have not allowed to come outside or do not come outside the home, when she goes to the hometown, they come out to meet, those women who do not want to come out, come out. The women come out talking, talking about problems, talking about family, talking about community and district.

Kalawati believes that the women coming out to meet her, even though it is not really acceptable that they do so, and talking to her about their problems is a positive indication that they too want to work for changes within the community. Both women acknowledge the historical discrimination of *Madheshi* Dalits and both believe that their communities are changing, albeit slowly, for the better. Ramrati attributes these changes to increased knowledge regarding human rights, while Kalawati believes that some of the changes can be attributed to her success as a *Madheshi* Dalit woman. Either way, I am certain that both women deeply desire the situation of all *Madheshi* Dalits, especially women and girls, to improve so that they have increased access to education, health, and economic opportunities. For Ramrati and Kalawati, though they faced much criticism while growing up, are now role models within their communities, which is a tribute to their own motivation and determination. The stories they shared in relation to growing up were framed in such a way

that was indicative that their past was very much relevant to why today they are members of the Constituent Assembly.

Muslim: “Women are women.”

Mohammadi Siddiqui was the first woman from the Constituent Assembly that I met with; indeed, she was one of the first women to respond to my e-mail asking if I could meet her. At our first meeting, we met in the lobby of the Kathmandu Guest House, where I was staying. It was not a great place for a meeting, but it was only hours after I arrived in Kathmandu and did not have other meeting spots up my sleeve at that point. I recognized her straight away as she walked in, looking very distinguished, very conservative, wearing small glasses and a head scarf. I ended up meeting with Mohammadi each time I visited Nepal, and each time we spoke, her pride of her Muslim background was clear by the prominent place she held it in her speech.

“Woman are woman; little bit different. Muslim, *Madheshi*, *Bahari*⁶⁶ You also!” This statement indicates how Mohammadi thinks holistically of women from all walks of life. That said, the “little bit different” aspect of Muslim women is directly related to the religion they follow and the religious laws that correlate. She gives examples of how marriage and divorce are followed through religious laws and not Nepalese laws; during Muslim marriage ceremonies where both the bride and the bridegroom if they are ready to marry, and each have a chance to say yes or no. In cases of discontent, when men wish to divorce their wife, they must say “*talaq*” three times; once “*talaq*” is said once, “if woman is any mistake she can improve, she can realize own mistake” indicating that the main reason for “*talaq*” is the wife is behaving badly in one way or another. On the flip side, if a woman wishes to divorce her husband, she must call people to her house and explain that she does not accept the life she has with her husband; this is called “*halala*”, also an Arabic word. However, Mohamaddi was surprised that many educated women, with educated husbands, in Kathmandu were without a marriage registration certificate, indicating that there is either a lack of access to knowledge about legal systems regarding marriage in Nepal or a belief that the cultural norm is legal. Additionally, Muslim women also face common problems like domestic violence, polygamy, and access to education.

⁶⁶ Bahari are an ethnic group in Nepal who also claim exclusion and discrimination.

Mohammadi highlighted various lifestyles and situations for Muslim women in Nepal. She stated that Muslims in Kathmandu are "a little bit advanced" as the women are free to go to the market, shopping, and to work. In rural parts of Nepal it is rare that women have this much freedom as "man is the mindset for women" meaning that the women do as the husband wishes, in most cases staying in the home. However, many women do go outside and work alongside their husbands (not in a *burqa* – she was quite clear on this point) due to economic necessity.

Mohammadi is from Midwestern Nepal, married at fourteen years old, and from a community in which women did not leave the house. Mohammadi's two daughters are educated, one with a post-graduate degree and the other with a ten-plus-two⁶⁷, and both women are able to work as they wish (i.e. not out of necessity, but desire) and go outside of their homes, due to the education of their husbands' families. Though Mohammadi did not speak of any political interests when she was a housewife, I believe that something must have been there in her mind, lying latent until the time when she was able to start a new chapter in her life.

I started my life eighteen years ago, directly in the public life, before eighteen years I was a housewife. I have two sons and one daughter. And after the first democracy, after democracy came to Nepal, my husband was also a freedom fighter for democracy and Nepali Congress. He passed away. So after that, I have two missions/visions. One is my children and second is get achieve husband's mission. After that, I have no choice, so I start my life in Nepali Congress. At that time, I was alone in the municipality, the rest are male just like society.

To Mohammadi, her life did not begin until the death of her husband, at which time she became very involved in local and international politics. Indeed, she started a local chapter of Amnesty International in Nepalganj, Nepal and also began a children's organization in 2006. When I asked her about her life before her public life began, she said simply that she was a housewife, as if there was nothing more to say. Now when asked about how she thinks of herself, she says that she is a "revolutionary" and that now her main role is to fight "against the fear of strong and intelligent women."

Though the Muslim population of Nepal is approximately four percent, indicating a religious minority status, Mohammadi likens the general situation of Muslim women to that of *Madheshi* women; she states that both sets of women are "inside the house" unless the family is educated, then the women "get a little bit freedom to go to shop." This inequity in women's

⁶⁷ High school is through grade 10 and the 2 indicates additional schooling, though not university level.

treatment, i.e. not being able to leave the house, is true of both Muslim and *Madheshi* women, indicating that this type of oppressive system is not ascribable to one particular group, but to many groups regardless of religion or ethnicity. Mohammadi fervently believes that the Muslim community desires recognition by the state and ideally would like to have “their name” (Muslim) mentioned in the new constitution as a form of recognition. “Like Madheshi, like *Jānajati*, like ethnic groups, first they should be ensured as a community.”

Growing up in Shillong, India: A “matriarchal” community.

Though the other women were raised in Nepal, Radha Gyawali grew up in India as a non-resident Nepali. Her temporary home in India is one that boasts a matrilineal system that passes property and lineage through women. Radha grew up in Shillong, Meghalaya, India in what she calls a “matriarchal” community, though her parents were Nepali. She does not consider Shillong her home though as her parents were Nepali; she considers the Lumbini area (“Lumbini garden is the birthplace of Lord Buddha”), specifically Butwal to be her hometown. Though her adopted community placed women and girls in places of importance in regards to inheriting property and gaining one’s family name from the mother, not the father, there still were struggles as a girl child. In fact, Radha shared with me that “people do not pray for a girl child, so many social hurdles. But it will not change in short period. It is very difficult to change the minds.” With this in mind, she shared with me her childhood memories regarding education:

Gradually I shifted from religious minded to a bit scientific minded, I would like to say. Before everyone considers me a very good girl. Till when I was in class ten, a very good girl, but then when I started working in the student movement, Communist party members. Then my family members, my neighbors started criticizing me. Oh, she is spoiled! At that time suppose girls were not supposed to study more than five or six class, then it is enough five classes.

In the above memory of her childhood, Radha highlighted several important points. In her eyes, her community and family thought she was a “good girl” until two main things happened: her mode of thinking shifted and she was not as much wholly immersed in religion, and that she began being involved in the student movement and aligned herself with Communism. It was these instances that Radha believes set her apart from others in her community and thusly began her struggle against her adopted community. To Radha, it seems that her community began criticizing her because of her activities, but the criticism could just as easily been directed at her level of education, as “being spoiled” and allowed to attend

school past grade five. However, she persevered and then encountered a struggle in order to continue her education beyond grade ten. Radha spoke of the situation when she tried to reason with her mother who did not want to allow her to attend college:

I said to my mother, Mother, I will not go anymore, I will not go outside anymore, will you accept it? (Mother): Yes, I will accept it. (Radha): Only one provision. One condition, I asked her. She said okay, what is your condition? Tell me. Any condition but you shouldn't go, otherwise no one will marry you and that is the problem. (Radha): And I said, mother, please you do not do the worship, from tomorrow you do not do the worship. *Puja*.⁶⁸ Can you do? (Mother): Oh, no, no, no! I cannot do that! (Radha): And how will you abide by the condition? (Mother): I will accept your any condition, but this *puja*, I will do it and I will not accept it [Radha's stipulation]. (Radha): And I said, also I will not accept your condition. You do your *puja* and my *puja* is that [education].

Radha's mother was worried that no one would marry her daughter if she were to be educated, therefore, was against Radha continuing her education. Radha however attempted (in jest) a compromise with her mother, knowing that her mother would never sway from her religious beliefs and duties. Radha told her mother that her education was her *puja*, indicating just how strongly she felt about continuing. In the end, her mother accepted her daughter's will and Radha went to college, though that too was not without its challenges as a female student:

I joined college and my whole environment was such that everyone is criticizing me. "Oh, look at her! She is walking together with male colleagues." I was alone, single women. There were our student leaders, ten, fifteen sometimes walked together sometimes. Everyone said that I was spoiled and they complained to my mother that "Radha is not doing well." Such was the situation. And I was very strongly... I was committed to work underway. I confess any kind of criticize, I was just looking forward then gradually people accepted me again.

After matriculating into university and continuing to work with the student groups, she again faced adversity as a female student being seen in the company of male students. Again her community spoke against her education and activities to her mother. While Radha does not say what her mother thought or said during this time, what does become clear is that Radha stayed in university and kept participating in the student groups and movements; with time, Radha's behavior, while against the norm in her community, became acceptable until she went underground for political reasons:

⁶⁸ *Puja* is the act of worshipping, usually done at home and at temples on holidays and festivals.

People criticize me and say to my mother that, “Oh, you are so very unlucky that you have given education to your daughter, but she is not doing well, she can die at any time.” And that type of message people would give to my mother and she started crying all the time.

Radha had to fight societal expectations with her family from the very beginning. “So, I was right from the beginning, fighting, fighting, fighting.” Though Radha faced much criticism while growing up because of her education and her choices, now, in Lumbini, she is a role model for women and girls. Radha says that girls in her “home” community now say “I just want to be like Radha *didi*!”⁶⁹ And this makes her proud.

From her childhood, Radha had very clear ideas about how she wanted to live her life, i.e. attain an education, from a very young age. Could this be due to the ‘matriarchal’ community she witnessed, even if her own family acted upon different societal norms? Regardless, it is clear that Radha was a brave young woman who, for whatever reason, protested the social roles that were expected of her. While I do not know why Radha’s parents relocated to India, it is clear that she did not think of India as her home. Nepal was home, even though she did not live there. When she was growing up, did she believe that she would have had an easier time, would have fit in better than she did in Shillong? Would Radha have had a different experience growing up within Nepal’s borders? I do not know. What I do know is that Radha returned to her “home” and was still faced with discriminatory situations because of her gender. However, in the end, like many of her female colleagues within the Constituent Assembly, she became revered by other women and girls because of the choices she made that led her from fighting for the opportunity to go to school in Shillong to being part of the constitution writing team in Kathmandu.

Becoming Maoist: “It is my duty to help them.”

When I first met the women, they all spoke of their backgrounds and specifically shared the reasons that they initially joined the Communist Party of Nepal – Maoist. In that way, each woman shared tales of exclusion and hopes of change, not only for women, but for all groups who have historically been excluded and discriminated against. The events that bind the women’s stories together are the common experiences of leaving their natal homes, gaining experiences far beyond what was expected of them through being active participants in the People’s Liberation Army, and joining a profession in politics that was, until recently, held by men. Additionally, though many of the female Constituent Assembly members have been

⁶⁹ *Didi* means elder sister. It is common in Nepali to call an older woman *didi*.

fighting for their rights and fighting for their political causes for years. This is particularly true for women who are members of the Communist Party of Nepal - Maoist. Very few women from CPN-M had familial ties to the party as they were growing up⁷⁰ which indicates that the majority of women who hail from this party made a choice to join, many of whom made this choice while growing up in their teenage years and early twenties. Some of the CPN-M women shared with me the reasons that they were compelled to join the party and others shared their experiences within their family upon making that choice.

While many of the women who became Maoist were born in Nepal, there were a few women who were born in India to Nepali parents. Renu Chand is one of these women. The second time I met Renu Chand, she arrived fifty minutes late due to people from her constituency coming to meet with her at the last minute; she places very high value on being available for those she feels accountable. She came wearing Western-style clothes and costume jewelry, nothing indicative that she is married, though in fact she is. I always enjoyed talking with Renu as she seemed to really have reflected personally on what it means to be a Communist woman; she is clear, articulate, and funny. Renu shared her story with me regarding how she came to be part of the CPN-M political party:

I told you that my father was already in this party, joined this party, and he used to read the books and when I used to say the stories and all that he would tell me the stories of the Russian revolution and all that. And I used to wonder, really? Do people really fight for their rights? And since I was in Mumbai and I saw all the Nepalese people around me working in the hotels as the waiters and the watchmen. And I saw them and it was a very humiliating kind of them; my people from my country saluting those people, not even getting any generosity. It was very humiliating for me. And that time, it had an impact on me. Slowly, my dad told me that if you want to change this situation then you should fight. Nobody will change it alone. I told him that I wanted to fight and how should I fight and then he told me about this party.

Renu's father was part of the Communist Party of Nepal – Maoist. Though he did not push her to join, he did influence her decision through stories of revolution and people fighting for their rights. Renu's experience of having her eyes opened to the conditions and humiliation of Nepali people abroad influenced her life from that point onward as she joined the Communist Party of Nepal – Maoist and began her political career. While the manner in which the Nepali waiters and watchmen were humiliated was not entirely clear from the passage above, the fact that Renu perceived this indicates that perhaps they were in a situation where they did

⁷⁰ The exception here is Renu Dahal as her father is Chairman Prachanda.

not receive respect and therefore their jobs and the way they were treated was humiliating in the context where Renu observed them. She then shared her thoughts and memories on her first visit to Nepal after becoming a CPN-M member:

And then the all the political all the situation in that time, we decided to come over here and when I came over here, it was a horrible experience for me to see Nepal! So, you know, no bus, no roads, no lights, nothing! And from Mumbai to the place that is far away from development. It was a very, first time it was a very horrible experience, because when I first stepped to by district Baitadi, I went by bus from here to Baitadi and I thought that it was night and we stayed in a hotel and my dad said that we would be moving tomorrow.

And I was just waiting for the bus to come and he said to pick up my bag and walk. And I thought that maybe bus stop was somewhere else, so walking after two years the bus stop is not going to come and I asked my dad that where is the bus? And he answers that here only runs the eleven number vehicle. What is this eleven number vehicle? Your two legs: one and one. Eleven. You have to walk on your own and this is the place and this is your destiny.

And it was horrible experience, I cried whole night that day because I have to walk at least ten-twelve hours and I was in fever next day, I had never walked for twelve hours. I was almost losing it. I said that I am going back, I cannot stay over here. But then, when in the morning people came and they came and they talked with me and they said that you are and educated person and you came here for us, and we are very thankful to you and they brought some tea for me because they knew that people from Mumbai always drink tea in the morning.

So for me only they only just bring the tea and it was very touching and very emotional feeling it gave to me. And, I thought that this is my place and I was one of them, I am one of them, and I went to Mumbai to get education and they didn't get that opportunity so that is why they are like this and I should help them. It is my duty to help them.

Renu, a non-resident Nepali until that point, brought up and educated in Mumbai, was shocked at the real life situation of the people she considers her countrymen. Upon traveling to Nepal and walking to her family's past home, meeting the women there, she realized the struggles of the women in far Western Nepal. From listening to Renu's experiences in deciding to become a Maoist and then take action as a member of the party, it is clear that she was brought up with great pride of being Nepali as Renu's bravery and courage to do something (even fight in a war) to help others in need compelled her to leave the relative comforts of their home.

Though few other women share the experience of observing Nepali men and women outside of Nepal as they were growing up, other Maoist women spoke of personal challenges due to poverty and discrimination that eventually led them to join the party and fight in the People's War. Jayapuri, an elected member from CPN-M, was born in Rolpa⁷¹ "without access to education, health, sanitation, or transportation"; she spent her days in the household collecting firewood and fodder for the animals. Jayapuri states that she "saw the most, most, most poor of the poor didn't have the food for eating and the elite people were harassing the poor people. The city people thought that the people who are in rural area are not human being." She began to notice other types of societal discrimination as well: 1) Physical abuse from husband to wife, including her father regularly beating her mother; 2) elite people to poor people and; 3) the city people to the rural people. It was directly from these observations that she decided to join politics in the 1990 movement for the restoration of democracy; then after, she joined the Communist Party of Nepal - Maoist. Jayapuri never expected that she would be an elected Member of Parliament. Her own will and powers of observation led her to her current position as Whip of the CPN-M political party. Through witnessing the discriminatory situations within her own community and her own personal reflections regarding that discrimination, she wanted a different kind of life, not only for herself, but for all who are discriminated against.

Like Jayapuri, Bimala KC is a Maoist woman who grew up in a poor district with "no freedom" to make her own choices. That said, Bimala stated that directly due to her lack of freedom, she challenged "the unimportance of girls when she was very young" (she indicated that she was younger than her ten year old daughter, Rashmi). At the time when she decided to venture into politics, her family and community were not supportive and when Bimala joined CPN-M, family really wanted her to rethink her decision. Her father told her that since she is a daughter she has to live within certain boundaries, indicating that her father believed he could dictate what his daughter does and does not do and that she would abide by his decision. However, Bimala persevered and now all of her family, her husband, and her husband's family are very supportive.

Khuma Subedi also faced familial pressure and resistance when she joined the CPN-M party. While growing up, Khuma felt very free in her family who encouraged her to do all sorts of extracurricular activities (indeed, she was her school volleyball champion), and was

⁷¹ Rolpa is the birthplace of the People's War.

encouraged to attend high school and college. Though her parents were supportive of Khuma attaining an education, her maternal grandparents began suggesting that she marry when she was fifteen years old. However, this did not come to pass as her parents did not think it was time for her to marry. After Khuma joined the Communist Party of Nepal – Maoist, her mother's family (grandmother, grandfather, and uncle in particular) again began to push for her to be married as soon as possible, as they thought it was a way to reign her in and stop her political activities. Khuma's family falls into the same category as others as they attempted to make her choices for her by finding a husband for her who will then cease, or at least seriously hamper, her unacceptable political proclivities. On the other hand, Khuma's family was very accepting of other choices that she made and encouraged her to excel at volleyball, which was a love of Khuma's. It seems that this family wanted to give their daughter enough freedom to become educated and find her own way, within the realm of what was acceptable to them; as soon as her interests veered from the expected, part of her family intervened in hopes of getting her back on the "right" path.

One striking difference between these women is that while Renu Chand was encouraged by her father to join the CPN-M party, the others (excepting Jayapuri) faced criticism by their families for the choice they made. Regardless, despite initial hesitancy of their families, now the women's families are supportive of their careers as part of the Communist Party of Nepal – Maoist. As for the reason that overall resounds with the women as to why they made the choice to join the Communist Party of Nepal – Maoist, Bimala talked about how she fought against the "unimportance of girls" in her community just as Jayapuri also identified various forms of gender and socio-economic discrimination, and Renu witnessed the degradation of Nepali citizens in India; all of their observations of discriminatory systems within their communities led them to join the CPN-M and thus the People's War.

In sum

In the course of the women's lives, many spoke of the discrimination they felt, no matter what their ethnic or religious background. Being female was cited by the women as only part of the discrimination they faced, yet many women have had to struggle against patriarchal society in this way, as societal expectations and norms then surrounded the women, thus restricting their actions, words, and behaviors. In other words, their individual freedom to follow their own choices and ambitions were hampered thus leaving them in a position that their lives had less freedom than their male counterparts due to the virtue of their gender. To

illustrate this point, Gayatri spoke about how Nepali boys are free in public to do whatever they please,⁷² but girls, including her, are not free; Gayatri conveys that she has two lives, personal and public, and at home she feels free and can do things as she pleases. I dare say from the stories above that many women feel the same, that there is a dichotomy between their public and private lives. Furthermore, from examining the roles and expectations that the women experienced when they were girls, it is clear that for the large majority of the female CA members, and dare I say the larger society, the lives of Nepali girls are largely still decided by (male) family members. However, many of the women, though they faced much criticism while growing up are now role models within their communities, which is a tribute to their own motivation and determination. The stories they shared in relation to growing up were framed in such a way that was indicative that their past was very much relevant to why today they are members of the Constituent Assembly.

Likewise, in looking at their lives, where they came from and where some hope to return, one can imagine that these places may undergo a sort of change for the women. Not in the physical sense, but if their worldviews have been altered during their experiences within the capital city of Nepal, working with men and women from all walks of life, and being part of the constitution writing process, the places and homes that they return to might, quite abstractly, feel different:

What is new is that this is a world in which both points of departure and points of arrival are in cultural flux, and thus the search for steady points of reference, as critical life choices are made, can be very difficult. It is in this atmosphere that the invention of tradition (and of ethnicity, kinship, and other identity markers) can become slippery... (Appadurai 1996: 43).

At this point in the process of constitution writing and the women's experiences within the Nepali government, we cannot know how the "steady points of reference" will change or even if they will change upon the completion of their terms as Constituent Assembly members. Again, I see the opportunity for future research that can continue to inform the discipline of anthropology as to the effects of women's political participation within Nepal.

⁷² When Gayatri was commenting on this, we were in a restaurant next to a group of young men who were drinking and smoking.

The women: Public figures

When we look closely at the women of the Constituent Assembly, it is an easy question to ask: who are the women? In response to this query, CPN-M member, Renu Chand described the deep variety of backgrounds held by the women of the Constituent Assembly:

We have *Kamalaris* and we have Battalion Commission of the PLA writing the constitution. And then we have the womans who have lost their husbands in the People's War but they are boldly and firmly join the majority and are fighting for the rights of the people who have lost their families. And we have single women. The jail breakers who break from the jail and they are CA members! And the women who have been gang raped and they thought that she died and they threw her out and now she is an elected CA member. So if you meet them, if you look at them, their background, what you call it, they are not supposed to be a CA member looking at their educational background. But looking at their struggle, they have their own history of struggle and because of that they are CA members. We do have lots of experiences, but we don't always have the academic qualifications.

One can infer from Renu's words that she is very proud of her female colleagues. She honestly states that though some of the women do not have the academic experiences that one would expect a member of the Constituent Assembly to have, that the women do boast many experiences from all walks of life, from each corner in Nepal.

As these women moved from their private lives into a public role, what were their experiences? How did they feel upon entering the Constituent Assembly? What were their observations and challenges? The women shared with me their many different thoughts and reflections, including specific incidents and struggles. Below, I have compiled what the women shared into themes relating to their experiences as they entered the political area.

The learning curve

Most cultures around the world have imposed stereotypical roles upon women and men, engendering prejudices either for or against women that are extremely hard to eradicate or overlook. These stereotypes are perpetuated through social and cultural structures; emphasized in the media, reinforcing traditional images of women that conflict with the required role of a political leader (Hoogensen and Solheim 2006: 26).

For some, the Constituent Assembly is a place to learn the ins and outs of politics and for some it is proving a place for personal growth. Arzu Dueba, an accomplished career woman, thinks the environment in the Constituent Assembly is difficult as she doesn't know where the political parties stand on a day-to-day basis and therefore where she stands: "One day

[this party is] my friend, the next day another party is my friend!” This statement hints at the fast moving conflicts and resolutions of political parties in Nepal; Arzu is an active participant in her party, but still does not know some of the inner-workings of party alliances. From meeting and speaking at length with Arzu, I cannot believe that her lack of knowledge about party alliances is due to her lack of interest or intelligence,⁷³ but because most of the high level decisions and discussions within political parties are made by men.

For me it was really like going back to kindergarten because in my own field of work whether it was development professional, social work or anything, I had already had already reached the, at the top. And then you go into a set where you had to start from scratch as one of the junior most members.

That said, Arzu says that this experience in government is difficult, but rewarding, and that she is learning. She equates this new experience of being a Parliamentarian to going back to kindergarten as she must learn every facet of the process from the very beginning. For her, a change of careers from NGOs into the more formal political arena meant entering as a neophyte. She also recollects that when she began as a Minister of Parliament (MP) she felt “disempowered”, especially after being a powerful woman in her own field. She wasn't sure how to be in this male domain and still be heard.

Renu Dahal, CPN-M party member, spoke of the differences between male and female CA members belonging to the CPN-M party. She stated that even though this is the Maoists first experience as part of Parliament, Maoist men have been involved in political activism for many years while Maoist women are quite new to working in this domain. Looking at the women as a whole, Renu acknowledges that there is a “gap” between women who have studied politics for a long time, i.e. women of the Communist Party of Nepal - Unified-Marxist-Leninist (UML) and Nepali Congress (NC), and new female politicians, i.e. Maoist women.⁷⁴ That said, she validates women’s wartime experiences in leadership and political activism as preparation for working at the Constituent Assembly and Parliamentary levels.

Other women speak of the opportunities the CA has afforded them in terms of personal amelioration of skills. Shanta Chaudhary, a previously illiterate woman, learned how to read

⁷³ Arzu Deuba is the only female Ph.D. holder within the Constituent Assembly, started an NGO SAATHI, and is an advocate for Reproductive Health

⁷⁴ It was told to me many times by women from various parties as well as NGO representatives that CPN-M boasts the majority of younger politicians though I have no exact numbers of this claim.

and write as part of her experience as a CA member.⁷⁵ Shanta's story is an interesting one. She is a former *Kamalari*⁷⁶ (domestic servant, officially banned in Nepal, unofficially still in existence), who upon joining the CA was able to put her children in school for the first time; every day after working at the Constituent Assembly she would return home where her son and daughter taught her how to read and write. Rukmani Chaudhary says that being a CA member has increased her confidence in public speaking and negotiation through opportunities in speaking with media and journalists, government stakeholders, and through negotiating in her party and within Parliament. Hisila Yami spoke of her observation that many CPN-M women have emerged from their "raw" appearance into "polished" women of the CA, indicating a change in their appearance and possibly their behavior as well; she also noted that female CA members are learning how to use computers and speak English (which the men are not taking advantage of in her estimation). Sapana Pradhan-Malla, while already involved in politics, also underwent an evolution in her career: "[Previously] my engagement was in a different way, where I would go to the court and do the lobby do the advocacy with the party, but now I'm there in the decision making process." Indeed, the amount of educational seminars and workshops aimed at increasing the capacity of the female Constituent Assembly is astounding; countless NGOs, UN agencies, and even some foreign governments made capacity building for the women a top priority within organizational programming. A few women commented on the enormous amount of invitations they receive for educational workshops and how it is hard to find time to fit them all in; these women also commented that they feel obligated to attend events if they have been invited.⁷⁷

Sunita Pahari⁷⁸ holds the view that even though plentiful educational opportunities exist, there should be programmes for social etiquette and diplomacy available for women. "We need to have education of diplomacy and political handling of international relations and all these things. I feel there is no etiquette; there is no dress code also. People should know about those things; it enhances the prestige and let's say, grace of the situation." Sunita's comments were aimed at the entirety of the Constituent Assembly members, both male and female,

⁷⁵ According to International IDEA (2008), female literacy rate is thirty-five percent whereas for men it averages sixty-three percent. When looking at these stark numbers, it then becomes easy to understand why there are many illiterate women in the CA; masses of literate women that cross the caste, region, and party lines are simply hard to find.

⁷⁶ Officially outlawed in 2006 through a Supreme Court decision to implement an existing law that banned child exploitation.

⁷⁷ It is interesting to note that Maoist women refused to attend educational workshops or capacity building seminars for political reasons.

⁷⁸ Sunita Pahari is a pseudonym.

though when we were speaking, she plainly emphasized that this need was most acute for women entering into politics for the first time, who may not have had much in the way of formal work experience. Shanta Chaudhary fits this description and tells her side of the story and the discrimination she felt when she joined the Constituent Assembly:

When I came in the beginning as part of the CA, many women CA members discriminated against me because I didn't have good clothes to wear, only *lunghi*, very thin clothes, and blouse and I didn't know how to eat so many CA members discriminated against me. I came from poor people and now I am a part of CA, but at that time I felt very sad moment. I feel that this is the place I work with the elite community and not the poor community.

It is clear from Shanta did not ignore social norms of work etiquette or dress code, quite the contrary; she just did not have the knowledge that this is what was expected of her.⁷⁹ In the end, another female CA member befriended Shanta and guided her through these expectations.⁸⁰

Informal mentorship between women exists within the Constituent Assembly as is shown here between Shanta and her friend, and above as Arzu mentioned that she was learning how to be a politician from the women in the Women's Caucus. That said, when I asked about mentorship with the CA, many women said that it did not exist because so many of the women were new, and therefore there aren't enough female career politicians to be mentors. Arzu hints that women must have a female mentor if possible as if a woman CA member has male mentorship then her character is in question; she also states that she has a type of mentorship through her husband, but she is the only woman who spoke of gaining support in that way. Sunita believes that the establishment of democracy has raised the expectations of each CA member and that as a result "everybody thinks that they know," which implies that in her eyes the CA members are confident (at least outwardly) and do not desire other's support or guidance.

The lack of mentors, official or unofficial, speaks to the female-friendly structure of the Constituent Assembly itself, in that many of the new women likely needed guidance on a

⁷⁹ Shanta still does not like spending money on herself. She comes from a very humble background and prefers to spend her salary on her children's education and her family who need assistance.

⁸⁰ I met her friend one day and it was clear that the two of them had become very close. They were joking still about Shanta's clothes when talking about a photograph that I requested; they joked that there should be a before and after photo of Shanta wearing her traditional *Kamalari* clothes entering Singha Durbar and a sari exiting Singha Durbar. This photo never came to pass as time was extremely limited when the photographer and I met Shanta again.

one-to-one basis lest the fact that they need help become embarrassing or uncomfortable.⁸¹ Or perhaps the go it alone attitude that Sunita indicates is either self-inflicted or inflicted by the group as a whole. It is also possible that the Women's Caucus acts as coping mechanism for women who need guidance in that the women can find support there, whether or not they think of the other women there as mentors or friends.

On the topic of the female CA members as a whole, Kamala Thule,⁸² spoke frankly:

Women are new. So they are not getting it properly. Two years are up and it's still... We are in different kinds of committees in the CA side and in the Parliamentarian side. Many times they don't do their homework, they don't read the books and all that and they don't know what to do, then the party says to put the signature and they will just sign and come out. And after that they will come to know that what happened was the wrong thing! And then the fighting started that the wrong thing! Such type of technical mistakes are happening. Now we are learning and correcting these type of mistakes so it is going parallel, doing mistakes and correcting at the same time.

Kamala suggests that because women were new to the processes of the Constituent Assembly, in the beginning many women went along with their parties and acted accordingly; Kamala attributes this to women not being prepared, but in my opinion it could also be because the women, in a new position and not knowing exactly what to do, if they could voice an alternate opinion, etc may have been self-conscious and therefore more willing in the beginning to feel things out, see how things run. Then upon learning the processes and seeing how going with the flow was not the best idea if they wanted to achieve certain things, began to make the shift in their behaviors within the parties.

Through listening to the women's stories about their experiences entering the Constituent Assembly, it is clear that they all knew they would spend time and effort increasing their knowledge about a great number of political and legal topics; for some women, the learning curve was higher as they became literate and adjusted their physical appearance, speech, etc. to fit in with the norms of what Shanta coins the "elite" member of the government. Furthermore, it appears that the women had mixed levels of support in gaining this knowledge: NGOs, Women's Caucus, friends, but also many women firmly believe that any form of mentorship just does not exist for the female CA members indicating that many women felt that they had to continue to learn on their own.

⁸¹ I say this as through several informal interviews with shopkeepers and hotel staff that they thought it was silly that illiterate and unqualified women were part of the CA.

⁸² Kamala Thule is a pseudonym.

Impressions: “I found the whole set up very patriarchal.”

Upon joining the Constituent Assembly, the women have been privy to a plethora of reactions from the male CA members as well as their communities as they transformed from citizens to women in governance. Many women share similar experiences and similar trains of thought regarding those experiences and feelings. One new politician, Arzu, recounts her experience joining the Constituent Assembly:

I found it very difficult and I also found the whole set up very patriarchal. Very, very patriarchal you know. All men acting very important and walking and talking. I would sit in the assembly and I would watch the men behave and I would think, “My god, they must be really knowing everything!” And that was the feeling I would get and then I should also go and let’s see what they do. What they are talking about? Let me go and listen. And they would be talking about, “Oh, where did you buy your jacket?” And, “How’s the weather?” And I thought, oh really? And I realized that men do this to show that they know everyone, they just showing that they can network and they can also show that they are powerful.

So I started telling the women MPs that we must also do this! And walk to the well of the [assembly] and just act important. Doesn’t matter what we say!

Arzu was quite frank in speaking about her feelings when she first became a Constituent Assembly member. Before entering the CA she was accomplished in her field, but those feelings of confidence were greatly reduced when faced with the “patriarchal” structure and feeling of the Constituent Assembly. Arzu was intimidated by the men as a group because of their behavior; the men acted like they belonged or at least, in Arzu’s eyes, they were comfortable within the space. Due to the perceived confidence of the men, Arzu thought that the men in fact did know quite a lot more than she. However, when came to know that the men were just chatting, not speaking about critical issues, she wanted the women to exhibit the same networking behavior; she wanted the women to show the men that they were powerful too. Arzu, in a way, though a professional, began to question her own abilities when faced with the uncertainties of entering the Constituent Assembly. While no other woman spoke of her insecurities like Arzu, many women did speak of the “patriarchal” nature that prevailed within the CA itself.

Indra Lohani,⁸³ career politician, stated that, “Even in Parliament and in the party, I do not feel that I am fully respected and fully equal to the other citizens; they behave in society and I am not equal human like man.” Indra states that there are many men in the CA who are not competent or qualified, but "nobody questions them because they are men." Anjana Karki⁸⁴ too theorized on this topic in stating that “this question is never raised been to any man because all men are also not qualified there.” Her point that the question has not been asked because then the same question would be asked of the men, who then would have to face the fact that many of the male CA members too are not qualified.

Conversely, when a Constituent Assembly member is deemed a professional, it is expected that everyone will listen, even if his knowledge on the topic at hand is limited. Meena Pandey explained that the male CA members are all very qualified compared to the women because socially boys are more likely to receive an education in comparison with girls; in government this translates to the men receiving better opportunities and experience than are given the women, due to the educational base that everyone is starting with. Indra spoke on education as well and expressed her frustration that some of the men who are Ph.D. holders get up and talk of nothing, but everyone listens because they are men, while the women, who are more prepared according to Indra, stand and speak about the issues and what to do and no one will listen because they are women.

We have some Ph.D. doctors [men] there and some of the Ph.D. doctors are talking about, well they never make any sense. Nonsense things! Just talking and everyone is listening because he is a man and Ph.D. holder! But you know women are just literate or just basic education, but they are making really good remarks and focusing on the issues, but no one making remarks on that.

It is true that some of the women in the Constituent Assembly are illiterate and therefore there might be discrimination in the thinking that perhaps the illiterate women do not specifics about certain issues, leading skeptical CA members to disregard women’s input. In this regard, Jaya Chalise⁸⁵ stated that because of the lack of respect for women “all decisions and all access to male agenda are male.” Indeed, this particular idea of male behavior has been discussed by scholars as well: “The subjection of women also bridges divisions among men by uniting them to protect what Maxine Molyneux (1985) calls strategic gender interests, that is, the interests they all share as men who benefit, individually and collectively,

⁸³ Indra Lohani is a pseudonym.

⁸⁴ Anjana Karki is a pseudonym.

⁸⁵ Jaya Chalise is a pseudonym.

from female subordination” (Tétreault and al-Mughani 2000: 164). Jaya’s experiences within the Constituent Assembly support this idea of men banding together due to the fact of their gender. Jaya’s further compared the level of respect that female CA members receive as opposed to lower level male government staff:

In higher level, decision making level there are many government staff are male person and whenever they go to the ministry there is a government secretary over there and they never respect the women CA members. Secretary mean to the government higher staff and even if the ranking of CA and Parliament members is high, the government staff secretary there is position is lower than CA member, they still use dominating attitudes to the women. Even some good proposal they never listen to them, or they listen to them and just smile, less respect. So Nepali women CA members are very frustrating to see all of this.

Jaya states that in the power hierarchy, men’s behavior and attitudes are seen as “dominating” over women, even if the man holds a less powerful post. “Not all men reap the benefits of masculinist society, but they do benefit from their association of being male” (Hoogensen and Solheim 2006: 21), which can be seen clearly in Jaya’s example of how men who fall on the lower tier of the power hierarchy behave in such a fashion that indicates that the men, to at least some degree, feel they are more important than women who hold higher posts, due only to the fact that they were born male.

Jaya continued to speak of a male behavior in which the man listens and smiles, indicating a condescending or placating behavior to the woman who is speaking. She also spoke of patronizing language that is used within the CA:

The most challenge for the woman CA member is the our country the patriarchal system, male dominated country, as being a part of the women CA women, they don’t have the respect for them, when they are calling to the CA women they call ‘sister’ or ‘elder sister’, ‘younger sister’.

In this passage, Jaya points out that women are not called by their names or by any professional title, but as ‘sister’; she does not infer that this language means that the men are familiar and/or comfortable with the women, as men are not called brother, but ‘Sir’ or ‘Minister’ i.e. something akin that recognizes his status as a Minister of Parliament or Constituent Assembly member. Therefore, in the uttering of ‘sister’ to women who hold the same political status, it is implied that a sister is one who can be talked down to or belittled. Due to this behavior which indicates a lack of respect not only for the women, but for their opinions, ideas, and intelligence, Jaya exclaimed that she and other female CA members are

frustrated. That said, Jaya is not without hope or fervor. In response to this frustration, she exclaims, “We are fighting now!”

The Constituent Assembly: Inclusion of women

Many of the CPN-M women state that the reason for the inclusion of women in the Parliamentary elections of 2008 can be directly attributed to the Maoists as during the People’s War men and women fought alongside each other, worked together at all levels and ranks, and for that reason the CPN-M men now know that women can do anything.⁸⁶ Sapana Pradhan-Malla, CA member and lawyer attributed this leap forward to the concerted action of women’s groups in support of proportional representation. Sarita Giri, head of the Nepal *Sadbhawana* Party, believes that the People’s War opened up a space for women in government. “I will say that armed conflict number one and secondly, the *Jana Andolin* with the three years that we prepared for the *Jana Andolin*, and number three the Madheshi movement; these three movement have been very crucial in bringing out women to the full frontal politics.”⁸⁷ Sarita also spoke of the struggle for the inclusion of women:

If you go back to the day when we took the Interim Constitution was being signed by the political parties, initially there was no provision of thirty-three percent women. We [female politicians] were in different place and we came to know of this and we started coming out to our leaders. I still remember the night that we were in different places, but we were all communicating with each other “and you talk to this leader and I will talk to this leader and I will talk with my leader.” We worked very hard that night and then only we got thirty-three percent women would be represented.

It is clear that the women fought and worked hard to obtain a critical mass of women within the Constituent Assembly, but what exactly is the Constituent Assembly? According to the Nepal Election Portal, “the Constituent Assembly is the body of representatives authorized by the Interim Constitution to draft a new Constitution for Nepal.” Nepal’s Constituent Assembly is an elected body that “ensures ownership over the constitution and [establishes] a strong relationship between the citizens and the state” (Nepal Election Portal).⁸⁸ Though the CA members have dual responsibilities as Members of Parliament, the Constituent Assembly’s duties and functions differ from Parliament’s. The CA’s main function is to write

⁸⁶ Jayapuri Gharti, Renu Chand, Khuma Subedi, and Hisila Yami stated this sentiment.

⁸⁷ The *Jana Andolin I* was in 1990 and the Madheshi movement was in 2007.

⁸⁸ I will also speak of the CA not only as a body of people, but as the place where the constitution is being written. Therefore, the Constituent Assembly is not only a group of representatives, but a governmental structure as well.

the Constitution whereas the Parliament deals with legislation of the Constitution. While there is no official constitution currently, there is an Interim Constitution; additionally the Parliament presides over budgetary and other legal matters.

Prior to the 2008 elections, women's representation in the government wavered between three and six percent. Indeed, of the 197 women in the CA, only eighteen had previously been members of Parliament and many of those only since the Interim Constitution was adopted in 2007. The procedures for drafting the constitution include ten thematic committees,⁸⁹ consisting of forty-three members each, and a Constitutional Committee consisting of sixty-one members that is responsible for writing substantive parts of the constitution that are not covered by the thematic committees. Currently, the Vice Chair of the CA is a woman,⁹⁰ and women lead seven out of the eleven constitutional committees that are in place to address substantive issues.⁹¹ Additionally, an informal Women's Caucus was formed (with rotating chairmanship of women from various political parties), so that women can work together across party lines.⁹² Why the Women's Caucus is informal was unclear to me, though many women mentioned in passing that the men "did not acknowledge it" therefore it was informal.⁹³ For me, this was validated when on the first day at Singha Durbar, which houses Parliament and the Constituent Assembly, I asked about the location of the Caucus offices and the male MPs looked at me with confusion as if they had never even heard of it before I wandered up.⁹⁴ However, the Women's Caucus released a paper in late 2011 that indicated the reason for the informality was due to the thoughts that if it were

⁸⁹ Committee on Fundamental Rights and Directive Principles, Committee on the Protection of the Rights of Minorities and Marginalized Communities, Committee on the Restructuring of the Nation and the Distribution of National Power, Committee to Decide on the Form of the Legislative Body, Committee to Decide on the Administrative Form of the State, Committee on the Judicial System, Committee to Decide on the Structure of Constitutional Bodies, Committee on the Division of Natural Resources, Financial Rights and Public Revenue, Committee to Decide on the Basis for Cultural and Social Commitments, and committee for the Preservation of the National Interest.

⁹⁰ Honorable Purna Subedi, CPN-M member.

⁹¹ Committee on Fundamental Rights and Directive Principles – Binda Pandey, Committee on the Protection of the Rights of Minorities and Marginalized Communities, Committee on the Restructuring of the Nation and the Distribution of National Power, Committee to Decide on the Form of the Legislative Body, Committee to Decide on the Administrative Form of the State, Committee on the Judicial System, Committee to Decide on the Structure of Constitutional Bodies, Committee on the Division of Natural Resources, Financial Rights and Public Revenue – Amrita Thapa, Committee to Decide on the Basis for Cultural and Social Commitments, and committee for the Preservation of the National Interest.

⁹² The Women's Caucus 2011 report indicated that though women advocated for Women's Caucus to be included in the Rules of Procedure of the Constituent Assembly, it was not included, therefore it has no formal status within the CA.

⁹³ Interview with Binda Pandey.

⁹⁴ The grounds of Singha Durbar are not enormous and for every other time I was lost (which was frequently as the buildings look shockingly similar and all the details were in Nepali) I was led immediately to personal offices or party domains.

formalized, a demand for other caucuses (*Jānajatīs, Madhesis, Dalits, Muslims*) would increase and so many caucuses would be impractical (Women's Caucus 2011: 74).

Young posits that “democratic discussion and decision-making is better theorized as a process in which differentiated social groups should attend to the particular situation of others and be willing to work out just solutions to their conflicts and collective problems from across their situated positions” (Young 2000: 7). The women echo this sentiment when describing how they think of the Women's Caucus. In her writing, CA member Usha Kala Rai explained why the Women's Caucus was formed:

The Caucus was formed to unite the efforts of women members; provide them with a common mechanism to ensure that women's rights are included in the new constitution; and to enable them to play an effective role in the Constituent Assembly and its committees (Rai n.d.: 12).

Indeed, many of the women supported Usha's statements as they shared positive aspects of the Caucus with me. Dama Kumari Sharma, first convener of the Women's Caucus, states that the women of the Caucus always “listen very carefully to everyone before beginning a discussion.” Binda Pandey⁹⁵ seconds this notion in her belief that the Caucus is a safe place for women to discuss any problem or political issue freely; she also states that the women discuss and debate priorities, “what to fight for”, within the Constitutional Committees. Arzu, a new politician, but seasoned civil society advocate, verbalized that many of the women in the Caucus have much more experience than she, and she takes the opportunity within the Caucus to learn “the ropes” from them.

From these brief descriptions of the Caucus that were verbalized by women who are part of the group, a few things jump out at me. Dama's belief that the women “listen very carefully” paints a picture for me of a group who, despite party ideologies, caste, or other identity marker, are willing to work together, listen to one another, and give each other respect as equals. On the point of being equal, it is also interesting that chairmanship of the Women's Caucus rotates every three months; this fact also bolsters the argument that the women respect each other's leadership abilities and are willing to give the chairman opportunity to women to others from various political parties or class backgrounds. Young states that “participants in an ideal process of deliberative democracy must be equal in the sense that none of them is in a position to coerce or threaten others into accepting certain proposals or

⁹⁵ Binda Pandey was nominated for the Nobel Peace Prize in 2005 as part of the 1000 Peace Women campaign; CPN-UML member.

outcomes” (Young 2000: 23). She also speaks of inclusive deliberative democracy’s traits being that issues are decided not on strength of numbers, but on strength of arguments and reasons and that members, while sharing their personal views, are open to listening to others which may influence or even change personal points of view; this is how the Caucus’ inner workings were described to me. These characteristics coupled with the fact that Arzu looks to the other women for guidance as she becomes a more seasoned politician indicates a level of trust throughout the Caucus. The last point I will make in deconstructing the brief thoughts of these women, is that Binda clearly states that the women have something to “fight for” and the Caucus is the place where the women rally in order to collectively organize thoughts and plans of action. Her language indicates that the women are not a passive part of the Constituent Assembly, but a lively, energetic group who are working as a collective to strengthen women’s rights and gender equality.

Patricia Cain states that “listening to women and believing their stories is central to feminist method. If we are careful to listen to women when they describe the harms they experience as women, we are likely to get the legal theory rights (i.e. perceive the problem correctly and propose the right solutions)” (Cain 1991: 263). Her statement rings clear and true for the women of the Constituent Assembly as they struggle together, within the Women’s Caucus, and within their political parties to listen, learn, and write a legal document that will lead Nepal’s governance and policies into the future. While I elucidate both the overarching and the uniquely individual issues of the women’s experiences in the Constituent Assembly within my research, I urge the reader to keep in mind that they are experiencing these things not only as politicians, but as women and acutely aware of that fact. Suprabha Ghimire speaks to this point when she says that in her previous profession as an educator, she never “felt that [she] was a woman. In politics there is male supremacy; everywhere I feel discriminated against. People will not listen to me as they would a male CA leader and our voice, being small in number, is not being heard.”

Speaking up: “Why to take the risk?”

Female Constituent Assembly members within the nineteen political parties they represent spoke of responsibilities to many groups, including the political party whose principles they possess. How do the women experience political party membership and likewise, how do they experience their political party directives within the Constituent Assembly? Are the

women free to voice their opinions or do they repeat party principles? Either way, do they feel their voices are heard?

In one of her articles, Hisila Yami, aka Comrade Parvati speaks of a pitfall for some women in the People's Liberation Army: "In the practical field they often fall into tailism [sic] whereby they follow the directives of the party blindly without questioning, just as traditional women have been following their fathers when unmarried, and their husbands when married, and their sons when widowed" (Parvati 2006: 9). Her idea that some of the women fall back into a routine of listening and believing, rang true for me when I spoke with some young Maoist women for when they spoke of particular ideological stances, the Maoist women spoke as if they had memorized parts of theories word for word; three Maoist women spoke to me about personal freedom as "freedom by necessity"; this theory of Frederick Engels as adapted into CPN-M's political ideology can best be described by Renu Chand:

I think that freedom and necessity both we should compile and see both of them, because freedom does not mean that one just wants to take off the clothes and go in the roads! So individually it is a hard freedom, but that is not the necessity of the society, so your freedom is bounded by necessity. So, I just describe it that freedom is bounded by necessity.

See, I am educated woman, I have been brought up in Mumbai, wearing western clothes and talking to mens is not a big deal for me, but when I go too far west, I cannot wear such jeans and top like this, I have to wear *salwar kameez*, because my people do not understand my freedom. So, their necessity is the *salwar kameez*. I collided with each other, I think that freedom is bonded by necessity and one should use this freedom, his or her freedom according to the way that society is needed. But along with that it is necessary that your society, if your society wants a change, and your society is hampering your freedom in a negative way, you should try to change the society in that sense, so that your freedom will also survive and the necessity of the society will also survive.

I will not break down how Engel's theory of "freedom from necessity" is adapted into CPN-M's political rhetoric as it is not pertinent at this point, but I do think that it is important not what was said, but that several women said it almost word for word. Additionally, I did think it ironic that when speaking of personal freedom, three Maoist women gave me what sounded like a rote memorization answer, indicating to me that perhaps their own freedom (or personal will) to critically think, or perhaps the encouragement to think in such a way was dampened by party rhetoric. Though Renu makes an example of herself which does indicate a higher level of personal reflection, it does say to me that if she, whom I consider to be very self-aware and intelligent, would state the party line on the topic of personal freedom, that

other women who have not been taught to critically think, might unthinkingly state party rhetoric on freedom (and other topics) as their own beliefs. And who is to say that it is not their belief? It very well might be. But it is worth considering that individual beliefs usually are not verbalized almost verbatim with other members of your political party without reason.

Within Nepali Congress, one of the big three parties within the Constituent Assembly, Sunita thinks that women are free to speak their opinions as they please, but that does not mean that as a woman she is on equal footing as her male counterparts. She has spoken both publicly and within the party that, "I have not been able to get the opportunity I should have." Sunita went on to say that internally, members feel free to criticize the party:

We say that you are the most ungenerous, not generous, very narrow minded or you are not as liberal as a socialist democratic party should have been. We say it freely. But they take us for granted. But it is just a few women they grumble like that.

On a slightly different note, Sunita spoke about party boundaries impinging on personal candor as women who are new to politics are apt to censor themselves:

Actually the party discipline, there will be questions. Why did you speak like that? So, why to take risk? People generally don't want to take risk and so it is better to be on the safe side, maybe that is how they feel... If they speak something against the party or hints that it is not to the interest of the party, they might be questioned.

Sunita highlighted differences between women who are new to politics and women who are more experienced in the political arena in terms of their willingness to speak freely within the party. Women with more years of political experience might be more willing to face inter-party discipline than newer members because of a fear of losing her position within the party.

In a similar line of thought, Anjana Karki spoke generally of male and female Constituent Assembly members of from all political parties:

Most of the men, most of the women follow the party line. Because here many women and many men have come not because of their leadership qualities, because it is for the consideration of the party they are there. For many of them it is like the most achieving award to be a CA member because you are in that power hierarchy. And therefore, do what the party likes generally do what party says. Because after they come out from the CA membership...

Anjana inferred that many CA members follow the party's directives for two reasons, one being a type of thanks to the party for placing them in a prestigious position, and the other

reason being that after each CA member's term is completed, party members wish to remain in favorable, even powerful, positions within their political party. While this may be true for some, it is certainly not the case for all Constituent Assembly members. A perfect example of a woman who is speaking her mind (though falling on deaf ears) and who appears not to be afraid of the consequences can be seen within the Nepali *Janata Dal* party.

Nepali *Janata Dal* is a small party within the CA with only two representatives: one male and one female. Gayatri Sha is the leader of this party and feels that she is gaining great experience as the leader, even though it is a very small party. Gayatri was asked to join bigger political parties before the CA elections in 2008. "At this time I am leader and I want to talk about everything when I am going to another party there are a lot of leaders and then they never listen to me." As stated, she declined as she fully believed that she would have more influence within Nepali *Janata Dal*. However, because she is part of such a small party "they [bigger political parties in the CA] rejected her voice. One voice is small voice in there." Gayatri feels that as a single voice, she cannot be heard. As there are many political parties represented in the Constituent Assembly that have only a few members, Gayatri's words are troubling as everyone wants the new constitution to be for the people, to create a new Nepal, indicating that all voices from all twenty-five political parties will be listened to and considered; the way Gayatri portrays the situation suggests that in reality, only the big parties are being heard.

Being heard as part of a political party and being heard as a woman are both topics of concern for the women of the Constituent Assembly. Lalita Nepal⁹⁶ thinks that the reason she has never in two years been asked to represent her party is that the men think she can represent them better and they feel challenged by that. She says this is true in many parties.

Some of the women are so vocal and very well, they have their facts right, they do their homework, so the men don't want them. And the men also, I can feel a lot of men feel very challenged. I tell them, you never take me on any show because I might talk better than you. I tell them to their face point blank! And they don't like it.

I've never been, these two years, been asked to represent my party ever. In anything or any forum anywhere, ever. And I find that amazing. So I tell them that you feel too challenged by me. I tell them that very frankly. You think I can represent better so you don't want me to go anywhere where I have a chance to speak and I think that's the truth for a lot of other parties as well. Some of the women are so

⁹⁶ Lalita Nepal is a pseudonym.

vocal and very well, they have their facts right, they do their homework, so the men don't want them. It's very difficult.

Lalita believes that the men feel challenged by knowledgeable and articulate women. She also thinks that some men fear being compared publically with her as she might seem better-spoken than her male counterpart which is the reason she believes she has not been asked to join in discussions as a representative of her political party. Lalita doubts that she is alone in this experience of being an educated, well-informed woman who wants the opportunity to represent her party publically but is not allowed the chance due to male attitudes. If this is the case that men feel uneasy when directly faced with women who may upstage them and therefore deny women opportunities to increase their capacity as a politician, it seems that even with a critical mass of conversant women present that men still can subdue their ambition as they, as men, are making the decisions as to whom is seen as their representatives.

Indra Lohani, an intelligent and vocal woman, also spoke on male reactions to how she expresses herself. During our conversation, I asked if she feels she must restrict her frank way of speaking. This is her answer:

No, I don't feel I have to...but how much it is heard is the [question]. How much is they listen and consider my opinion and I think that is the meaning of freedom and the meaning of equality. So that is the speaking and delivering something that is the very basic part, but in the final decision how much impact I can make, I think that is the most important thing and until now. I don't feel in all the whole society they listen equally to the woman as man. So restrictions on listening.

Indra feels that because she is a woman, her opinion and her voice is not taken as seriously as male opinions and male voices. She links topics of equality to the disparity of how women and men are heard, indicating that though she speaks freely and does not restrict her opinions, her voice is not considered as relevant as a male voice. In this way, she is putting the onus of respecting female equality on others (men) who in her opinion need to actually hear what women are saying in order for a level of equality to be ensured. Both Indra and Lalita place a certain amount of blame on men for restricting who hears their opinions, and in Indra's case, blame for not listening at all.

Many other women had similar opinions of the perceived relevance of women's voices versus men's voices within the Constituent Assembly. Salma Paudel,⁹⁷ opined the following:

Whether they [women] are influential within the parties or not, I don't know, but women I think are not that influential within the parties. In the CA committees they have come out and it is very good. But I will say that women presence has really impact going to change the law in many ways.

Anjana states that "in the whole constitution making process we women as beggars and men are still givers. That role has not been changed yet. Yes, we do have some voices and we are visible there. At least there is a process in which our voice can be heard. They give some space for us, but it is not equal." Along those same lines, Jaya Chalise holds the belief that men do listen to women, but only regarding women's issues: "If they are talking about women's issues or the women's caucus it is fine, but for other issues, men don't listen."

While many women spoke of their perceptions on how women are listened to, a number of women also spoke on the opposite side: speaking. Despite the many experiences within each political party, a similar complaint emerged regarding the party Whips. Many women had things to say conflating party Whips with levels of forthrightness within each political party. Concerning the CPN-UML Whip, Uma Atal⁹⁸ says that, "when the Whip is concerned, we have to follow. Everyone has to follow the party decision. We must follow otherwise we will be expelled from the CA." Leela,⁹⁹ also a CPN-UML member, also states that all members must agree, privately or publically, with the Whip and members of her party "cannot talk freely" because of this issue. Another CA member, Ratna,¹⁰⁰ says that not every woman can raise her voice freely because of the Whip's enforcement of the party line; whatever the Whip says, is what it will be. Ratna agrees with Uma in that if a person were to go against the Whip, that person would be asked to leave both the party and the Constituent Assembly. Though Whips have the necessary role of discipline within each party, the women feel somewhat threatened by the consequences they can evoke, such as expulsion from the party or the CA. I do not know if these fears are ungrounded or if male party members feel the same uneasiness when speaking honest opinions. However, what it does mean is that women who are apprehensive of speaking their minds in the first place, may be doubly unlikely to do so if they feel their thoughts will be unpopular.

⁹⁷ Salma Paudel is a pseudonym.

⁹⁸ Uma Atal is a pseudonym.

⁹⁹ Leela is a pseudonym.

¹⁰⁰ Ratna is a pseudonym.

It is clear that for the women, there are risks for speaking freely. In the situations highlighted above, the women's experiences following the party line, whether personally imposed or otherwise, beg the question if the political parties expect women to critically think and form opinions of their own, or are they just expected to follow blindly with party leadership? Likewise, in the end, how much influence do the women have internally if the fear (and shame) of leaving the Constituent Assembly lingers? Women are now a critical mass within Nepali politics, they all have opinions, but it seems that some are afraid of their voices actually being heard. Disparately, in Gayatri's case, her voice, though spoken, is ignored. What does all of this mean for full inclusion of women's voices and opinions within the Constituent Assembly?

Within the CA: "So I take precautions..."

Many women of the Constituent Assembly spoke on being mindful of their words, actions, dress, who they are seen talking to, and what time they arrive home lest career and character damaging rumors begin. Daya Regmi strongly believes that if she "mixes with other people, especially men, then people will talk and wonder why I am talking to other men." Arpita says "they are watching us, who are sitting behind us, and who we are talking to." Lalita also feels she has to be careful of what she does, whom she speaks with, and where she sits as then gossips will say, "Oh, she was sitting behind that guy, what is the meaning of that?" She has to be constantly mindful of herself in order to avoid questions of her character and/or intentions. Similarly, Nandita Dhakal states that in her opinion:

Women do have to be careful of talking, walking, sitting by a man. To men, women are things not thinking people. Men do whatever they want and then dominate. Women struggle to utilize freedom and expose that struggle more and more.

Nandita both states that women have to be careful in what they do, but also links this restriction to men's thoughts regarding women, that women are "not thinking people." She thinks that this is a struggle for women and infers that since they are attempting to utilize their freedom that in fact, in her eyes, women were less free previously. Also, Nandita spoke of exposing the struggle, meaning that women are more and more advocating publically for women's rights in a way that has not been done previously. However, despite women advocating and speaking freely, many women still feel it necessary to be cautious in their actions as rumors could not only cause shame that spreads to her family, her husband and children, but also could detrimentally affect her career.

Kamala Thule, young member of CPN-M, spoke of feeling that she has limits on what she can and cannot do if she wants to continue to be a successful politician. In the following passage, Kamala explores her experience within the Constituent Assembly.

We [women] have to see all four sides and then we can take our step. Many a times, I feel I should be careful and I take precautions that, I didn't personally I didn't took this because I am afraid of society or all this rumors, but I take this precaution because I don't want unwanted stress on myself. So I take precautions on how to talk, where to sit.

So, one example, now I am wearing a Western type of dress, that I can wear it along with my colleagues and they will say that she is pretending to be fashionable or something like that, they will not understand my freedom or my likes toward my clothes. It is a small thing, the kind of clothes I wear, but this will affect them a lot. They will make rumors and everything whatever they want to do. You can't help it then, the problem is that you can't stop it, you can't help it, you can't make them understand.

Kamala says that she is not afraid of society, but yet she alters her behavior to fit what is acceptable for those who are judging her or to those she perceives as judging her, including being conscious of the way she dresses lest her colleagues think she is “pretending”. Kamala sounded very frustrated when lamenting that, in her words, “you can't make them understand” which is perhaps the reason that she alters her behavior to adapt to what her colleagues (or society) do understand and accept. Though it is clear that Kamala has this frustration, she does think that the situation has improved within the Constituent Assembly as now the CA members are more familiar with one another having worked together since 2008; however, she still holds the belief that women will continue to take precautions for the foreseeable future.

It is going to take a long time, it took so many years for us to come to the CA and it will take a long time and with long, long patience we have to fight this battle. We don't have any alternate. A very horrible thing in society against women, they will point out on your character, she is a characterless woman. And then story is over. And nobody is going to come and ask you whether you have done that mistake or not. That is the main thing why women's are getting afraid. To get and to go freely and frankly and work because frank and free woman is considered characterless and is blamed and our Nepali women are a bit hesitant to move forward.

Kamala says that “a free woman is considered characterless” and because of this notion, she opines that many women are hesitant to act more freely or speak more frankly. Kamala states that she consciously is careful in how she acts, what she says, and with whom she speaks

with because she wants to continue as a politician and does not want the rumors and added stress. Kamala gave an example of another woman, with whom I did not meet, who is rumored to have having an affair with a male CA member; apparently everyone believes it, but no one can ever ask her if this is the case, meaning that it could be a complete fabrication, but no one will ever know, and this woman's reputation and character will be marred because of this widely held, possibly incorrect, belief. It is clear that Kamala, as well as many of the other female CA members, fear this type of rumor as for women in government there is a fine line of behavioral traits that can be seen as either acceptable or scandalous.

Our communities: "They spread the rumors..."

Many female Constituent Assembly members have made a transformation into a public figure, but within many of their communities, whether they be new to the community or were born within its boundaries, the women are treated differently; they are questioned, criticized, and watched. Not only did the women report watching their behaviors within the Constituent Assembly, but many of the women spoke of "being watched" by society and their communities as well.

Shanti Jirel spoke on male community members noticing when she returns home late from work. "Male community mind have not changed as compared to women." It is clear that Shanti believes that women's attitudes regarding what is acceptable for women have changed positively, whereas male attitudes remain the same. When speaking of working late hours at the Constituent Assembly, Sita Gurung acknowledged the double standard that if she comes home at midnight from work, even if everyone knows she was working, her neighbors will gossip about why she returned home so late, but no one would ever question a man in that way.

Renu Dahal observed the same contradiction in questioning women and not men for the same activities. As Renu sees it, society expects that women, even women in the Constituent Assembly, have to be at home to perform their domestic duties, and while this may be true, it also means that women are expected at home while men are able to stay at the CA as long as they wish; in this regard she feels that as a woman she does not have to give all of her time to the Constituent Assembly, as compared to men, as it is socially expected that she has other responsibilities in her home. If Renu were to veer from the responsibilities of home and return late from work, people would question her actions and her character would be called

into question whereas men can come and go as they please. “So we cannot get the freedom as compared to the male person.”

As a result of the feelings of being watched and judged, many of the women practice a daily premeditation to make sure they do the right thing, say the right thing, act the right way, and not to make a mistake lest people speak poorly of them or find blame in their actions. The women are careful not to let the disgrace of rumor come to their families, husbands or children. Daya spoke to me on how she is highly conscious of her actions as she does not want to “misuse” her freedom.

[Daya] thinks that if women get the opportunity of freedom and if they do the misuse that is the bad thing. So they have to use the freedom as the good way. When she is doing some activities like a social activities like different political and social activities, she always keep on her mind that we have some cultural views, cultural perspectives so she always keeps on her mind these cultural perspectives, cultural things.

She is always aware of the cultural boundaries. She always keep on her mind that we have to do this good thing and then the other community’s people never blame her. In our culture, if the person does the misuse of freedom then very quickly receive, very quickly they know the rumor of the, she is doing this, this thing and they mis-utilize that what she does. They spread the rumors. Maybe in the future if anyone tells that, “oh she is her daughter” and she is doing this thing then it is not good for our community and so she keeps on her mind all these things.¹⁰¹

What Daya means is that women must be aware of the cultural perspectives that men (and women) have of what is considered acceptable for women; women must also be aware of the cultural boundaries in which they are constrained when utilizing freedom or people will speak negatively or spread rumors which can then lead to negative consequences for the women herself and/or her family, including embarrassment and shame. Daya’s words lead me to believe that at this point in time, women have a freedom that is dependent on her acting accordingly with what is expected of her; if she veers from the norm and behaves not in accordance with societal expectations, she as a woman will be thought of negatively. Accordingly, women are really not free to do, say, or act as they wish. Any behavior that is unexpected can be construed as questionable and questionable behavior can be damaging for the woman’s reputation. However, the way Daya speaks of “misuse” makes me wonder if they themselves think that if women have unfettered freedom, women will go wild, make poor choices, and cause more harm than good in the fight for women’s equality. I speculate if

¹⁰¹ As stated by the translator.

Daya is anxious about misusing her freedom because in her eyes the freedom is given, therefore it can be taken away.

It seems quite clear from the sentiments of the women that they feel that they must constantly be mindful of themselves. Even for the women who state that they feel free, they too must conform in public to (patriarchal) societal norms lest they be punished from their communities and families. Interestingly, though the women feel watched and judged based on the fact of their gender, they make no specifications on who is doing the gossiping, whether it be men, women, or both. If it is the case that both men and women are noticing behaviors of the CA women that are not consistent with women do not work, then it can be strongly stated that women in the communities are facilitating patriarchal notions of women's roles as well as the blame and shame if they do not fit the mold.

The media: "And the story is over."

As discussed above, many women of the Constituent Assembly are attentive to their behavior within the CA and their communities lest defaming rumors affect their career or social standing. Yet there was another source of apprehension for women in which they felt was could negatively influence public opinion: the media. Prativa Rana, Chief Whip of the *Rastriya Prajatantra* Party spoke frankly of how unfavorable reports depicted by the media might influence her personal life.

Maybe my husband has trust, my family has trust, but society does not have that. If they see me somewhere, wining, dining, then they will write the next day that this politician this woman is like this. If I am with my leaders then they will think she is having an affair. I am a grandmother or a mother or a wife or a daughter, it is very, very difficult for Nepalese women to do what they want. Everything [is] societal bondage, many mindsets of the past.

While Prativa feels that her family trusts her, she has doubts that people in society generally will see an innocent side to dining and spending time with men who are not relatives, even if she is working and it is clear that the men she is with are colleagues. She states that no matter what role women play, whether it is an older grandmother or a younger daughter, women's activities are restricted in a way that men's are not. Prativa attributes this restriction of women to "societal bondage" indicating that women should have more choices and freedom, but they do not by virtue of antiquated views of what is proper or acceptable for women. During another instance, Prativa was shown in the paper dancing and to her it was very

demeaning, "like we are not human anymore." Though she does not state it, I would strongly consider Prativa's statements to mean that she believes this type of societal mistrust of women is cyclical and then perpetuated through media outlets that portray women in a particular fashion.

Like Prativa, other women reported that the media only look at them as women, not as government representatives. Arzu Rana also expressed similar frustrations with the media in its queries of her personal life:

The media is horrible and the most gender insensitive. I don't want to talk to anyone anymore. Because I am a woman politician and all they want to ask me is where I cut my hair, who stitches my clothes? What do you cook, what recipes do you know? You know please, this is not what I came into Parliament for and prior to this I this is not what I was doing, so please don't ask me. But this is the way they look at women. Who cuts her hair where? What beauty parlor does she go to? Is that what we are representing? That's the typical viewpoint of journalists in Nepal. They think that you are a woman, it's all about what you wear and what you say, not about what you say, what you think and what you're doing. It's very demeaning. I get really irritated and very frustrated.

Arzu stated that in her opinion, the media looks at women in a demeaning fashion that focuses on the triviality of appearances instead of their opinions or actions. Clearly she is frustrated. In response to the barrage of questions about her personal style, Arzu joked with the media asking them why they don't ask the men who makes their clothes, so one journalist did and it was done in fun. However, though Arzu made the suggestion, she questioned its good intention. "For men it's a joke, but women want to be taken seriously." Similar to Arzu, CA member Sapana Pradhan-Malla expressed her exasperation that when the media does focus on the female CA members, it does so in a way that is unprofessional:

[The media] look at the woman CA members how fashionable they are - that story. Fifteen days back a woman came and she said, "I want to know how many times you go to the beauty parlor." I told her to stop this question because I have been victimized. Once I asked one media, she was supposed to take an interview and I said ok I'm going to the beauty parlor and we can talk, while I do manicure and pedicure. And then next day, my photo cover page with me in the beauty parlor and what I was talking about in the beauty parlor. She didn't publish what she was supposed to, it was unethical. So from that time, I am very scared.

In the situation where Sapana was friendly to a female journalist and then taken advantage of, Sapana was disappointed as her political views were considered less interesting than the fact she was in a salon. Her frustration is rooted from the notion that "it is very important for us

[women of the CA] to be substantive.” Another interesting point within Sapana’s experience is that in both cases she highlighted, the journalist was female. Perhaps that is why Sapana had a higher level of trust in allowing a journalist to accompany her to the salon. Renu Chand also spoke on why, in her opinion, women are not represented or not positively represented within the media.

And we don’t have the strong woman journalist in Nepal. We have camera woman persons, but we don’t have strong, strong in the sense, experienced journalists. That is also bad for woman. Women are starting slowly. Because I don’t blame the womans! Because they is a male dominated society and it is very little time has passed when women have started study and it is very little time has passed.

It seems Renu believes that if there were more women within journalism in Nepal that the reports from the media regarding the female CA members would be more favorable or at least more neutral or on par with how male CA members are reported. Perhaps the female journalists that are interviewing the women are acting in a way that the women do not expect them to act and this is the surprise. Or perhaps it is that the women are not exhibiting a level of camaraderie with the women of the CA as they attempt to make laws more gender-friendly for all Nepalese women. My point is that perhaps the women of the Constituent Assembly feel the female press should visibly be on their side, a type of solidarity between women.

On a different note, while many women spoke of being noticed and negatively reported on, some women spoke of how they are ignored by the Nepali media in other circumstances. Some of the women specifically spoke on how the media will only ask questions related to what is perceived as women’s issues, but not regarding any other constitutional issue; if opinions on other topics are requested, some women have noticed that the request goes to the male CA members, while the women are ignored. Arzu commented on how the media does not report women’s views nor will they call the majority of the women for what Arzu terms “serious” interviews.

Never. Never. They never report on what we say. And they will never call us for any serious interview. I think this two years I’ve had serious interviews maybe two times. And I don’t know how many other women even have a chance. Any talk shows you see men. Only. As if the women, the 197 of us, don’t exist.

And if they write about us it’s mostly bad things. ‘This ones like this and like that.’ I think the men journalists in Nepal don’t feel comfortable with women politicians. They don’t think women should do politics. Even

though we are there and a fact of their lives, they would rather we were not there. That's the feeling I get you know.

Reminiscent of Arzu's thoughts, Sapana too notices the media selectively ignoring women CA members when it comes time for questions and interviews. She stated that when they exit the CA together, men and women, that the journalists will only go to the men to ask about political decisions, not the women.

And when a question is asked to women, the questions are only woman related and not political questions. Like for example, if we are coming out of the meeting room and men and women we come together the media will go and ask the man for any political decision, not to the woman. Very, very much. It's rare that they take a woman's view. And we have been complaining.

When Sapana uses the words "woman related" she is referring to topics within the new constitution that directly deal with gender issues including equal rights, citizenship, inheritance, and access to basic amenities (though this is not an exhaustive list). Likewise, when she refers to the "political decisions" that are pointed toward male members, I presume that she is referring to topics including elections, political parties, state restructuring, federalism, and budgets, to name a few. Sapana is frustrated that the media do not ask the women about these other issues that are not directly related to gender; I presuppose that to Sapana, it is angering as she feels that she (and perhaps other female CA members) in fact do have opinions on these issues whether or not they are directly or indirectly "woman related." To further illustrate this point, Renu Chand also conveys her frustration when men's opinions appear to be favored over women's.

All, if there are very few, we have Sarita Giri, only woman President of a party and media doesn't take her. Media will go ask Mr. Thapa who is a very small party and Sarita has a big party! But media will go and ask Thapa, but will not ask Sarita Giri anything! So this is a quite irritating thing because we have to make them understand each and every day that we are a CA member in all aspects, not only woman.

Renu, like Sapana finds it frustrating that the media seem to favor male opinions over female opinions, even when the woman and man are equally positioned, as in the case of which Renu spoke. It is clear from her statements that she wants the media to acknowledge that the women are capable, intelligent, and invested CA members and should be treated accordingly. In both Renu and Sapana's luculent language, both women desire a media that will recognize that they too have opinions as CA members and not just as women with opinions solely on women's issues. At one point to address this bias and to remind the media that she is both a

woman and a CA member, Renu spoke directly to the media: “I told them I have not here as a woman participant, I am a CA member from the far west region.”

The women had a variety of views on the media, but rarely did praise of the media enter into their words. Many women indicated their experiences and feelings about either being misrepresented or invisible to the media. Media reflects larger societal views of what a woman should be doing as the questions that are posed to the women are stereotypical and demeaning. If the media is perpetuating the idea that the women don't have anything substantive to say, then maybe the public will believe that as well. So indeed, if that is the case, the media is hurting the cause of gender equality as they, the voice that has an overarching influence in what people read or hear report that men have opinions on politics and the women go to the beauty parlor each week. The women are frustrated, irritated, and wish the media would represent them as thinking members of the Constituent Assembly, not as females who only go to the salon and cook. The fear of negative press is similar to how many of the women fear baseless rumors that in one way or another attack or question their character. CPN-M member Renu Chand sums up the feelings of many of the women when she lamented that negative press in Nepal for women in the Constituent Assembly is “a very horrible thing in society against [the] woman, they will point out on your character, she is a characterless woman. And the story is over.”

The future of women in politics: Continuity

Continuity for women in politics is a large question mark due to a plethora of concerns, not the least of them monetary concerns. Kalawati Devi Dusad, Assistant Minister of Physical Planning and Work, states that women are not successful in politics and elections because they don't have any money. She believes that this is one of the reasons that there are so few female ministers: two state ministers and two assistant ministers.¹⁰² The women of the CA earn the same amount as do their male counterparts; however, after their CA term is finished, they will need money to sustain their careers. Shanta Chaudhary says that, “Politics is not enough to make money to support your family if you are a woman.” In the same respect, Khuma Subedi spoke of having a difficult time saving money as she supports many family members, so much so that she is unable to put her son in a high level boarding school.¹⁰³

¹⁰² There are seventeen ministers in total.

¹⁰³ Khuma placed importance on the fact that her son cannot attend a “high level” boarding school, which she deems more prestigious than the normal school he attends, perhaps as she values education highly and wants the very best for her son.

Additionally, for Maoist women like Khuma, the CPNM party requires approximately 18-20% of their salary which places an additional burden on women who find it difficult to allocate monies to family and career as well.

Kiran Yadav and Sharda Jha echoed each other in stating that they are not sure how they will maintain a life in politics as neither woman is sure how she will gather the funds necessary; interestingly enough, though both women voice this concern, Kiran is a woman whose husband works and whose children are grown while Sharda's husband is absent and her two daughters are school age demonstrating that the presence of a husband is not indicative of familial monetary support, but does signify that women who have a monetary concern in regards to continuity of their career in politics might have to procure the necessary funds on their own accord.

As women, they have little collateral in which to borrow funds and many will be dependent on their husbands to fund their life in politics. One husband with whom I spoke agreed that it would be hard to have his wife sustain herself in politics because he would have to finance it; this would be difficult for him as he must support his family and children and therefore would have no money left over for his "wife's politics." Below is an exchange between a Constituent Assembly member and her husband regarding money:

Gagan:¹⁰⁴ Difficult to sustain politics for women. She has to depend upon the husband and children. I have to give the money to give to the market, the car to go, the money to give to the people.

Daya: Now [I am] getting money from the CA, but after, no more.

Gagan: Then who will give the money then? Then she depends on me and I have to give. So women's politics depend on others. I am only one person.

Daya (translated by her husband): It is very challenging to earn the money. If she will do something for herself and then only she can sustain in the politics. Something like, where she can get something from money and then only can she do it and this is a challenge for her in the future.

She is thinking that without the support of the husband that no woman can be in politics and no woman can be outside so she thinks that her husband is supporting her in all aspects, so I am still sustaining in the politics, so my husband is very helpful to me in this regard.

¹⁰⁴ Gagan is a pseudonym.

In the above conversation, Daya concurred with the gist of her husband's thoughts in that she does not think that women can be in politics without the support of her husband. At the same time, her husband statements made it seem that though he was supportive to a point, that his wife's interest in politics was slightly flippant and an unnecessary financial burden. While this was the only conversation I witnessed between husband and wife concerning money, from the other comments of the female CA members concerning the problems of having enough money to sustain a career in politics as a woman, I feel that there is a strong possibility that many more married couples have had similar conversations. If this is true, after the term of the Constituent Assembly members has finished, how many women will have the funds and familial support in order to continue? How many of these women will find a way to continue?

What do women want?

There are 197 women within the Constituent Assembly fighting for their rights. But what is it that they want? How do they see this process of constitution making? Why do they think that change is necessary? Renu Dahal, younger member of the CPN-M party, opined that the majority of CPN-M women want to be part of the Constituent Assembly as they grew up seeing poverty, injustice, and discrimination, then fought in a war in order to bring these issues to the forefront. Sharing a different perspective, Puspha Bhusal also shared her opinion of why change is necessary in Nepal at this point in time:

[Nepal] needs some change because this is the twenty-first century and all people are not more educated in the grassroots level, but they are aware about their rights and dignity. So I think for the women and youth and other backward community, they need some change, radical change in the new constitution.

Pushpa highlighted the need for change country-wide and hinted at how that is manifesting with education of rights and keeping dignity. Similarly, Prativa explained that change is wanted by all citizens, especially women as “in Nepal women are very conscious about their rights because they have suffered a lot because there is no opportunity.” Likewise, Arzu says that people can't continue to live like they do anymore, meaning without opportunity and lack of awareness of rights. I think this is an important thought in why everything started to change and why the women keep pushing and "agitating" (word offered by Binda) to create a catalyst.

And when looking at personal reasons, what do the women hope to glean from the experience either for themselves or for others? How do they feel being in this position? Navodita Chaudhary, chairperson of the Committee for Determining the Basis of Cultural and Social Solidarity, is a woman who feels obliged to do her best:

As a woman, which I got this privilege to become a CA member and become a chairperson, I feel that I should do something good. Others don't care if they do something or not. Wherever you can think good for your family, think good for your community, think good for your country.

Navodita's words do indicate that she feels responsible and accountable to the state explicitly because she is a member of the Constituent Assembly. Interestingly, she sets herself from “others”, indicating other CA members whom she feels might have a different agenda, though no elaboration is given. She also spoke of her feelings about writing the constitution

in a gender-friendly manner:

And in the CA, women, we have many voices coming out, for the women also, as women, women are seen in all the communities, women have the same problems, how we can establish the constitution and institutionalize the rights of women.

Navodita is clearly advocating for women's rights to be recognized fully by the law and written in the constitution as women are in every community and, in her opinion, share many of the same daily struggles in terms of equality. Much like Navodita, Prativa Rana shared her motivations in being a member of the Constituent Assembly and being part of the constitution writing team:

Well, right now, my plan is to make the best constitution that then really address the issues of all the people. Not some certain sections or certain ethnic groups, but the whole as a Nepalese. We want everyone to prosper, everybody to have a share. Everybody to have a better future. Everybody to make them feel that this is my constitution, this is addressing our lives, our children's lives, our grandchildren's lives. That is the constitution that we should make.

Prativa explained her beliefs that a constitution should be made for the whole of Nepalese people so that every citizen from every region, caste, and ethnic group can feel that a different, "better" future can be theirs. It is my feeling that Prativa wants Nepalese citizens to feel proud of the work that the CA has done and is holding the Constituent Assembly accountable for attaining this future success. In this way, Pushpa Bhusal firmly believes that there are very high expectations on the men and women who are writing the new constitution as the backward communities, youth, and women need to know their rights and are ready for the "modern way of thinking, not the old ways." To this end, she feels that the expectations fall on her to do the very best and not let them down. Also feeling accountable to the Nepalese people is Radha Gyawali; she says that since she is paid from the tax money of the people, "I am totally servant of the people." Sandhya Dev, a working mother of two daughters, says that she has a responsibility to 29 million people: "I want to be the mother of 29 million people!"

Whatever the reason that the women are now part of the Constituent Assembly it is clear that they have taken their responsibilities in this role seriously and sincerely. Jayapuri verbalized the sentiments that I firmly believe many women feel; the "achievement of her life" will be if the constitution is written and it makes all equal participation for male and female, indigenous, and Dalit.

Freedom: “The essence of life.”

When speaking of freedom, a term loaded with specific meaning born from cultural, ethnic, religious, and individual connotations, it becomes vital to first discuss what is meant when the women speak of freedom. Shanti says that “they [Nepali people] have to identify freedom for themselves,” meaning that the concept of freedom is highly individual. Suprabha says that freedom “is the essence of life for me. If there is no freedom, if I cannot say what I feel like saying, if I cannot wear what I feel like wearing and if I cannot express my opinions, when I feel like expressing it, I would feel myself restricted, confined.” Sita posits that freedom means equal rights to participation and opportunity in society, as well as no discrimination based on gender, language, caste, or region. Amrita and Radha G. believe that freedom is a basic need and a fundamental right. Radha inserts a caveat to this thought: “But society is completely dominated with male values, male system and everything is dominated by patriarchy. We should live together side by side, not be separated.” Radha’s words indicate that though freedom should be an unalienable right for men and women, the fact that patriarchy is ubiquitous within society means that men, by virtue of their gender, are able to do as they wish whereas women, by virtue of their opposite gender, must adapt and restrict their acts and behaviors in accordance with the umbrella of patriarchy in which they live under.

Binda thinks of women’s freedom in this way: “I don’t feel in all the whole society they listen equally to the woman as man. But how much they listen and consider my opinion and I think that is the meaning of freedom and the meaning of equality.” Binda infers that freedom can be attained and upheld as long as both genders listen to one another, respect one another, and come to an understanding of how to live together given this new flow of communication. However, she feels that the onus of this communication is on the men, as women are talking and men, in her words, do not listen equally to women for the simple reason that she was born female.

Bimala speaks of the situation of women’s personal choice and freedom by stating that all women, mothers, mother-in-laws, daughters, etc have to be “reserved in the role,” meaning that there are social expectations for girls and women that they should not veer from. However, Bimala also thinks that the changes in Nepali society now are allowing her daughter to grow up in a “hopeful environment” where Rashmi may very well have choices and opportunities that were not available to Bimala or to the older generation of her family.

Renu Dahal and Pramila indicate a gradual change throughout her family by stating that their mothers suffered under the system of patriarchal values, but they (Pramila and Renu) have more freedom than their mothers, and their daughters will grow up with even more freedoms. Pramila says of grandmothers, mothers, and daughters:

The roles they play in the house is [sic] the same, but looking socially it is totally different, the freedom of expression, the amount of knowledge they receive. Politically and socially she is feeling very free compared to mother and grandmother, but her social responsibility inside the house is still the same.

Speaking of daughters, Padmini Devkota¹⁰⁵ unknowingly contradicted herself when she spoke of her daughter by stating that, “She is totally free; she gets freedom from her own family, her husband and mother-in-law.” Padmini does not say that her daughter is free because of her own state of mind and beliefs; instead she implies that women’s freedom is received from others who give it. In this way, for Padmini, freedom is given and can be taken away; therefore freedom is a gift of sorts or a state of being that can be in flux dependent on the thought process and magnanimity of those who are the giver of freedom. Does Padmini realize that her back to back statements cancel each other out? From my many conversations with Padmini, I can safely say that she would cringe if she heard anyone make a comment of that ilk; that said, she stated it so simply and in such a matter of fact manner, that I must presume that it was unintentional, therefore part of an unconscious process of socialization that is still with Padmini even though she has spent many years fighting against patriarchal values that are widespread within Nepal.

Along that same line of thinking, of freedom being given and received, both Suprabha and Padmini spoke on how women should not have to wait for husbands to die before they become free, indicating that for many women, freedom is conflated with husbands’ points of view and willingness of men to allow their wives a will of their own. Suprabha told me that, “I have lived my life as I wish and so I think that women shouldn’t be compelled to wait for singlehood. Even in married life, even in family, they should be able to do what they want or how they want to live their life.” Looking at the contradiction between Shanti’s notion of defining freedom for oneself and some other ideas that freedom is received, the question remains: In Nepal is freedom a personal choice or is it given and taken away as many women suggest?

¹⁰⁵ Padmini Devkota is a pseudonym.

Equality

The women are not only concerned with women's rights, but the rights for all people across the caste and gender lines, particularly historically excluded groups: a sort of holistic egalitarianism. "Though gender, caste, ethnicity and religion are the primary bases [sic] of exclusion in Nepal, these should not be taken as conclusive as several other excluded groups (in terms of poverty, discrimination and lack of social security) also exist in Nepal" (Thapa 2009: 9). Each woman I met with spoke of a positive change that she envisioned for Nepali people, from bolstering basic human rights, to acknowledging ethnic groups, to working with specific groups that have been historically discriminated against due to gender, caste, or region of residence. CA member from CPN-M, Renu Chand explained her fervor for being part of the Constituent Assembly and what she wants to accomplish as part of this process:

I have to fight for other people's rights. I didn't come here to have a black coat and roam around. I want rights. I want my rights for other people. Many of my friends, many of my family, many of my cadre gave their life and I want this as fast as possible. I didn't fight the People's War to write the constitution, I was there to change the law.

Renu is quite clear that her goal in the CA is to attain equality and rights for the citizens of Nepal. From her sentiments, it is clear that this job, this ambition of working for equal rights within Nepal is personal as many people within the CPN-M lost their lives while fighting in the People's Liberation Army. Her mention of wearing the "black coat" is a reference to the uniform blazer that all Constituent Assembly members are given; her statement is indicative that she does not want her position within the CA to be a token one where the only thing she does is wear the coat, but she wants to work hard and change the laws of Nepal. Likewise, Pushpa Bhusal shared her opinions on not only the CA's responsibility to engender women's rights, but her responsibility as well as she believes that people voted for her for the reason that Puspha would fight for women's rights and equality; in this way, Pushpa holds herself accountable to the people and women of Nepal.

As a CA member I think that we have some, lots more responsibility and we are debating about the national agenda and that is the major things as well as we are debating about the women's issues how can we give some change to the women's population. I know that in this election, when I contested this election, women from other political parties gave me vote because they knew that this time she is going to write down the new constitution in favor of the women's issues at that time they give the vote. How can we write down women language, women issues, women problems in our constitution. And what is our priority? One side is equal

language and equal language and equal provision or sentence about the equal, that we are equal. But other side we should have to mention about the affirmative action for that community who are very backward who have lots of expectation who need some change and the state ignore that community so how can we give that language in our constitution?

Above Pushpa highlighted the issue of working for equality in the Constituent Assembly through language to reach not only women, but to those groups, like Dalits, who need extra support in order to attain equality. Similarly, other women cited specific groups that they wish to help, groups of people who are linked together by a collective marker, i.e. sex, ethnicity, religion, region, caste. Sandhya and Gayatri want to represent Madheshi women, Renu Chand wants to better the daily lives of women in the far western region, Shanta is a champion for the *Kamalaris*, and Mohammadi is fighting for the rights of the Muslim community. Each woman has her cause, the issues that are closest to her heart due to personal experience, however, it does seem that though the women have personal political goals in mind, with specific groups and peoples in mind, they are willing to compromise and look at Nepal holistically as is proof from the dealings of the Women's Caucus. Radha Gyawali also explained her opinion on equality in Nepal needing to be holistic in terms of gender equality. She spoke on how she believes no gender should be dominant, but at present in Nepal, she feels that is not the case.

We must respect men's rights and men should respect women's rights too. But society is completely dominated with male values, male system and everything is dominated by patriarchy, so it should be abolished. We should live together side by side, not to be separated.

Above, Radha states that men and women should respect each other and uphold the rights of the other. Nepal's patriarchal system must be abolished for equality to happen, indicating a necessary shift in societal values and ways of thinking that would pave the way for non-dominance, so-to-speak. Radha's thoughts on men and women "living side by side" closely follow the train of thought begun by Edward Said regarding male behavior change due to the Intifada¹⁰⁶ that "the role of men was altered, from being dominant to being equal" (Said, 1989: 38) indicating that Radha believes a socio-cultural change should occur whereupon gender roles shift to establish equality and gender equity. To further her point on gender equality, Radha then spoke on the problems she witnessed in Shillong, India where a matrilineal system reigns:

¹⁰⁶ Here I refer to the Intifada as the Palestinian uprising against Israeli occupation from 1987 to 1993.

They are very bad system also, those women sometimes they get married with men and after two months they kick out that man and bring another man in their house. That matrimonial not good, patrimonial also not good. Be equal! Equally, equality only and have maintain good family relation.

Radha makes a very poignant argument that even in a system that holds a high value on women and allows women to be polyandrous (whereupon in Nepal the opposite is true and polygamy is accepted) there are problems as then women are dominant and are able to displace men from their homes. While this is not a common issue in Nepal, her overall point that equality within families and society as a whole is important as if one gender is dominating the other, problems can arise that create further inequality.

Likewise, when thinking about how Nepal needs to change and the processes change entails, Indra explained her perspective on resistance to change:

I think we have to make balance between policy changing and attitudes of the policy makers and the people who will be implementing these things in the personal level. But sometimes it is very difficult to make change among the men. We always talk about change they always think that the women will be changed with equality. But in the most of the case the man should be changed equally, but it is very hard to make change for man. I feel that. Sometimes it is hard for men to adapting to new things.

Above, Indra questions the ease of implementing change fully as, in her opinion, change requires both women and men to change; however, in her opinion men are resistant to change. In saying that men are resistant to change, she implies that women in fact have a much easier time in adapting to new situations. Perhaps this is true, but perhaps there is also a feeling among men that in order for women to change and become equal, that they, as a group of male citizens, will become less somehow. Less masculine? Less powerful? Indra also posited that if there were as many workshops for male CA members as there are for female CA members,¹⁰⁷ that the men would not go because men feel it is not necessary for their position or career. Her view is interesting in that she feels that men believe they do not have to be part of the process, or at least an active part, they can sit by passively and do what they have always done, believe what they always have believed and that women will achieve their goal without them. If this is truly the case, this kind of passivity beckons to the question of whether the men fully understand what the women want and that the women cannot change the entire society's mode of thinking without the cooperation and understanding of

¹⁰⁷ Many UN agencies and NGOs offer capacity building workshops, seminars, and classes to female CA members regarding politics, law, and constitution making.

men. On this topic, I do not have much data and therefore I cannot offer much, only suggestions of why men as a group seem hesitant to accept new situations.

From listening to the women's reasons for wanting to be part of the CA, it is clear that many place a high value on what Adams (1998: 8) calls "the moral basis for social action" and Rosen (2006: 23) refers to as "moral precepts" as the women speak of being concerned with the transformation of all people and society. Additionally, Nepali author Krishna Hachhethu, opines that in Nepal "[p]eople's involvement in party politics is generally motivated either by personal gain or by public benefit or by both" (Hachhethu 2008: 136). This statement is an apt description of the women's overarching motivations to become and/or remain politicians. However, through the words of many of the women of the CA, it seems that the personal gain of making a difference for their communities (public benefit) would be associated with both motivations.

Recognition

In becoming a Constituent Assembly member and having their names become known to the public, some of the women have experienced a certain validation of their personal accomplishments as well as in their political involvement. Some women I spoke with are forging new paths and careers as their own person, an individual, not as someone's wife, daughter, sister, or relation to a man. Whatever their individual path coming into politics and no matter who in politics shares their names, each woman is seeking recognition as a politician in her own right.

Arzu Rana Deuba is faced with opinions that she gained her position in the Constituent Assembly through nepotism as her name is inextricably linked to powerful political man, former Prime Minister Sher Bahadur Deuba;¹⁰⁸ she fights daily for personal recognition as a capable member of the CA and not just a woman placed there due to her familial ties. Of her situation entering politics at as a CA member, Arzu states the following:

I got in because I worked, it wasn't as if I didn't work within the party. I had done a lot of organizing through my social work. Not only in my husband's area, but all over. People already knew who I was without coming into politics. But the men want to minus that, all the men want to forget I have a Ph.D. They want to forget that I have done a lot of social work and have recognition nationally and internationally. Just say, "She

¹⁰⁸ Sher Bahadur Deuba acted as Prime Minister three times from September 1995- March 1997, July 2001- October 2002, and June 2004 – February 2005. He hails from the Nepali Congress party.

got in because she's someone's wife." That's very difficult for me to digest. Because wherever I have gone, I've gotten there on my own steam. Because I worked hard and I got there. But to face that, is sometimes very frustrating!

Arzu strongly stated that she has worked hard for years and thusly received her professional status with her own intelligence and determination. It is clear from Arzu's statements of frustration that she wants to be recognized as becoming a CA member due to her own skills and intelligence. She thinks that the men "minus" her credentials from her, only thinking of her as someone's wife who gained her position because of her husband's political success. Interestingly, she believes the men, not the women, are responsible for the nepotistic thoughts though she does not give a reason for this belief.

Like Arzu, Renu Dahal shares a similar experience as the daughter of well-known Maoist political leader, Chairman Prachanda. Renu married at nineteen, during the initial stages of the People's War. After her marriage, her father strongly urged her to enter politics as part of CPN-M. "Because if you are here in Nepal, might be that you have to fully join in the political parties." She became involved in the CPN-M Party in 1996 and "slowly, slowly" worked her way up as an active party member culminating in being President of the All Nepal Women's Association [Revolutionary] (ANWA[R]) in India. Even though she has worked in the party for over a decade, she still finds it difficult to be who she is within her political party as well as the Constituent Assembly: "Being a woman is one challenge and being the daughter of Prachanda is another challenge." Renu says that she has to work extra hard because people believe she only gained her position in the Constituent Assembly due to her father's influence. Renu rebuts this thinking by saying that, of her siblings, only she has entered politics at this level. She asks that if the rumors of nepotism are true, if she were proportionally elected because of nepotism within the CPN-M Party, then why aren't her siblings part of the government as well? Though Renu's father advised her to become part of the political party, she feels that she is a CA member today only because of her own actions and motivation, not because of her father's political influence. Not only do Arzu and Renu want to be seen as separate from their male relations, they want to be seen as politicians and leaders as themselves.

Kiran Yadav is the niece of Nepal's first President, though she never mentioned her familial connection, neither in reference to her background nor her position as a CA member. For our second meeting, and in the absence of her husband, Kiran and I met in a conference room of

the Centre for Constitutional Dialogue.¹⁰⁹ She stated that, “I am a woman and I have many responsibilities and first of all I am a CA member. I am a leader in my party.” Before becoming a member of the Constituent Assembly and a political leader, she says she was aware and knowledgeable of political situations, but she “was not getting the opportunity to know about [herself] as Kiran Yadav.” She says that now many people know her name, know her as Kiran Yadav who is a CA member, and Nepalese leader. When I asked her how she sees herself, she answered without hesitation, “CA member and public figure.” Not only is Kiran proud of her accomplishments in becoming a member of the Constituent Assembly and being a leader within the Nepali Congress, she is also pleased for two other reasons: 1) she found a niche (politics) where she became more acquainted with herself and her individual potential, and 2) within the political world, people recognize her name and link it to her accomplishments. Undoubtedly, she is happy at a personal level for this type of recognition.

Like Renu, Arzu, and Kiran, Navodita grew up in a political family, though without the close familial relation to well-known political leaders that the others possess. Navodita expresses no surprise that she is now a politician: “I am not at all new for this; I was born in this you can see.” Navodita feels that entering politics and more specifically, the Constituent Assembly, has given her something she was missing; a stronger connection to her family. She feels that now as a CA member, she can finally have a name for herself within her political family. “I have to, up to now, my family background and status I came forward, now I have to put my name myself, as a politician to grow up. I have to establish as to a political leaders in my country and in my community.” Her experience as a CA member has validated her in a personal way so that she now too fits in as part of her political family and now, upon this recognition, can begin to further establish her name within Nepali politics while working for the good of her community.

Though there are some women with the CA who boast politically powerful connections, there are others who are only known as themselves. I was invited to Constituent Assembly member Sharda Jha’s home, where we sat with her two teenage daughters and snacked on homemade sweets that the girls made in preparation for my visit. When I asked her about how she thinks of herself, she told me that she feels “proud” because people do not think of her as someone’s “Mrs.” or identify her only in relation to her male family members; “I am making identity myself.” Indeed, in a cultural phenomenon unprecedented until recently, her husband is now

¹⁰⁹ I met with Kiran three times, two of which her husband accompanied her. This was unusual as no their husband accompanied their wives to our meetings.

recognized through her name. Sharda says that she is very happy that her name is known in the political arena as a leader. She also expresses that she has much courage and confidence working in the Constituent Assembly; her teenage daughter, Preety, boasts that, “I can see it!” Sharda, even in the presence of her two daughters, states that politics comes first, family and everything else after that; it is obvious that she cares very deeply about working in politics. In Sharda’s case, perhaps she possesses courage and confidence within the CA, not only because of her political background, but because her name is recognized within both the political theatre as well as her community.

Another woman who, in Sharda’s words, is making an identity for herself is Sita Gurung. Sita, young member of the Nepali Congress Party, explained that prior to entering politics, she was “looking” for her identity, but now, after becoming a Constituent Assembly member, she is a politician and policy maker. Sita now introduces herself to as a politician:

Politician means the transformation agent. Society and the transformation agent. Politician means as a leader for our country to change some special social and different type of issues, transformation from negative issues to positive issues and outcomes.

For Sita, entering politics was a life-changing event as then she knew what path she wanted to continue down; politics gave her purpose and a stronger sense of self. In this way, Sita and Kiran have similar experiences as both women gained self clarity in entering politics as if a missing puzzle piece were found.

The women truly want to be recognized for holding their positions because of what they themselves can contribute, not just seen as being there because of the influence of a man or as a token female filling the required quota. As Shanta Chaudhary said of the female Constituent Assembly members, “their names are written as part of historical books.” Personal recognition as a politician and/or leader within Nepal is important for many of the CA women, and understandably so. The vast majority, nay, all, the women I spoke with told me that first and foremost they were public figures, politicians, or Nepali leaders; this speaks volumes not only about how they identify themselves within this time of constitution making, but also about their confidence and determination to press ahead and fight not only for continuing inclusion in politics, but for the constitutional issues that will affect the entirety of Nepal.

The making of the seventh constitution

As the women elucidated earlier, the Women's Caucus is as a place that regardless of party affiliation, women can dig into constitutional and legal topics that have a gender component, debate back and forth about such issues, and then return to either their political party or Constitutional Committee with a strong and unified argument on various gender-related topics.¹¹⁰ But what are the issues that they are contemplating, debating, and learning about? Usha Kala Rai gave me a list of what some of the important issues are for her:

I will tell you they are: right of inheritance, proportional participation for woman in every structure of state or nation, right to maternity or motherhood, right of education, special right, right of job security, employment, rights of health. These are the points.¹¹¹

Usha is quite clear when she makes the point that “to ensure the woman's rights it's not only the issues of woman. It is the issue of nation. It is the issues of society: whole society.”

The forceful emergence of the voices and political interests of ‘other’ actors (women, ‘minorities’, subaltern groups of all kinds) have fractured the once unproblematic representation of the world in terms of a western, male understanding that either made differences invisible or that, through totalizing representations, assigned them to places where they would by necessity have a subordinated and, to the extent possible, harmless role to play (Escobar 1992: 401).

This idea feeds into the experience of Nepali women in politics as the women themselves, by sheer numbers, have fractured the traditionally male political and decision making theatre and are fighting against structural violence as it has historically manifested in Nepal. Though none of the women used the vernacular *structural violence*, the language used in describing previous and current laws regarding women's lives, access to resources, and ability to choose for themselves is indicative that those discriminatory practices fall under what is termed *structural violence*.

Structural violence is a term coined by Norwegian sociologist Johan Galtung in 1969; he explains this concept to indicate when an institution creates:

unequal power and consequently as unequal life chances. Resources are unevenly distributed, as when income distributions are heavily skewed, literacy/education unevenly distributed, medical services existent in some districts and for some groups only, and so on. Above all the power to

¹¹⁰ The women all stated that in terms of gender issues, they were able to act and agree rather easily, but this is not to say that the women agreed on all political issues as party ideologies varied greatly.

¹¹¹ See Annex 1 for a detailed list of the main agenda of women in the CA, written by Usha Kala Rai.

decide over the distribution of resources is unevenly distributed. The situation is aggravated further if the persons low on income are also low in education, low on health, and low on power - as is frequently the case because these rank dimensions tend to be heavily correlated due to the way they are tied together in the social structure (Gatlung 1969: 171).

While Usha gave me a list of constitutional issues that she wants to see addressed, other female Constituent Assembly members spoke in detail about what they deemed to be the most critical topics that should be and will be addressed in Nepal's seventh constitution. Through their words, we will see how the structural violence within previous and existing Nepali laws have favored men and discriminated against women and girls, due to the nature of their gender. The topics that Usha and the other female Constituent Assembly members verbalize are all forms of the structural violence that exists in Nepal as each of the constitutional issues reveal unequal distribution of resources and opportunities for Nepali women.

When looking at the constitutional concerns, Usha also pointed out that in Nepal women's rights are fundamental because there is a woman in every home and throughout castes there are women and in each caste women are discriminated:

No woman, no home. So indigenous there is woman, and woman is discriminated. In Dalit there is woman. Woman is discriminated. In upper caste too, there is woman and woman is discriminated. In every home, every home woman is like a slave. Like the servant. Their work and duty are to make the happy to other members of the family. So we have to change this meaning of values.

Above, Usha elucidated a very interesting point about not just having to change the system, but having to change the values that society places on women's work and women's existence in general.

Religion: A mosaic

Hinduism came to Nepal somewhere between years A.D. 400 – 850 and Nepal was declared a Hindu state in the Constitution of 1990: “The Kingdom of Nepal is a multi-ethnic, multilingual, democratic, independent, indivisible, sovereign Hindu and constitutional monarchial Kingdom.” According to Nepalese authors Majupuria and Majupuria (2008: 13), the 1990 Constitution declared Nepal a Hindu state in response to a popular movement to secularize the country. In Nepal today, over eighty percent of the population consider themselves Hindu.

As of March 2008 with the introduction of the Interim Constitution, Nepal declared itself a secular state, ridding itself of its long standing attribute as the only constitutionally Hindu country. “Generally, the norms and values of Hindu state and royal institutions prior to the year 2007 BS (1951) were **discriminatory** to a large segment of the population of the state” (CCD 2009b: 4, emphasis in original). These discriminatory laws can be seen within the Hindu caste system which is still practiced, as well as within women’s statuses being seen as inferior to men’s statuses due to economic worth. None of the Constituent Assembly members named Hinduism as a current or prior factor of gender discrimination. However, all of the women did speak regarding various forms of gender discrimination within Nepal; as Nepal was until very recently a constitutionally Hindu country, the gendered discrimination spoken of then can be easily linked to Hinduism as Hindu religious law was the governmentally sanctioned and practiced.

Hinduism’s caste system, a form of structural violence, denies people born into certain social strata access to education, health care, and economic opportunities. Women and men both have been classified into this system and have been oppressed due to the hierarchy of castes. However, the structure systematically oppresses women once again within the caste hierarchy as women are discriminated against by virtue of their gender and societal expected gender roles. This is not to say that the women believe that Hinduism alone is responsible for gender discrimination in Nepal, but there is a good chance that it is one of the factors. That said, the women who did speak on Hinduism spoke regarding various aspects of Hinduism in relation to Nepali culture and existing laws.

Nepali researcher Karl-Heinz Krämer, who is affiliated to the Department of Political Science at the South Asia Institute, posits that within the 1990 Constitution, the basis of Nepal remaining a constitutionally Hindu state was necessary to maintain Nepali identity (Krämer 2008: 183). Though that may have been true at that time in 1990, from talking with the female CA members, out of all the topics brought up, all of the stories regarding politics and Nepali society, not once was maintaining Nepal as a Hindu state mentioned, either in passing or as a topic that was felt particularly strongly. This clearly does not mean the women disregard Hinduism and its long history in Nepal, but perhaps that parts of what each woman hold closely to her by being a Hindu woman is associated with the former monarchy or perhaps the women have a list of priorities in mind that they are determined to follow through with and Nepal being declared Hindu is not on that list. Or perhaps the reason it was never mentioned to me was because I never asked outright. At any rate, I do not mean to say that

Hinduism is not important to individual women, but as the collective my opinion is that they have placed a priority on other issues at this time.

Self defined lawyer and rights activist, Constituent Assembly member Sapana Pradhan-Malla stated the following in regards to the acceptance of religious law within Nepal at the present time:

In Nepal the major challenge is culture, religion tradition. And on one hand we have recognized Nepal as secular and multi-religious status, but other hand we still have law that is more influenced on one religion and that is Hindu. We don't even want the influence of Hindu law. But the question is would we have legal [provisions] based on religious pluralism and many women are still not clear, especially some Muslim women, "No we want Muslim personal law." But we are saying why are we even trying to argue. But definitely as a lawyer as a right activist, I cannot say you should not have recognition of your personal law, but what you have to keep in mind is that if that religions practice or belief if it discriminates how can you ensure that there is no discrimination.

Sapana brings up many different points regarding religion in relation to Nepal now being recognized as a secular, multi-religious state. First she states that even though Nepal is secular, religious law, particularly Hindu religious law still influences current legal thought, though she does not elucidate how those influences manifest as tangible effects. She also finds the marriage between religious pluralism and secular federal law difficult to navigate in Nepal as some women, specifically Muslim women, do not want to follow secular federal laws, but want to follow the norms and customs of Islam, even if those laws discriminate against women and girls.

Sandhya Dev, Constituent Assembly member who hails from a *Madheshi* community, spoke on this point when she commented that in her hometown, sixty percent of people are Muslim and that the Muslim women have no access to property rights or to their own children in the case of divorce; Sandhya says that it is common that if there is a divorce, the husband gains custody of the child because there is no such thing as rights or power for the mother to take the child. Mohammadi Siddiqui also spoke on this point:

I am, we are Nepali, but every law we follow, but marriage and divorce is, we are not follow according to Nepalese law. We follow the religious law, but community is very, want to, religious law is very, I say about the Muslim woman, for the Muslim woman the religious law is so many country is based on Sharia law, like India, like Sri Lanka, but in Nepal we have one law. But communities follow the religious law, so Muslim woman is facing some problems divorce problems, after divorce their

position is very weak because she has children and she is not educated and if they are going to the court, court has different law.

For all women regardless of religion the above practices might be true regarding women's positions, however, the fact that both women verbalized this type of discrimination while directly speaking on the differences between Muslim and non-Muslim women indicates that in their opinion, lack of access and rights in regards to property and children are more pronounced for Muslim women. In addition to this type of societal discrimination, Mohammadi, says that Muslim women also face common problems like domestic violence, polygamy, and access to education.

Sapana is frustrated that some women prefer to follow religious laws rather than secular laws in regard to legal matters such as marriage, divorce, custody of children, marital property as in her opinion, discrimination will then endure within these communities and Nepal cannot be free from gender discrimination. Sapana does realize it is unrealistic to expect that any woman or man from any religion, Muslim or otherwise, renounce that religion because of a debate between religious law and federal/secular law especially as religious law is tradition within those communities; additionally, as stated by Mohammadi, Muslim women have a lack of access to education, indicating a lack of awareness of women's rights within their communities inferring that there may not be an opportunity to learn about Nepal's laws and how these laws apply on the local level to all men and women. Nevertheless, thinking forward, Sapana wonders how both sets of laws will co-exist within Nepal's different communities.

State restructuring: the ethnicity conundrum

A hereditary line of Prime Ministers ruled Nepal from 1846-1950, who were then replaced by the Shah Kings, also ascribed positions; both systems governed the whole of Nepal as a single unit. Nepal is divided into fourteen administrative zones that are subdivided into seventy-five districts, but all are under the authority of the central government. "Nepal has been governed in a unitary, centralized system for centuries. So far, democratization has not yet led to a significant change in the basic set-up in how the country is organized. Introducing a federal structure will represent a fundamental departure from that legacy" (CCD 2009a: 5).

One of the objectives of the Constitution of 1962 as well as the Panchayat system was to implement a system of decentralization. As such, "local bodies were formed at the village, city, district, and zonal levels" (CCD 2009c: 4). Due to the political environment, local self-

governance proved to be difficult and the local bodies found their role as administrative units beholden to the central government. This system continued until 2002, when the four year term of individuals elected in 1998 expired; no further elections were held leaving substantially limited staff within the governmental units at the local level. In September 2006, political parties decided to form interim bodies at the district, municipality, and village levels in order to facilitate funds meant for development; these interim bodies were also included in the Interim Constitution of 2007, however, due to a lack of agreement within political parties, the bodies were never formed.

Though Nepal's Interim Constitution declares that it is a Federal Democratic Republican State, the Interim Constitution of 2007 does not provide details of federalism, leaving the Constituent Assembly wholly responsible for its design and structure. According to the Centre for Constitutional Dialogue in Nepal, federalism is a political mechanism that 1) makes the state inclusive, and 2) brings the government closer to the people (CCD 2009a: 1). State restructuring is a weighty topic for the members of the Constituent Assembly. Arzu shared her thoughts on this heavily debated subject:

[State restructuring is] one of the toughest bits. How do we restructure our states? Because I do believe that we do need to have federal states, we do need a lot of autonomous states because it is very difficult to govern a country like ours from the centre. And the differences in language, I think the federal system is a good idea, but it cannot be just decided on the base of one variable. We have to look at resources; we have to look at governance, feasibility of the state, because what does the state mean? It means an entity that can deliver goods, services, give you protection and you need money for all of that.

“In multi-ethnic, multi-lingual and multi-cultural countries, federalism has sometimes been adopted to allow for diversity while also building national identity.” (CCD 2009a: 4) In thinking further about state restructuring based on ethnic identity, Arzu had the following thoughts and concerns: “[We want to] see that our country is not shattered into bits based on the ideology of ethnic identity. Because our country is a mosaic there, we are a country of minorities. I acknowledge that the state should not discriminate against anyone on base of caste, color, language, sex, whatever, but we cannot have states based on just ethnic groups.”

Sharda too wonders about the feasibility of state restructuring in a multi-ethnic country:

There are 103 castes so how can we make federal government state in our country? It is too hard to make. Now there is proposed three type[s] of concept in the federal system. 1) center 2) state 3) local. So if we make a

federal state in our country then it will be better to see economical, geographical, cultural aspect this is the three aspect it will be better to make the federal state in our country.

It seems that Sharda is still debating the pros and cons of state restructuring and how it will benefit Nepal. Sharda and Arzu both commented that ethnicity is a difficult factor to navigate as Nepal boasts over one hundred ethnicities. Both women are concerned about the challenges now and in the long term if federal states are decided on the basis of ethnic majority; however neither woman offers an alternate opinion.

However, there are some women who feel differently and are in favor of federal states based on ethnicity. Rukmani, a *Tharu* woman, spoke on how the Brahmin community and other elite groups dominated the *Tharu* community for 241 years and for this reason, she is in politics to raise the particular issues of the *Tharu* people.¹¹² She marks the distinctions of the *Tharu* through language and dress, and does not want to see characteristics that symbolize the *Tharu* identity altered or lost. She has physically fought for the recognition of *Tharu* people and will continue to work for their inclusion and recognition in Nepal. “Nepal’s *Jānajatis*, or indigenous nationalities, have been at the forefront of mass movements for sociopolitical transformation” (Manchanda 2009: 281). Rukmani’s words validate this when she speaks of a *Tharu* movement, whereupon 500-1000 *Tharu* women held a sixteen day strike whereupon they were abused and beaten by the police; they were demanding that that the constitution is made on time. Additionally, the *Tharu* community had another strike in which they were vying for the new constitution to institute federal states in which the *Tharu* community could become the *Tharu* State. She speaks very passionately about how at one point the government misrepresented “my *Tharu* community” as a *Madheshi* community. It is very important for her to be seen as *Tharu*, not *Madheshi*. The fact that she spoke so fervently about this distinction speaks volumes about how she sees herself and wants to be seen and represented accurately. Rukmani’s desire to be recognized as a *Tharu* woman and not mistakenly as a *Madheshi* woman illuminates a larger issue that very well might also affect other minority groups in Nepal: the feeling of belonging and recognition that as a group, they too are an important part of Nepal’s history and future.

Shanti Jirel too is a *Jānajati* woman; while she does not state one way or the other her opinion regarding state restructuring, she does express her desire to have the *Jirel* community

¹¹² Interestingly, though there is a *Tharu* language, Rukmani does not like to use it and prefers Nepali to converse.

officially recognized as an ethnic group. She sees the *Jirel* community as being very “backward” because historically the state has not recognized them: therefore the *Jirel* people had limited opportunities for advancement. Shanti says that many ethnic groups, including the *Madheshi* and *Jānajati* are fighting not just for their own language, but their own identity. In this statement alone, Shanti verbalizes what seems to be a common pattern of thought that many women expressed in their own ways: *If the government would recognize them (give them special recognition in any way), the community would benefit from the few who might gain an opportunity.* Looking at her words, the need for recognition emerges again.

Like Rukmani, Renu Chand sees only the positive outcome of a federal system as she firmly believes it will benefit Nepal’s economic development:

When we will become a Federal State then we will have our own Federal State or own region and we will be able to use our own resources and all the resources in our own region. And this will solve many economic problem, I think, and will help us to develop. And the infrastructure. The implementation process, it is such a process, whenever you make the law, but then the implementation factor is the weakest one. Doubt is always there. Whether we, we make a law and is it going to implemented or not? It is going to be, so what we think that Federalism will solve a couple problems in that sector. Federalism will solve it.

Renu clearly believes that Nepal will become a federal state and that each newly formed state will use its own resources in its own region. She strongly feels that this will solve many economic problems and help Nepal develop further though she questions the future implementation process. “Effective decentralization and local autonomy require appropriate financial autonomy. Where central or regional governments delegate powers to them, local authorities should be guaranteed the resources necessary to exercise these powers” (CCD 2009c: 3). Renu’s doubt of the implementation process is indicative of the very real possibility that if implementation is not well planned that there could be potential problems or delays. Through hearing the opinions of three Constituent Assembly members from three different political parties (Nepali Congress, CPN-UML, and CPN-M respectively) on the topic of state restructuring, it is clear that the women do not always have the same thoughts on state restructuring; that said, Arzu, Sharda, and Renu agree that federalism is where Nepal is headed and agree that this type of government will benefit Nepal and its resources.

Reproductive health: “Cultural discrimination should be stopped!”

Reproductive health problems remain the leading cause of ill health and

death for women of childbearing age worldwide. Impoverished women, especially those living in developing countries, suffer disproportionately from unintended pregnancies, maternal death and disability, sexually transmitted infections including HIV, gender-based violence and other problems related to their reproductive system and sexual behavior (UNFPA 2011).

Several of the female Constituent Assembly members spoke to me regarding issues of reproductive health issues, including safe motherhood and gender-based violence. Arzu Rana, mother of one child, spoke to me about her own experience in childbirth:

I almost died in childbirth which I thought was the easiest thing in the world. But then as I was lying there thinking I'm going to die, I knew I had a choice because I was in a hospital, but then I remembered all the women who had told me...told me a lot about how difficult childbirth was and I really couldn't imagine what was so difficult about it. But then in my own experience it really motivated me to work in this area. I found that it was the number one cause of death for women in Nepal. And at that time, it was like 540 [deaths] per 100,000 live births and now we are down to 281. Almost half, but our goal is to be even lower down... I thought the first right, which is very important, is the right to life. To be able to live, to be able to become a mother, to have a healthy child.

Before giving birth, Arzu thought her own experience would be normal, meaning safe and uneventful, even though many women had told her about the possible difficulties of childbirth. Arzu was lucky as she had access to medical care and resources that assisted her during childbirth. Her experiences with a difficult delivery led her to establish an NGO (Non-governmental organization) Safe Motherhood Method Federation which is now internationally recognized and part of the White Ribbon Global Alliance for Safe Motherhood.

Navodita spoke of gender-based violence (GBV) by stating different types of gender discrimination that must be addressed in the new constitution.

Here there are so many problems, dowry system. We say cultural discrimination. If you look female side, female gets, like India only. In some group, not all, but in some group female have some great torture for that. Dowry is enough all these things. That is another problem that should be banned or completely, in the constitution to be taken as a crime and it should be punished. Many other of these cultural discrimination. Menstruation as well in different caste. In some caste that the women during menstruation must sleep with the cow. Cultural discrimination should be stopped.

“Cultural discrimination” as stated by Navodita is more frequently coined as harmful traditional practices. UN Women provides the following definition: “Harmful traditional

practices are forms of violence that have been committed against women in certain communities and societies for so long that they are considered part of accepted cultural practice.” When Navodita speaks about the problems and the “torture” of the dowry system, she alludes to dowry violence that sometimes occurs whereupon women are killed because either the dowry demands by the bridegroom’s family are not met, or the groom does not consider the dowry acceptable. Though the dowry system was banned by former Prime Minister Prachanda (CPN-M) in January 2009, it still is practiced illegally throughout the country.

Like Navodita, Renu Chand also spoke about the harmful traditional practice *chaupadi* whereupon women and girls must sleep in barns or sheds for the duration of their menstrual period:

In Nepal, woman coming up in such a way is quite impossible, you know that *chaupadi* system? When you have your period, you have to sit far away from home. Such type of society, you have to drag yourself out of that and it is quite a big deal. Nowadays we read in newspapers that *chaupadi*, many women found dead in the morning because of the cold and the wild animals.

While *chaupadi* is not practiced by every family in Nepal, it still exists as a harmful traditional practice in Nepal. International NGO, CARE, states the following regarding *chaupadi* in Nepal, “Women live in small huts made of mud, straw and wood which are barely two feet high and two feet wide. Sometimes, a common shed is built where all the women in the village stay. Women spend a total of about eight years of their life in such sheds.” When Renu states that it is a “big deal” to break away from such practices, she infers that this tradition is built into so many communities that to stop *chaupadi* completely will take much education and time.

On the legal side, Sapana Pradhan-Malla spoke both about the language debate of the terminology ‘reproductive health’ as well as the specific right to reproductive health that will be included in the constitution:

In Fundamental Rights committee for example, they recognize reproductive health right for both male and woman. And I am unhappy with that language. If you give reproductive health right equally with men then you are not recognizing my right and my special function. It cannot be equal. The choices will be given equally to both and certain choices have to be with me because for example, like right to abortion. Men cannot get pregnant. Why should we give equal right to decide how many

child and when to have a child?

Fundamental Rights are rights that will be ensured for all Nepali citizens within the new constitution. Sapana's worry is that if the language can be interpreted in more than one way, i.e. if men are given the constitutional right to decide for women regarding abortions, it would result in Nepali women effectively not being assured their fundamental rights as they then would not have the right to choose. Sapana feels that if the current ambiguous language stays, then the constitution will not recognize the special reproductive function of women and it would be a setback for women's rights.

Binda Pandey, Chair of the Fundamental Rights thematic committee, thinks that fundamental rights regarding women are very hard for men to accept. She thinks "sometimes it is very difficult to make change among men. We always talk about change, they always think that the women will be changed with equality, but in most of the cases the man should be changed equally, but it is very hard to make change for man. I feel that." Binda is proud to make every fundamental right gender equal as far as language, but worries that the language of gender equality will not be approved due to her view that the male CA members may not accept the full meaning inherent in the language. Binda believes that reproductive health should be considered a fundamental right (not under the umbrella *Health*) because if it is not, there will be no resources nor infrastructure to support its implementation. "If rights are not considered Fundamental Rights, they will not be considered at all."

Citizenship: "She should be given the choice."

The issue of citizenship in Nepal falls under the Constitutional Committee on Fundamental Rights and Directive Principles.

Citizenship is treated in the law and the constitution of Nepal more as a privilege than a right. Many individuals, and whole communities, are unable to claim their citizenship or its physical manifestation: the citizenship certificate. Women are among the groups adversely affected, despite improvement in the Interim Constitution. Women might join with others to formulate provisions that treat citizenship as a right, and ensure that no bureaucratic requirements unreasonably stand in the way of achieving that right (International IDEA 2008: 27).

Many female Constituent Assembly members spoke to me regarding citizenship laws and their discriminatory nature. Sharda explained the process and problems of gaining citizenship to me:

Citizenship in the Fundamental Committee and the matter of citizenship. [The] relationship about citizenship and marriage. If the foreigner woman married with a Nepali boy, automatically she get husband citizenship, but at the same time she has to give up her own citizenship of her own country. Now the issues are raising a lot because it is very strange if a foreigner girl marries a Nepali boy and she get the citizenship in her husband name within fifteen years. Within the fifteen years the husband dies or expires, what she does? This issue is being raised. Very sensitive issue for the rights of the women. If she gave the baby and go to the school and she want to do some opportunity and job, then she don't do because she has no citizenship and cannot without citizenship. There are two type of citizenship and one is by birth, because my mother and father are born in Nepal so I can be Nepali, and the other is marriage by a foreigner and then they can get citizenship in their husband name.

She has, woman has dividing the name of, before the child gives the citizenship, they give the name of the father, but woman is demanding that we have to give citizenship in both mother and father name and so that is now passed by the Parliament. They, before that, we only get citizenship with father name, and now we can get in mother's name too. If woman is pregnant and there is no husband then now the child get the citizenship with the mother name.

In context of Nepal, because the party, the Dalit caste, far western region, the *Badi*, like the *Kamalari* and some women have sex with male person, that is their culture, you know, so it they get pregnancy who is their father of the baby, they don't know and they are demanding the citizenship, because they women come from Nepal so that baby get the citizenship of their own mother, this type of culture. So different NGO and INGO has raised this issues very long time so now the Parliament has passes this bill. Same time the provision of citizenship and law and other things it is not implemented.

Sharda brought up many scenarios where gaining citizenship is currently problematic: within marriage to foreigners, mothers passing citizenship to children, and a culturally specific example of the Badi¹¹³ community. One of the biggest concerns for foreign women who marry Nepali men, as stated by Sharda, is that she must give up her native citizenship, but is required to wait for fifteen years before issued Nepali citizenship. If her husband dies before the fifteen years have passed, Nepali citizenship is not granted leaving the woman without citizenship or either home nor adopted country. Regarding citizenship through marriage, Navodita says the following:

And women Nepali woman getting married to a foreigner, if those children want to be a citizen, he or she can get the citizenship. If a man marries a foreign woman, she is ultimately the citizen of here no problem.

¹¹³ The Badi are an untouchable caste who has historically supported themselves through prostitution.

But if a woman marries, if she has interest to get the citizenship no problem! But if she doesn't want, also no problem. We are raising this; she should be given the choice.

Navodita brings up the legal topic of citizenship based on marriage to a foreigner. Her overarching belief is that the woman should have the choice whether or not she takes Nepali citizenship, but it should not be decided for her. Additionally, for men, it was explained to me that if a Nepali woman marries a foreign man, he will only be given citizenship after denouncing his prior citizenship and have lived in Nepal for fifteen years; therefore, if the father were to pass away before gaining Nepali citizenship, their children would not be recognized as Nepali citizens.

Sharda also brought up the case of children's citizenship within the Badi community. The Badi community is an untouchable group in Western Nepal, who by history, tradition, and lack of alternate opportunities work in prostitution. In 2005, the Nepalese Supreme Court issued them citizenship, though, as Sharda stated, has not been implemented. This group of women is largely lacking citizenship and lack the opportunity to give their children citizenship. Children who lack citizenship papers are not allowed social benefits or access to education.

Usha explained to me that for her it doesn't make sense that women don't receive recognition for their children by passing citizenship to their child. She also links citizenship with rights of reproductive health:

Ok, I am pregnant. I give birth my baby; I make them grow up, yeah? And they are my babies, they are my children, they are my son or daughters. And that it is the right of motherhood, the right of recognition, yes? See I am the mother of them. They are the children of mine. That is the first right of woman. It is the natural thing. Father and mother together, together, have the role to born one baby, but to give the birth, father never die. Mother maybe die. That thing, makes the relation with the right of reproduction and reproductive health it is very, very important.

Usha also offered her opinion on citizenship laws and their potential problems in regards to marriage between foreigners and citizens of Nepal:

In the case of citizenship, we have the problems. Now we have in the law that children get the citizenship from the mother. From her or his mother. But usually they are not getting. Everywhere they are facing the problems, before in our system if a Nepali woman is going to marry a foreigner and her husband never will get citizenship in Nepal. But her own child will, if they born in Nepal and grow in Nepal, and study in Nepal, and love Nepal,

there are a lot of questions raising in front of them and they should be ready to ensure of each question, but in the case of man. If he marry with a foreign woman, foreign woman can easily get citizenship of Nepal. And they, if they live in out of country, not necessarily in Nepal. They live in out of country in foreign country, in native country of woman and she born babies and babies grow up and he or she will become the citizen, he comes to Nepal and he can ask and he can get. Their children can also get citizenship very easily. That was the system before.

Each of the women who spoke on citizenship strongly felt that the laws should change to give women the same rights men have. Citizenship was addressed in the Interim Constitution of 2007:

But the imbalance between the position of a woman married to a Nepali man and a man married to a Nepali women remains, (and though it is in once sense discriminatory against men, it is likely to hit women hardest: its tendency is to drive the husband to prefer to live in his own country, and take his Nepali wife with him.) (International IDEA 2008: 10)

And though no woman directly stated this thought, it was clear that the female Constituent Assembly members believe that citizenship and its rights is a gendered issue.

Inheritance and property rights: “That land is not in my name.”

Prior to 2007, Nepal’s laws regarding property gave inheritance rights only to men: sons, nephews, even distant male relatives if there were not close male relatives. The caveat to this was if a woman remained unmarried until her thirty-fifth birthday, it became possible (though this process was not clear if the land was given directly or if the woman had to appeal the courts); however, if the woman married after receiving the land/property, it was automatically returned to her natal family and redistributed to a male relative. Regarding marital property, all property was required to be in the husband's name.

The Interim Constitution of 2007 states that women have access to their families’ property, but still this topic leaves many questions. “Does it mean that if land owners die, their daughters share the property equally with sons? Suppose the relevant law gives land only to the eldest son; does this become eldest child? And does this rule mean that individuals must leave property equally to sons and daughters in their wills, or only if they do not make wills?” (International IDEA 2008: 28) Binda Pandey believes that, “as a woman we should have equal inheritance rights as man and this was a very difficult point to have accepted for everybody.” Binda’s “everybody” refers to male Constituent Assembly members, whom she believes are resistant to accepting full equality with regards to inheritance laws. Usha Kala

Rai spoke fervently on the topic of inheritance rights and highlighted the consequences for women who are denied such rights:

It is very important. It has the big meaning, very important meaning: the rights of inheritance. Because it is the rights of blood... right of blood, rights of inheritance, rights of heredity. That you know. So it plays a very vital role to change our patriarchy society. It can help to change our patriarchy values and main. Example, I want to put here that is suppose a woman she has the right of property. But people think, yes, now daughter can get, now she has the right, she can get the property right, she can get the property from her parents, but they thought and it is the social values and social thoughts, patriarchy values is that they thought that she should be married with someone and she can go somewhere, she has no right on this home where she born. If she will find home it is okay, if she cannot find a home what has happened? And if you have the right of property, then you can have the right of freedom and equality. Because you should have the right to use your money or property how you can use that things that property that is your choice; that is your choice of rights.

Usha's view is that if a woman owns property, then she will have the choice to do what she wishes with the land, ensuring economic freedom and more opportunities for the woman and her family. By restricting women from inheriting property not only will a woman's economic choices be hindered, but unmarried or widowed women who otherwise do not have a home, i.e. the home of their husband, are rendered homeless creating a dire situation for the woman and her children.

Radha Gyawali shared a personal story with me about how the lack of property rights for women deeply affected her life when she became a single mother.

Though I single woman and I didn't have any kind of property. But in our custom daughter do not get parental property. And from my husband side I didn't get any single penny, I was educated but I couldn't work due to my small child. At that time, I was, I became just like a beggar. One child in my hand and to beg with the other in that condition I faced.

Above Radha has shown the economic vulnerability of women as she herself became a single mother and then shortly after, a beggar, as she had no resources or property due to inheritance laws that favor men and largely ignore women. Looking at this possible situation on a larger scale, if Radha, an educated woman, was faced with the reality of homelessness with a small child, it is surely happening to other women who have even less resources and education. Her story illustrates the economic struggles that only women face; men, due to the favor of the laws, are not affected.

Navodita Chaudhary opines that in Nepal's patriarchal society laws are created that benefit men which has historically led to gender discrimination and women are suffering; that said she does not want to continue to make the distinction between men and women regarding legal rights. She desires equality as both men and women are equal parts of society, "wheels of the same vehicle."

In our country, male dominate, it's a male dominated society, fully. Whatever [laws] they find for their benefit... We don't want to isolate this male group also, we are not saying that, but we are the same, [we are] wheels of the same vehicle. The thing is that there is an imbalance and the women are suffering: gender discrimination in our country. Like all the property everything right has the male. In the maternal side, we don't get whatever they will give. When we married we go to husband's side. Then husbands side, in the husband's name, any property and house it will come to that. And here we are not saying that we want to dominate, just compress, not like that, but for the satisfaction that we are human being. So property should be given, it's a voice now in the constitution. That property should be in the name of husband and wife.

Navodita is clear that she doesn't think that women should dominate, but it should be equal and that for property, both spouses names should be on the title; she states that this inequality is a form of gender discrimination. In the end, both Navodita and Usha believe that women should be given choices so that women themselves can decide what is best for her and her family, not be required by law to follow rules created by men and largely for men.

In her writing on Nepal, Comrade Parvati, posited that the "[r]oots of women's oppression are found in the economic structure as well as the social/cultural structures: exploitation in productive and reproductive lives" (Parvati 2003: 167). Pampha Bhusal, senior female leader within CPN-M, agrees with Parvati's argument that women are economically disadvantaged as culturally they are dependent on their parents before marriage and then on their husband after marriage, therefore it is difficult, if not impossible, to be dependent and independent at the same time.

Our society, our economic system, our culture and social...patriarchal. They [women]...cannot own their own property. Before marriage when they are dependent on their parents after marriage they are dependent on their husband. So, economically they are not powerful, so, there is impossible, ah very difficult, not impossible, but very difficult being dependent on men.

Pampha uses the word "patriarchy" to describe Nepal's overarching societal attributes. She points out that women cannot own their own property and links this to an economic

dependence on others throughout women's lives. Like Pampha, Usha spoke of the importance of women having a home that she can call her own.

She [woman] was categorized like the slaves and the second category of citizenships and she has no one on her, no education, she has no health, she has no home, no property, she has nothing. Actually she is the poor in every home...Homeless and like a slave; she [woman] is poor in every home no matter the caste.

Usha opined that both the categorization of genders that leads women to be seen as second class citizens, even like slaves, and the lack of property ownership leaves women less opportunity within her life as she "has nothing." It is clear from the statements of both Pampha and Usha that they see property rights as critical to attaining economic equality.

Constituent Assembly member Radha Timilsina has another opinion regarding why women remain in a "backwards" position in society. She thinks that a big problem is access to technology that would allow women and girls to gain skills and opportunities on par with men; as families give more money to schooling for boys and since women are largely dependent on men, she asks how women should get the money to buy computers that would make them more skilled.

Lack of property rights, basically in general, we can say that women if have not high financial condition and lack of economical power and property rights, you couldn't buy the laptop. He has property right and money, but I [as a woman] can't buy because I don't have money and I don't have land to sell so I can't buy; that land is not in my name. And because of that challenges and women backwards, in technical information and information knowledge...There are the big challenges for the women as a competitor of male so it is very big challenges you know.

Radha Timilsina, like other women in the Constituent Assembly, points to women's lack of property rights as the core of "backward" attributes that affect many Nepalese women, especially as they begin to compete with Nepalese men for similar positions. That said, Radha Timilsina sees a consequence of this lack of economic independence directly relating to women's skills and abilities using technology. It is clear that Radha believes that women will not be able to effectively compete with men or gain the same opportunities as men without having the same skill-set that comes with being familiar with current technology, technology that currently many women do not have access.

There are many consequences that emerged as a result of restrictions on women owning property, as many of the women of the Constituent Assembly have stated above. It is also

evident from their statements that the women feel strongly that gaining equal property rights is essential in lifting women from “backward” circumstances and is a big step in attaining true equality as well as the opportunities that equal footing and economic access will present.

Implementation

Implementation was also a topic that was on everyone’s agendas. Navodita explained that the constitution "should be implemented. That is the main target. Until now, the 2046¹¹⁴ constitution was very good, they say, but it failed. This time also writing is not the problem. Writing, anything you can write, but it has to be implemented in the country." Usha baldly stated that without successful implementation of the laws laid out in the new constitution, the achievements that were gained regarding women’s rights during this process may have been for naught: “I am thinking that we will make the new constitution and also suppose we ensure the rights of women in new constitution. It is not enough. It is not solution.” Arzu commented on how written laws are only that: written. She then expressed the need for implementation, meaning that written laws need to become practiced within Nepali society:

We already have health as the right, but it’s just one sentence, so what does it mean? My experience has shown that laws are fine, but you know, unless that we have specific acts, rules and regulations, programmes, budgets attached it doesn’t mean anything especially in a country like ours. We have signed umpteen international conventions and what does it really mean for the common man or woman? I wanted to see this become a definite something in the constitution.

Arzu is worried about the “common man and woman” as if reformed laws are written, they need to be planned for, budgeted for, and practiced, not only on occasion, but become a societal norm in every part of Nepal so that each and every Nepali citizen, man and woman, can enjoy the protection of those laws. Similarly, Binda commented on possible difficulties of implementation after the constitution is promulgated:

So after CA there is a lot of challenge. Afterwards we have to focus on how to implement all those provision that have been mentioned in the constitution. Because we mention all these things, inheritance rights thing and education, actually we have mentioned that primary education should be compulsory and free for every citizen and then secondary education should, how to make it? We have an infrastructure or human resource and whether we have some other physical resource for that and if we don’t have that how to make it at a level for everybody. That is a challenge.

¹¹⁴ The Bikram Sambat calendar is used in Nepal. Year 2046 in Nepal is year 1990 in the Gregorian calendar.

Binda addressed not only facing the challenges of making a constitution that allows for free education and inheritance rights for women, but the considerable challenges of implementation afterwards. Binda and Arzu are thinking ahead about the lives of Nepali citizens, both women and men, who will be affected by the implementation or lack of implementation of the seventh Constitution. Likewise, Renu Chand spoke of the critical issue of implementation so to ensure the rights of all groups, including women, who have been discriminated upon in the past:

Because in our Nepal, in any other country, peoples makes laws, and leaders make the laws, experts make the laws. But it is, many times is does not go to the implementation level. So we are trying that it should be made in the way that is can go to implementation and that women can, all the groups and all women from regions can have the rights more easily.

Renu stated that though laws are made, implementation of those laws frequently does not happen successfully, meaning that then the law is only on a piece of paper and not acted out within society, thusly, women and men who would be positively affected by the law are not. She sees the real need to work on implementation of the laws for that reason. Renu also stated why constitutional legal reform is so important to her:

And since I want my region to be developed and I fought the People's War for that factor alone. I didn't fight the People's War to write the constitution. I was there to change the law. I want to change the law. And our people, our party come back to change the law. This is also one of the big things! And if this way is not going to work, if this constitution assembly not going to work then my goal is not achieved and that's why I want the law to be implemented. I will fight for that. We all will fight for that. Because our people will not, don't want to go to all that trouble again. So, we will, we want the law and we will, we are going to make it.

Renu stated that her motivation, and her party's driving force, for fighting in the People's War was to change the law; she intimates that if the laws are not changed as well as implemented that she and her party will continue to push for legal changes within Nepal. You can see from Renu's sentiments that she is determined to change and implement laws as if these changes are not met to her satisfaction, it means that her experiences in fighting the in the People's War were all for naught.

Unmistakably, the women of the Constituent Assembly stated that implementation will be a challenge due to monetary resources, human resources, and effective planning. However, after their terms end, many of the women see it as their own responsibility to return to their home towns and villages to execute the new laws and practices written into the constitution

into a tangible outcome, despite whether or not they remain in politics at the federal level. As Khuma stated:

The last six constitutions did not meet the expectations of the people of Nepal. They [the constitution] could not meet the basic needs of all Nepali citizens...If the constitution is made on time then [I] will go back to [my] hometown in Rolpa. [I] help to make the constitution, constitution making process to make on time then [I] will help to implementation to all the acts in the constitution. [I] will help to make it in implementation.¹¹⁵

Khuma baldly stated that the previous six constitutions in Nepal all failed because they did not “meet the expectations” of citizens, indicating that perhaps the expectations were not met as the laws were not implemented, which is why implementation is so important to her. It is clear from reading the words of many of the women of the Constituent Assembly that they too share Khuma’s sentiments and opinions on the gravity of implementation.

In sum

The women brought up topics of state restructuring, reproductive health, inheritance, citizenship, and implementation. Many of these topics, excepting state restructuring and implementation, are gendered issues that disproportionately and negatively affect women. In addition to the issues above that will be directly explained within the constitution, there are lingering issues that were brought to my attention. Arzu spoke of the peace process and concerns she has about its completion. “The other side of the peace process has yet to be completed, till now there are all these militia roaming around with their weapons and still have all the guns with them. So, how do we get that done, the reintegration?” The constitutional issues that the women are thinking about and planning for are numerous and will affect all Nepali citizens. The women are taking their responsibilities very seriously as they take the above issues and place them into a legal document that will live forever. Binda expresses her feelings about this moment in Nepal’s history as well as her place in it when she explained, “That is the one thing that right now I feel to be in the proper place to fight for the rights.”

It is now clear by hearing the words of the female Constituent Assembly members that the previous laws of Nepal fall into the description of structural violence. Women have not been given equal opportunities, economic and otherwise, due to federal laws, therefore, under this umbrella of structural violence, women’s capital has been historically diminished. By

¹¹⁵ As translated by Nitu Barnawal.

women's capital, I take the definition of human capital and apply it directly to women meaning that women's skills and ideas can be transformed into economic value. "[W]omen have a history all right, but it is a history both of what was and of what was not allowed to be" (MacKinnon 1991: 86). In Nepal, where women's ideas are not heard and their skills are largely not valued, human capital really means that men are the only people with economic value. Therefore, I offer the term women's capital to explain the tangible and intangible goods and ideas that women, if allowed, could produce due to their unique worldview and experiences. In this case, if women were to have equal rights not only in writing, but in implemented reality, the measure of women's capital could increase as they would then have more access to economic forums that allowed them to participate fully within civil society. As Sharda and others brought up the points of children's citizenship, it can be seen as a strike against women's capital; if, for example, citizenship is not granted to children, it is a slight on women's capital and human capital as then the state is losing the potential economic power of a whole group of people.

The quota

While the above are all issues that will be decided on and included within the constitution, there is one other political issue that has a gender component that needs to be decided upon, whether within the constitution or other legal means: the quota system:

With patriarchy having been entrenched in the society for decades and centuries, mere representation of women in decision making positions or engagement in political re-construction processes may still yield little difference if evolution is not incorporated the through letter of the constitution (Pradhan-Malla, personal communication, January 7, 2010).

In Nepal, women, nay all of society, have been socialized to believed that they are less qualified to enter politics than are their male counterparts, which is one reason why up to this point in history, there have been notably few women in the political realm. The origin of quota policies can be traced back to the 1995 United Nations Fourth Conference on Women:

The resulting Beijing Declaration and Platform for Action, signed unanimously by all 189 member states, called on governments to take measures to ensure women's equal access and full participation in power structures and decision making, as well as to increase women's capacity to participate in decision-making and leadership (Krook 2009: 3).

Quota systems were introduced in Nepal in 1990 with a five percent quota for women. Currently, within the Interim Constitution of 2007, Article 63 [5] requires that thirty-three percent of all candidates from First Past the Post (FPTP) and Proportional Representation (PR) combined be women. Within the electoral law regarding Proportional Representation, political parties must ensure that fifty percent of their candidates are female; if the number of women candidates is less than fifty percent, the Election Commission will adjust the list to reflect fifty percent female candidature. In the 2008 PR elections, the entire country was treated as one constituency and people voted for parties rather than individuals; subsequently, the party received a number of seats based on the percentage of votes they gleaned. Prior to the elections, political parties submitted lists of potential candidates that fulfilled quotas of women, Dalits, *Jānajatis*, *Madhesis* and other marginalized groups.

Currently, each of the 197 women who are part of the Constituent Assembly are acting as descriptive representatives, meaning “individuals who in their own backgrounds mirror some of the more frequent experiences and outward manifestations of belonging to the group” (Mansbridge 2010: 201). In terms of Nepal, this translates to mean that Nepali women, as a group, have specific perspectives and worldviews distinct to their gender, ethnicity, caste, and

region that they bring as representatives to the government and governmental processes. Nonetheless, it does not mean that each woman shares similar beliefs and perspectives regarding the constitution making process. Author Iris Young describes this situation in the following way: “The idea of perspective is meant to capture that sensibility of group-positioned experience without specifying unified content to what the perspective sees” (Young 2010: 197). This is particularly true of Nepali politics as women hail from nineteen political parties, all of which carry political ideas that the women support through their actions as Constituent Assembly members. However, as many political parties as there are, and as varied as the women’s experiences, the women as a group believe that women’s perspectives are necessary to build a new constitution, new laws, and new frameworks for Nepal. Such is indicated through their actions in lobbying for increased female representation within all governmental bodies.

Why do the women yearn for a critical mass of representation within the federal government? “Women *do* think that it will-or should-make a difference when more women are elected as representatives” (Phillips 2010: 189, emphasis in original). In that vein, Sapana wondered about the quantitative versus qualitative participation of women in the CA: “There are women in the CA and their numerical participation has been ensured but what about qualitative?” She is happy that the numbers of women have reached a critical mass, but is curious about how effective the women are regarding capacity of the women to be effectual within their positions. However, supporting the above statement, Nepali Congress representative Pushpa Bhusal stated:

We need policy, law, reservation so we need to increase women in the Parliament because Parliament will make the law and policy and cabinet and planning commission, and election commission, and women commission. Few women politician involved in Parliament if they don’t have strong voice how can we make new laws and resolution and other things?¹¹⁶

Pushpa desires a strong voice for Nepali women in politics in order to have women’s voices and perspectives be considered when making laws and policies; she questions whether or not a strong voice is possible without increased numbers of female Parliamentarians. In fact, several women spoke regarding the ideal ratio of men and women Parliamentarians. Kalawati Devi Dusad stated that, “There are 197 women CA members and there is fifty-one percent [women] in Nepal. So we are working [for] equal participation for fifty percent women. In

¹¹⁶ Translated by Nitu Barnawal.

our population, fifty-one percent in all population so thirty-three percent is not enough, we need fifty percent.¹¹⁷” Prativa Rana, who hails from the *Rastriya Prajatantra* Party, too believes that thirty-three percent women in governmental bodies will not be enough to ensure and maintain women’s rights:

We say thirty-three percent not only in the political field, but in all policy making. All the policy making that we are trying to guarantee that the new constitution should spell out that women will have that place in the policy making in every sector from the grassroots, from the federal system to the federal states. That way we are trying our best and like I told you, we are saying thirty-three percent and not only, but let’s make it fifty-one percent because we are fifty-one percent women, but that is yet to be seen. The only problem I see is that that thirty-three percent will not safeguard women’s rights and women’s place so that is very challenging task for the future.

Prativa firmly believes that women should be actively involved in each policy making role. She also states that fifty-one percent of seats allocated for women is her ideal, but she worries that anything less will possibly be detrimental to women’s rights. Though she does not state a reason for this worry, I can surmise that she worries that if men remain the majority in policy making roles, they will not be vigilant in “safeguarding” women’s rights, at least not for the time being, when new policies that directly affect women and girls are being created and implemented, as it is a new system of thinking for many men who have had little training on gender issues.

Uma Atal spoke of this type of need for safeguarding women’s acceptance as candidates as she highlighted a political party system that assured that women, even if they are candidates, did not win; she believes this is a way for political parties that do not fully accept women as viable candidates to fill their quota system. Uma spoke of her experience running for election in 1992:

We have very bitter experience of the past and my hometown is xxx and they send me to another place, very far from there. I had organized and was very established there [in the town], but did not have the chance to represent from there. In 1992 they send me and I was the one who lost by very marginally. So the mentality of our comrades has not changed. It is not the mentality. It should be decided by the provision of the constitution. Eight percent women will be sent to the places where they cannot win. Not for party and party are not sending us to win, but for sake of fulfilling the quota.

¹¹⁷ Translated by Nitu Barnawal.

Uma believes that it was the attitude of her political party that led them to her running for election in a place that she had no contacts or history; a frame of mind that discriminates against women in politics. She feels very strongly that the constitution should dictate the details of female representation within elections and that whether or not women are candidates and where they are candidates should not be decided by political parties who might not really want the women to be elected. Uma's view is that these parties do not actually want the women to win, but are willing to placate them by offering candidature in a town or village with almost certainty that they will not win.

Sharda too has concerns about the current difficulties that women face if required to run for direct election, including women's abilities to glean votes:

Direct election system, if there is a direct election system there will be less women. So we have to develop the system of the proportional election system and because of that reason there is a highly, highly participation of women and the women come in inclusive way. Women have not that type of practice of being a politician background so even some women came to the Parliament and CA and they feeling very difficult or hard situation, being a ministry and being a member of the CA and Parliament because they don't have this much practice you know. Women are less capable and less education and so before that we have to empower the women in different sorts of ways like in capable, education, qualified that sort of thing.

Sharda believes that the proportional election system is valuable because it allows women to gain experience that they otherwise would not have the opportunity to acquire. "If there were no obstacles operating to keep certain groups of people out of political life, we would expect positions of political influence to be randomly distributed between the sexes" (Phillips 2010: 185). Sharda emphasizes two distinct reasons that women face difficulties in maintaining or beginning a career in politics: education and experience. She states that Nepalese women, for the most part, have had less education, therefore are less qualified than their male counterparts, resulting in a lack of experience within politics and otherwise. This lack of education and experience has led women who are now involved in politics to struggle within their currently positions. She believes that if direct elections are the only means for gaining entrance into politics that few women will be elected due to the above restrictions that Nepali women have faced.

Within the quota system, are the political parties working to increase women's political participation? If we look only at the current numbers of women in decision making positions,

the low numbers of women can be seen as political parties not seeing the inclusion of women at decision making levels as important. Or perhaps the political party only has included women who are deemed qualified for the job, thus eliminating many women as they are not as experienced as their male counterparts. The February – August 2011 government led CPN-UML leader Jhalanath Khanal boasted only five female ministers out of a total of forty-three; Bhattarai’s government (August 2011 – present) boasted seven women out of forty-five total.¹¹⁸

What about at the top decision making levels within the political parties themselves: the Central Committees? Nepali Congress’ Central Working Committee has only fourteen women among its sixty-five members. Within CPN-UML’s Central Committee there are eighteen women out of 115 and only four of thirty-nine members of its politburo are women. The CPN-M Central committee has twelve women of 148 total members and two women in its politburo consisting of forty-five members. Sapana Pradhan-Malla stated in February 2010, “So in the constitutional debate, in the full house, women are participating quite actively. I was just going through the numbers and I found in each committee, in full house woman are thirty-three percent in each debate, thirty-three percent woman are in each debate and that also ensures their proactive role in the debate.” However, while recognizing that the numbers are consistent with the quota, she does wonder between both genders, “What is the power balance between them?”

While no woman wants to be placated with token positions or candidature, female Constituent Assembly members discussed the pros and cons of the quota system, as well as their opinions of how an ideal male: female ratio be attained in Nepali politics. The quota system directly affected how each woman attained her current position as a Constituent Assembly member and a Parliamentarian. When speaking to the women about the quota system, extremely mixed views were given from support to vehement opposition to the system. Regardless of the path that led them to being a political representative, all of the women are interested in having a voice in how positions for women be safeguarded in the future.

¹¹⁸ The female ministers are: Honorable Ministers Kamala Roka (Youth and Sports), Kalpana Dhamala (Science and Technology), and Honorable State Ministers Surita Kumari Saha (Information and Communications), Kashi Devi Jha (Law and Justice), Durga Devi Mahato (Environment), Sunita Kumari Mahato (General Administrations), and Sushma Sharma (Federal Affairs, Constituent Assembly, Parliamentary Affairs and Culture).

“Very essential”

Many Constituent Assembly members voiced their support for the quota system, though their reasons for that support, as well as levels of support varied. That said, it is interesting to note that not one woman stated their whole hearted endorsement of the quota system; each woman had concerns and hesitations about its use now and in the long-term. The most common opinion that lends support to the quota system is illustrated by Pramila Rai, who is an advocate for the quota system being followed in Nepal, at least for the time being.

The quota system is very essential because the Madheshi and Dalit community, the people from this and that are very backward and are deprived of many opportunities, education and other sectors so that up to when those people are equal to the other people the quota system in compulsion and until that time I am in favor of the quota system. I think that after that there is no need, but now with fifty percent population is women and thirty percent is indigenous community so quota system is very essential.

Pramila believes that the quota system is necessary for the current time as many ethnic groups and castes have been historically disadvantaged due to those factors, inferring that their current capacity is much lower than people who have had access to education and other basic resources; she feels that until that gap is closed, a quota system must be practiced.

Mohammadi, while still supporting the quota system for the current time, has a slightly different view of why the gap exists and she cites general attitudes throughout Nepal that women are second class citizens, less capable than men, as the reason that a quota system must exist.

The quota system is the better, not best, but better because women are very marginalized and very back because of community. Political parties also think about woman that they are second class citizen, in the mind-set, not legally. So womans and society has mind-set for the woman, so now we are going to and trying in the new constitution special rights and equal rights, so we demand to fifty percent. Maybe I hope we will success in the new constitution. Equality. Because our population is fifty-one and now we are capable and last twenty years ago, ten years ago, womens are not capable but nowadays women are capable in every field.

Mohammadi is of the mind that while the quota system is good, a nationwide change of attitude to accept women as equals would be better; although the general mind set of Nepalese society still believes women are “backward”, she believes the stage has been set that will allow women to be thought of as equal to men. As other women have opined, Mohammadi also believes that fifty percent representation is the key to change the presently

held idea by some in Nepal that women are not as competent as men. For Mohammadi, the source of equality will not necessarily be met with the quota system, but until equality is attained, the quota system will have to be in place.

Radha Gyawali thinks that the quota system should be allowed for Dalits and other minority groups who have been historically discriminated against, but does not hold the opinion that the quota system is beneficial for women at this time:

I am not in favor of reservation system for women. Quota only for Dalits and other those minorities there should be quota for that. Proportional representation for them. For them, for those downtrodden people and Dalits, but women it should be equal. For quota for Dalit, for example for Dalit it should be written that Dalit system is so much rooted in our system and we cannot root out so easily, so there should be special provision in the constitution for Dalit. Dalits also do not have separate state for them, so for Dalit there should be proportional representation for Dalit. Every structure of the country, everywhere, executive, legislative, judiciary everywhere there should be proportional representation of the Dalit people.

Radha opines that a quota based on proportional representation for Dalits should be implemented for each governmental body because of two main factors: 1) discrimination of Dalits is deeply embedded within Nepali societal thought and 2) if the country is divided into federal states based on ethnicity, Dalits will have no formal state as they live all over Nepal, not in one geographic area, meaning that there would further be no representation of Dalits. Much like Dalits, Radha also recognizes that women too will not be given a state as women are living in each and every part of Nepal and are part of all ethnic communities and caste distinctions. “When we are talking about women, half Dalit are women, half *Jānajati* are women, half of those far western people are half women, half of women of Brahmin, Chettri...” Perhaps one reason Radha believes in the quota system for Dalits and not for women, though both groups have been discriminated against, is because Dalits represent a smaller percentage of the population and have no one place or region that they, as Dalits, call home, whereas women make up fifty-one percent of the population and make homes in each corner of Nepal; there are only two genders¹¹⁹ in Nepal, but countless ethnic group and caste distinctions.

Radha continued to speak on women’s numeric representation within politics as a legal provision for candidature; she reasoned that the proportion of male and female candidates

¹¹⁹ Technically, three genders are recognized in Nepal: male, female, and transgender.

should be equal in numbers as well as within each region, and within each level of government:

Now the quota system, when we talk about the quota system, at the top at the provincial and local level also should be equal representation by election. And head of the executive, either at the top central level or provincial level or local level, should be equal representation. In the legislative in the executive also, and the judiciary also, in the judiciary it takes time, so we are not in time of equality now in that sphere, but it, when our, it takes our social economic condition to do that. But in course of time we will do that.

There should be fifty percent, first past the post and fifty percent should be kept for women, fifty percent kept for men! And for example, there are fifty seats. From fifty, we need 100 candidates, one woman and one man can be proposed by one party. One man and one woman from one constituency. But there should be provision for equal representation that is regional oriented.

Radha spoke on gender ratios within governmental bodies and she advocated for gender-neutral quotas, meaning that each gender is assigned a minimum percentage of seats, for example, forty-five percent for women, forty-five percent for men, and then last ten percent to either gender. Radha also thinks that there should be a system whereupon both genders are given the opportunity for each governmental role: “But the election process and the executive heads and sub heads should be equally represented by men and women. Both. If executive head is man, that sub-head is woman. The next time, woman should be head and vice should be man.” In the same vein, as women and men from each region have different life experiences due to access to information, education, and basic infrastructure (to name a few), Radha firmly states that it should not be just one gender representing holding the majority of representative seats from each region. Pushpa Bhusal also spoke of allocating seats for women within committees and constitutional bodies; she thinks that the number of positions should be equal for both men and women. She also says that if men protest a reorganization and allocation of seats, that “we should increase the positions, not take positions away from men.”

Sunita Pahari offered both positive and negative aspects of the quota system within Nepali politics. Firstly, she brought up a negative aspect and stated that in the quota system “no qualifications are necessary and it’s fine for illiterate women to be on the social service side of things, but as for the international face, etiquette, diplomatic side it is too hard.” On the other hand, she admits that even though there are negative aspects to the quota system:

[During the] initial period even if there is negative aspect there has to be quota system because otherwise there will be no chance for representation, so if there is no proportional representation in the election, at least thirty-three percent would be in the CA. In the open system, they just give the ticket to contest the election for ten to twenty percent. Not even twenty percent, ten to fifteen percent. And for woman, for tickets, woman's representation would have been very low. So even if there are demerits of quota system, for the initial period it has to be there.

Interestingly, Sunita is the only woman who cites this particular negative aspect of the quota system; her view that with the usage of the quota system, women who do not possess the appropriate education and experience will be accepted into positions that a certain level of knowledge and abilities are necessary. Conversely, regardless of the lack of capacity held by some women, Sunita does believe the quota system to be necessary as without it, women's representation as candidates and as CA members would have been very low.

Additionally, one concern regarding the quota system that came to light in terms of women's personal feelings regarding direct election and proportional representation can be illustrated by Durga Lawoti¹²⁰ who was elected via proportional representation. Durga believes that women who have been elected as she was, have "different inner feelings" than the women who won direct election; she thinks that many women from the PR system do not feel not as capable (even if they are) because they were not elected. Durga also thinks that the women who won direct election feel superior because they were elected. Kamala Thule, who was elected, supports this belief in stating that direct election members are busier "because when people vote for you, they think that the person who got the vote should be much more here and much more responsible to the people, so it makes you a bit busy." Though Kamala does not outright state any feelings of superiority over women who were elected via the Proportional Representation system, her thoughts that those who elected are busier and more accountable to their constituents implies thoughts of superiority at some level.

"Creating inequality and dependency"

By and large, the most vocal opponents of the quota system were women from the Communist Party of Nepal – Maoist; not only did these women voice their aversion to the quota system, they also spoke of the need for constitutionally given "special rights" as an alternative. As no one CA member fully explained what was meant by special rights, I queried Sujata Thapa, Nepali woman and former NGO staff who is intimately acquainted

¹²⁰ Durga Lawoti is a pseudonym.

with the topic of women and peace building within Nepal. On the differences held between the quota system and special rights, Sujata stated the following:

I believe that Maoist are against the quota system or reservation because it does not change the structure of the politics it would be same male dominated and women will again be handpicked. Regarding the special right, if it gets into the constitution it would fundamentally change the structure of Nepali society that is what most of Maoist women assume and believe. From the stand point of feminist perspective, reservation is liberal feminist agenda as they do not question the very system that discriminated against women in all forms. And Maoist women are against any of the liberal form. Their ideology is based on radical change so they are pressing for the special rights so that the years of suppression and oppression can be compensated (S. Thapa, personal communication, August 19, 2011).

Sujata suggests that for Maoist women, the main difference is that special rights will change the structure of Nepali politics and society by compensating women in a special way in order for the women to fully be equal with men. Therefore, in the context of Nepali politics, the main differences, as I understood are that the seats allocated from the quota system are “given” and in that language, you receive seats, so indeed those seats can be taken away. Special rights should be laid out within the Fundamental Rights section of the constitution and should be a birth right: you are born equal, you are not “given” equality. Amrita Thapa, of CPN-M, believes that if special rights for women are ensured within the constitution, there will be no need for the quota system. The true understanding of what special rights means lies in its interpretation. Purna Subedi, Vice Chairman of the constituent Assembly spoke to this point in discussing that the quota system is “not a birth right like special rights. So need special rights.”¹²¹

Yashoda Gurung Subedi stated that her party, CPN-M, believes that the quota system cannot give women rights as it creates inequality and dependency. She thinks that there is a common misconception among women that the quota system gives women rights. Yashoda is an advocate for special rights, as she states that women need special rights as compensation for having no voice for so many hundreds of years. Yashoda brings up a concern about the quota system in stating that it engenders inequality and dependency. My interpretation of Yashoda’s concern follows the line of reasoning that if women are always given a certain number of positions, they then not only are they dependent on those who decide who will allocate the seats, but also perhaps might become complacent, in a way, and not fight for

¹²¹ As translated by Nitu Barnawal.

more seats based on various qualifications. Additionally, inequality would then be perceived as if women are “given” a certain number of seats, they cannot be thought of as equals by men as they are treated differently. To fully make this point, Khuma Subedi baldly voiced that the “quota system is for beggars.”¹²²

Rukmani Chaudhary, hailing from Federal Democratic National Forum party, was incredibly passionate regarding the quota system versus special rights; as she spoke she sat at her desk constantly gesturing with her hands, drawing charts illustrating Nepal’s ethnic diversity, and then, at the end of our conversation, trying to rearrange a later engagement so that she could continue to tell me about the quota system.¹²³ She said that in terms of the quota system, there is “no need for it” and that the quota system means “token” individuals are placed within the government, indicating that 1) they are not there on their own abilities and 2) the “token” representatives could be coerced by others in holding certain opinions as they might not have strong beliefs regarding political issues and processes. Rukmani stated that Nepal needs special rights for women and ethnic groups based on Nepal’s ethnic diversity, seventy percent ethnic and thirty percent Chhetri etc. so each group is represented. That said, she does grudgingly believe that Nepal probably needs the reservation system for 120 years before equality is a societal norm. Only then will the reservation system be no longer necessary.

In sum

The women support the claims of many scholars and female politicians¹²⁴ who posit that the use of quotas alone is not sufficient enough to ensure certain levels of female representation. Executive Director of the Center for Social and Economic Development in Nepal, Shrawan Sharma, wrote the following regarding female representation: “Representation should not be merely symbolic. Representation which contributes to the desired change in the process of political empowerment, social equality and economic well being is a substantive representation” (Sharma 2010: 77). Sapana Pradhan-Malla echoes this thought in saying that women need an “equal voice, equal power to negotiate.” It is clear that none of the women desire a symbolic status as women as so many stated their desire to increase female representation to fifty percent or higher in order to have a critical mass of women’s voices in policy making and otherwise.

¹²² As translated by Nitu Barnawal.

¹²³ We never did meet again due to her time constraints.

¹²⁴ Including Htun 2005, Dahlerup 2005, Rai 2005, Paxton and Hughes 2007, Krook 2009, and Swedish speaker of Parliament, Birgitta Dahl (Dahlerup 2005). This list is by no means exhaustive.

In addition to the concerns voiced above regarding the quota system, some women voiced one more concern: qualitative participation. Renu Dahal reflected that within the CA, there is a vast difference between levels of women's participation and representation. Lawyer and CA member Sapana Pradhan-Malla remarked on the balance of power between members who are relatively close within the power hierarchy:

Yes, speaker is men and deputy is woman. But what is the power balance between them? One of our weaknesses is our capacity needs to be built up because having policy law and inclusion can only ensure external factors not the internal capabilities of woman. There is also opportunity for us. But then it's not enough. All the women are not able to engage in the same way.

Sapana quite honestly commented that capacity within the women as a group is a weakness in regards to gaining qualitative participation. She strongly feels that women's capacity needs to be heightened in order for women to level the playing field and engage equally with all members of the Constituent Assembly. Binda too commented on this topic and agrees that qualitative participation is necessary: "We should not only fight for the numerical participation of women. And women should also be competent and women should be qualified."

Additionally, some women spoke freely, without mention of the quota system, on the need to increase female representation generally within the government. Arzu explained the following:

And in the grassroots level there are lots of women who are ready for leadership. So I think the only way forward is to bring more and more women into politics and make this whole game a better game instead of this cut-throat thing about.... I don't know, I don't think politics will change.

She believes that the involvement of women in politics will be the biggest catalyst for change in Nepal. Navodita too stated that, "If women leadership, if women take the leadership, it will be more good for the country. This world needs women leaders." Mohamaddi also states that, "Ten years ago, women are not capable, but nowadays women are capable in every field." This thought indicates a change within the past decade that women have made great strides in capacity to perform in various fields and manners.

In the end, six of the women who spoke to me about the quota system do not see it as ideal, but the only effective way for the moment to even the playing field so that those whose

capacity is lower and those who have been disadvantaged in terms of access to education and information, be given the opportunities to increase their abilities so that they may be on par with those who did have access to education and other resources that engender advantages in terms of gaining access to the political field as a career choice. Gayatri Shah, the youngest member of the Constituent Assembly, stated very clearly that without the thirty-three percent quota in place, she would not be part of the Constituent Assembly, and for that, she supports the quota system as it gave her the opportunity she needed to break into the political arena. However, some women who spoke on the possibility of a quota system being implemented in the future believed that the quota should not be solely for women. Amrita Thapa stated that “if there is a quota system then it has to be for all ethnic groups” not just a selection; Amrita’s thoughts were repeated by other women as well, that the quota system should allow for a certain number of seats that is directly based on population statistics.

Historically, political office in Nepal has traditionally been stratified by gender. Now that women have broken that particular gender barrier, will women increase their demands for further, stronger representation including higher and more favorable positions on party lists, therefore increasing the chances for women to be elected into policy making, i.e. more powerful political positions? Looking toward the future, how will female representation transform with the adoption of the quota system in 2008? What kind of changes will it produce in female representation within future governments?

Present day: The women as they are now

It is no doubt that the women grew up in various circumstances with different levels of familial support for leaving their natal homes and pursuing a different life that few women in Nepal had ever experienced. Now, despite their pasts, what are their present situations as mothers, wives, or widows?

Working mothers

Many of the female Constituent Assembly members are mothers of children, both out of the house and still within. How are the women balancing their busy lives as working mothers? Renu Dahal, mother of a toddler and school age child, had two slightly contradictory thoughts on the CA's working mothers. In Renu's thoughts it is both more difficult and a bit easier for the working mothers even as societal expectations and expectations within the CA clash. She expressed that in Nepali society "women have the different type of roles and responsibility in their home, family and community" and in that way, for female CA members it is difficult because time is needed for each specific role as well as the accompanying duties. However, she also stated that in some ways it is easier for female CA members as they are not expected to stay at the CA for the long hours that are expected of men, as they are women and therefore they have domestic and childcare duties to attend to. None of the other women spoke of this contradiction, but other mothers and their children did have their own thoughts to share.

Amrita Thapa was one of the few female CA members I met with who attempted to fuse childrearing with the workplace. She delivered a baby during a government holiday and returned to work when her daughter was only one month old. As there is no day care facility within the CA buildings, Amrita converted her car into a mini-nursery for her child, so her baby could sleep in a sling in the car while being watched by a care giver. She also spoke of how she breastfed in her office while writing committee drafts and reports which was very unusual and a bit shocking for other CA members. Amrita's mothering style was so unheard of that the media grabbed hold of her story; articles were written detailing how her newborn daughter was growing up in a vehicle while her mother was busy working on the drafting of the constitution. Despite the possible negative connotation of the articles, Amrita is happy that she brings her daughter to work with her and laughed at the articles. Her situation is unique and she is proud that she found a way to be both a nursing mother and an active member of the Constituent Assembly.

Other children were a bit older and had opinions on their mother's careers. I had the pleasure to meet Bimala's daughter, Rashmi, who was ten years old; she was present at each and every meeting that I had with her mom. During the People's War, Rashmi lived with her grandmother, but moved back with her mother to Kathmandu in 2009. Rashmi is a very observant girl with incredible English skills, sometimes jumping in excitedly to affirm a fact of her mother's life. Bimala says of Rashmi, through the words of the translator:

So she knows about the political things and she is quite happy that her mom is a CA member and sometimes she speaks big issues to her mom. Many times there are the big issues and talks to mom about the children in the streets and child labor and asks her mom why she doesn't do something for those children.

Some of the women have teenage children who expressed opinions on their mother's careers. Pramila Rai has an older teenage son who is attending university in Kathmandu; he lives in the house he and his mother share with Pramila's sister. I had the pleasure of meeting Pramila's son, Subash, who was studying at university in Kathmandu and fervently hoped to go to the UK for his Master's Degree. He assisted in translation for him mom while we sat, very early one morning, and drank sweet tea. "I think it is great being the son of a member of the CA. I feel proud in a way and I sometimes accompany to different programs and I also learn many things of the process of the constitution." Subash seemed truly proud of his mother's career and position as a Constituent Assembly member. As he continues to accompany her, on occasion, to various events, I wonder if not only he is learning about constitution building, but is her gaining a new perspective on gender from observing the female CA members, his mother among them? If so, perhaps the children who are witnessing this period in time with their mothers being such a large part of the process will also be agents of transformation as new laws are written and implemented.

Arzu too has a teenage son, whom I did not have the pleasure of meeting. He, in her words, feels the following:

[He] is not so happy because he thinks that so much of my time is lost in this. Because when I was doing social work I could manage my own time and I could say, ok today I don't want to work, when I was doing consulting I could manage my own time, but in politics I have to go in whenever they call me. I can't say, I'm sick or not today it's my son's birthday. He doesn't like that. So he feels it's too much for me. "It's too much for you, Mom. Would you stop it, it's not good for your health!"

Arzu's son has grown up with a working mother, but now it seems that to him, she is spending too much time at work. While he tells her that he is worried about her health as she works so much, perhaps, though he does not say it to her, he might just miss her.

In an example not of how children feel about their mother's careers, but of how her children feel about the change in their economic position, Shanta shared a story about her young children. Below is how it was translated to me:

When she became a CA member that time, she put her daughter in another house as the *Kamalari*. So only two years back [in 2008] they came to here in Kathmandu, so they are growing up, up to eight years in a high status house. She just saying that when they grow, when she got the baby and she was in the high status class house when they grow up when she was in *Kamalari* and when she became a CA and now they became free, but they don't have an idea.

Her son and daughter are very honest and when she give them the ten rupees and twenty rupees and they only expense the ten rupees; they are very honest. Whenever she going to market and going to market to buy some food and buy some good clothes, that time they told her, "Why you forgot the last hour of suffering days and why are you expensing this much money, you have to save some money for the future!" This type of talking they do. They are very honest!

Firstly, Shanta brings up the point that for her children, the change from their mother moving from a life as a bonded laborer to a Constituent Assembly member was not in itself a big change for them as they were relatively unaware of the differences between their mother's old job and her new one. The second point that Shanta makes illuminates how in fact her children do recognize the change in their economic situation through both their own use of money, including giving unspent money back to their mother and also through their recognition that previously they did not have money to buy certain things and now they do. In this recognition though, one can see the glimpse of anxiety that perhaps the money will not always be there and they will return to the life they previously knew.

Though from different backgrounds and life experiences, the children share the rare experience of having a mother who is part of the constitution writing team which means they all have a working mother, a mother who, like it or not, spends part of her time away from home. It is no surprise that older children are proud of their mothers as they have a stronger sense of the political happenings within Nepal, just as it is of little surprise that younger children, like Arzu's, that feel the pinch of their mother being gone. However, it is also interesting that the younger children feel concern at some level for their mothers' current and

future well-being, in the cases of Arzu's son worrying about her health and Shanta's son worrying about their future finances. Regardless, these working mothers and their families have adjusted to fit the needs of each other: mothers to children and children to mothers.

At home: Being married, widowed, and single

Each of the women boasts a home life as well as a work life. Many of their lives at home are filled with husband, children, close kin, and/or extended families as well as the expected responsibilities that surround them; other women, widows or those who have separated from their husbands, live alone. Though each of the women have different familial situations, both in the past and the present, they occasionally have struggled with managing both personal/family related responsibilities and work responsibilities in a manner that is acceptable to everyone, including husbands, children, work, and themselves. In some cases, a clash between husband and wife was so strong it created a crack in their marriage; in other cases, the women and their husbands have come to an agreement on how to live with both parties working.

A few women spoke to me about events in their marriage long before they became Constituent Assembly members. Bina, a *Maithili* woman, was married when she was in Grade 10; after a few years, she had given birth to three children. According to Bina, in *Maithili* culture, it is considered unacceptable behavior for women be involved in politics; however, her initial situation was different in that she became involved in politics due to her husband's encouragement. Shortly after entering local politics she was elected as the Village Development Committee Chairperson (VDCC), a position until that moment had only been held by men. Subsequent to experiencing his wife working in politics, Bina's husband's encouragement ceased. He forbade her to go to work or speak to any men; he also told her that there was no reason to run for an upcoming election as no one would support her anyway because she is female, so her dedication and hard work as the VDCC was all for naught. Bina, at eight months pregnant, refused to be locked inside, so she continued to work against her husband's wishes. However, the consequences were dire. Her husband locked her out of the house; homeless, she had to beg for food for herself. Though Bina did not share the end of the story with me, I do know that she is still married, though she and her husband live separately. In Bina's situation, her husband was very supportive at the beginning of her career and this indicates that he was open to the idea of his wife working in public and meeting both men and women within the community. There are numerous reasons that he changed his

mind and his support turned into opposition: community or family disapproval that influenced his thinking, the reality that she had other duties and responsibilities outside of the home, feeling threatened by male community members with whom she spoke. It is all conjecture what made him change his mind and perhaps it is not important. Bina, despite her husband's disapproval and attempts to thwart her determination, became the first *Maithili* woman in politics and today is a member of the Constituent Assembly.

Similar to Bina's situation, Radha Gyawali's husband too tried to impose restrictions on her activities. She spoke with me regarding the unexpected expectations in her marriage that ended it all. Radha's experience in marriage is a particularly rare story, so much so that my assistant, Nitu, was shocked that Radha, as a Nepali woman, would go against the grain, so to speak. Radha says of her marriage:

I got married at a later age. I do not want to get married at that time. My mother was, she was very, due to my marriage, not getting marriage, she was all the time complaining you should get married, you should get married, in that way. [My marriage] it's arranged by party. Not a love marriage. As fully arranged by party and I got married when I was underground at that time.

We became open [went above ground] then my husband's need is different; he wants me to make me to look only after family and child. Not to go outside. Just to respect guest and do *Namaste*¹²⁵ and welcome them, feed them, but not to go away from house. That kind of unexpressed will of my husband compelled me to separate from family, so I started living separately with my child, my small child.

Radha truly believed that the expectations her husband had of her were similar to the expectations she had for herself as when they met they were both politically involved and studying at university. She says that though she separated from her husband over twenty years ago, she still has not divorced him in deference to her mother, who was appalled at the notion. Recently, she was asked by her husband to join him again as his wife, the problem being was that he had remarried and wanted Radha to live together with him and his new wife. Radha bluntly (and sarcastically) told him that she would come back to him, as long as she could remarry and bring her new husband with her. She was shocked that he would ask that and wonders who in their right mind would agree to such a situation. Now, after twenty-five years, Radha is beginning the divorce proceedings and continues to live alone.

¹²⁵ *Namaste* is a greeting in Nepal.

In different situations from Radha and Bina, other women continue to live with their husbands, who are supportive of their wives' careers. Samata Jung, like Sharda was married young. Her husband was supportive from the beginning as she finished boarding school, university, and even started her Master's Degree:

I was married, early marriage, thirteen. I was still in boarding school and then I continued my studies my marriage and I got my first child when I was fifteen. Second child when I was seventeen and along with child I continued studies. I finished up to MA first year.

She and her husband were supportive of their daughter who was pursuing higher education at university. However, Samata stated that, though both she and her husband both supported their daughter's determination for higher education, her community was not as accepting:

Because to allow her to do [higher education] was a very uphill battle for me because society was so conservative. Everyone though why you letting your daughter study so much and she will be a spinster throughout her life, she will never marry. I said, marriage are made in heaven, I want my daughter to stand on her own feet and have that confidence. I may wish and want her to marry, but I am not the one to say okay this is the right person, this is the wrong person. I cannot do that and cannot be so unfair. So I kept on saying that she is my daughter, I should be more concerned, so why are you concerned?

In that way, she and her husband were aligned in their decisions regarding their children. However, even with the overall support of her husband, she sometimes feels aggravated due to what is expected of her as a wife. Samata's family and extended family for years have been politically involved and she has many close relatives who have acted as high level officials. I bring this up as to make clear that the time and responsibilities that government officials are faced with must also be known to her husband. Samata spoke of her domestic frustrations:

It is me always who has to think about the family and the house, the neatness of the house, is the room warm or not? Because men feel it is a woman's duty. When I was [in the government previously] I felt like laughing I was so overworked and so many people came to see me. I just came home and there is no light in one place. And so I tell my servants, there is no light, didn't you tell your master and they say "yes we did, but he said after she comes she'll do it!" My god, I was shocked! I may be a [government official], but at home I am still a slave. So it happens that way.

Samata highlighted the differences in expectations that she and her husband appear to exhibit. Samata feels that in her absence others, be it her household help or her husband can step in and assist when necessary, but in reality she is still expected to fulfill domestic

responsibilities as well as her responsibilities both within the party and the Constituent Assembly. While Samata was “shocked” that her husband clung to the idea that she, as the woman, should be responsible for domestic duties, she also gives the impression of being slightly resigned to his way of thinking when she stated “so it happens that way.” Like Samata, are many female CA members resigned to accepting full responsibility at home in addition to their responsibilities at work due to their husband’s mindset?

Daya, like Samata, has grown children who are away at university and has a politically powerful family. I was invited to her home one evening so that we could meet; her husband was present and translated as Daya does not feel comfortable speaking in English though she does understand quite a lot. As we got to know one another, Daya confided her struggle with time management or rather, having enough time for both family and work:

She feels trouble to manage time, as a wife, as a mother, as a house wife, she has to look after the house, she has to manage the husband, she has to manage the child, so some problems in time management only. She has to work for the party and she is the main responsibility her is to make the constitution, her involvement is necessary, so she give time there also, so she feels lack of time. (In the words of her husband)

Daya pointed out that she has many roles and responsibilities within her home as well as being actively involved within her political party and Constituent Assembly. Interestingly, in this statement Daya refers to herself as a housewife and places importance on her reproductive role rather than on her other role as a politician. She spoke of this problem in front of her husband and at the time I wondered if her assertion that she was a housewife was in some way a form of deference to him, as when Daya and I met in the absence of her husband, she spoke of herself as a politician and representative of the people and a “house maker, not house wife.” She was very clear on the distinction, so it did make me wonder if her initial words were translated incorrectly through her husband, or if she spoke of herself being a housewife intentionally.

Daya said very plainly that she knows “her boundaries and now she is a wife, and she is a mother, and her husband is very supportive of her and she knows her roles and responsibilities and she can manage everything on time.” The simple fact that Daya recognizes her “boundaries” within her various roles suggests that she is cognizant of what she can and cannot do within those roles without consequence; rather she knows what is acceptable, to her community and husband, as a wife and mother. Also, she indicates that her responsibilities as a wife and mother have a certain schedule and that she is able to arrange

her many domestic and Constituent Assembly member obligations as to keep her husband and children happy and content. It seems that Daya is only as free as her husband allows her to be and as she is aware of this, she also accepts it as part of her life as a *Madheshi* woman.

As I stated previously, I was fortunate enough to meet with Daya's husband, engineer and part-time politician Gagan Regmi, and hear some of his thoughts on his wife being a Constituent Assembly member.

I think it is very good that she is taking part and helping society, particularly our society is very backward. She is doing very nice, but time management... Very frankly, we are the only two here, but nobody is left to, nobody is here to look after the house. Sometimes she comes at eight o'clock, sometimes 9:00 p.m., 10:00 p.m., and no one is here. Sometimes she has to go to the constituency to which we belong and she remains ten days there and I am here alone and that is the problem!

In this age, we are elder, the age of fifty, middle aged and I think that we should be together, but I have given her my, you can go there and you can take part in the politics, and so I can't now say that you have to come back and give time for me! That is the problem you know. I need her to be with us, when I come home from the office, we should be together, but nothing can be done. But if she is thinking that she can do something, better for society I am losing something, personally, I am losing something, but she is doing upliftment of society one hand I am getting something. So that is compromising for it.

Daya's husband seems to be of two minds. Though he is supportive of his wife and thinks it is valuable to help Nepal's "backward" society, he also speaks about how her absence due to work has negatively affected his life. It seems that he thought by the time he and Daya were at home alone, with no children, that they should be spending time together; as she has entered a high demand job, this is not possible in the way that he had imagined. He clearly does not like to be "alone" when he believes that Daya should be there looking after him. In that way, I can also infer that in some way, Gagan believes that he has allowed Daya to join politics as a Constituent Assembly member and because he has made that concession, he can't back out of it. All in all, the impression is given that Daya's husband feels that her being a CA member is more difficult for him than for her, as he infers that he has made sacrifices in order for her to be a politician. Looking back on Daya's stated struggle with time management in light of her husband's comments, I wonder if her true difficulty is finding enough time for both her domestic and public life, or is it finding enough time at home to make her husband happy. Perhaps I speculate too much as likely we will never know the intricacies of their marital expectations.

Of course there are women with the Constituent Assembly who are not married, separated nor who are widows. Binda Pandey is an unmarried woman who is not currently planning on changing her marital status. Of her situation, she says:

I think it is good for me, easy. I have to say it is easy for me because my parents passed away and I am living with my brother's family. So my brothers also involved in the politics, previously he was a Parliamentarian. So he knows how the Parliamentarians work and he was the Chief Whip and how much responsibility would be there being a Chair of a committee. Until the new constitution is declared, I am not going to take care of anything in this house! Household things!

Binda's situation of being single and living with her extended family is relatively common for unmarried female Constituent Assembly members. However, Binda finds her living situation quite easy as there is no familial pressure exerted from her brother on behalf of her deceased parents to marry or keep regular hours but, in fact, quite the opposite as she tells that her brother understands of her work load and outside responsibilities. Likely due to her circumstances, Binda is not hampered or hindered by familial expectations and therefore does not express any struggles or difficulties that she has faced while juggling her personal and professional lives.

Another unmarried woman who currently feels that she can work as hard and as much as she pleases is the youngest member of the Constituent Assembly, Gayatri Shah. In our first meeting, Gayatri Shah, twenty-six year old member of the CA, told me, "I want to make me to the Prime Minister of Nepal." Gayatri clearly has an abundance of personal ambition; she is gaining more experience each day through her experiences as a CA member and as the head of the Nepali Janata Dal Party. She spoke of having been asked to join other larger political parties, but strategically wanted to remain in her small party, where she aims to gain the most amount of experience. Though Gayatri has a vision for her life and career, she doesn't know if she will be able to continue in politics after she is married. Gayatri sees marriage as unavoidable, not looking forward to it, though not dreading it, just a part of life that is expected of her. She just hopes that her future husband will "allow" her to continue in politics. If her husband is threatened by her public power, he could choose to take it away, or at least severely curtail it, while also extinguishing Gayatri's hopes and dreams.

For all of the power that Gayatri has in her political party and as part of the CA, she still must conform to familial expectations and marry. Her mother desperately wants her to marry as, by Nepali standards, she is getting too old to find a good husband; it is implied that perhaps her

mother has waited this long in finding her a husband because of Gayatri's position in the Constituent Assembly. Gayatri also tells of a situation her father was confronted with when faced with questions about his daughter's marital status, "When, before two years ago, when I am CA member, my father friends are calling and why your daughter go into politics and why don't you go your daughter married?" Through these comments that Gayatri made about her parents' desires to have her married, she also inferred that it was also because of their patience and wanting to see her happy in her career that they have waited this long.

From listening to the stories and struggles that many of the women have faced directly due to expectations from their families and/or husbands, it is clear that the goals or dreams of the women are not accepted or fully understood by their families. Indeed, in some cases there appears to be a chasm in marital expectations between the women and their husbands as well. Do the husbands expect their wives to fulfill domestic responsibilities as they did prior to being CA members? Are they willing to pitch in to help or really do they not think to help as it has never been expected of them previously? Or on the flipside, do the women too feel that their homes are fully their responsibility and accept that, as women, as wives in Nepal, have always done? Or, possibly, it is easier just to do it themselves than try to delegate to other family members? While I cannot say for sure as I am certain that different women have different private reasons and beliefs, I can say that many women who lived with or were separated from their spouses faced similar difficulties. In different situations, Gayatri and Binda, as single women had much less stated difficulties or obstacles in their home lives as they work long hours within the Constituent Assembly. That said, Gayatri knows that her life will not remain as it is now once she is married; she does not know what her future husband's expectations are, only that his will concerning her career will have to be seriously considered or even followed.

After considering all that the women have said, it is clear that the women's ideas about gender roles are changing, at least in that women have abilities and capacities far beyond what was expected of women in previous times.¹²⁶ However, though the women's thoughts and actions are evolving, we have yet to know fully about men's attitudes. When looking back at Gagan Regmi's experience as a husband, he feels, in the end, that Nepal is gaining something at the same time he is losing something; perhaps these contradictory thoughts are

¹²⁶ This is not to say that prior to the women of the CA being elected there were no female activists in Nepal. However, at this time in history, with the addition of the female CA members, there are more women advocating for change within the political arena than ever before.

felt by many men whose wives are involved outside the home in a way that the husband's never expected. However, I cannot theorize more on that as Gagan was the only husband I spoke with at any length. I can posit though that an in depth anthropological study of the women's husbands would be valuable to fully analyze if and how the whole of Nepal is changing with the inclusion of women in the Constituent Assembly. Perhaps more traditional notions of women staying at home are altering slightly due to witnessing their wives; if that is the case, perhaps other female family members and community members will benefit from the shift at the women's homes. This is all conjecture clearly, but such a study would be fascinating.

Being married with children and Maoist: The “change and change back.”

While the women who fought in the People's Liberation Army highlighted certain struggles within their personal and married lives during the People's War, they also spoke of specific difficulties now that the war is over. Many of the Maoist women had babies and became widows during People's War; many of these babies went to live with grandparents or friends during the war so that the women themselves could remain in the People's Liberation Army (PLA) and fight. Some women were married at the beginning of the People's War due to encouragement from the Communist Party of Nepal – Maoist. However, in all cases, the women shared the pride of their past experience in the PLA, and for some, the difficulties of their current lives as they adapt to living in peace as a woman, mother, and ex-combatant.

Khuma Subedi, widow, mother, and former combatant in the PLA invited me for lunch so I could “see the reality of Maoist women's situations”.¹²⁷ She had spoken at great length about her family and wanted me to meet them. At her home when we (myself, the translator, and photographer, Gates) arrived were Khuma, her son, father-in-law, brother-in-law, brother in law's wife, their baby, and a neighbor. I gave Khuma a bag of pastries from a bakery near my hotel and her son a bag of American candy that I had picked up in Thamel¹²⁸ that morning; he sat happily examining each piece while we chatted and the other family members came and went from the room.

Khuma has few photos of her late husband, but showed me readily while she shared the story surrounding her marriage. Khuma's mother wanted her to marry at fifteen, but she resisted and married at twenty-one with a comrade within the CPN-M. She said that though it was a

¹²⁷ As translated by Nitu Barnawal.

¹²⁸ Thamel is a neighborhood of Kathmandu that boasts the majority of tourist hotels and restaurants.

love marriage, her commander encouraged her to marry. As was common during the People's War, Khuma's marriage was a group marriage ceremony in which approximately thirty-five couples were married; a tikka¹²⁹ was put on her forehead and then she and her new husband shook hands then sealing their commitment. Khuma's husband was killed when she was five months pregnant and she did not remarry, as some within the party do, because she already had a child and she thought that perhaps another man would not accept her son. Not wanting to face those potential problems, Khuma decided to remain single. Initially, Khuma fought in the war with her baby on her back, then after a brief period, her mother took care of her son while Khuma continued to fight in the People's War. When her son was one and a half years old she took him to her mother's house for safety; then she returned "to the party" to resume her duties within the PLA. At this time, she spoke of physical difficulties leaving her son as she was breastfeeding; she had to express the milk into a bowl in order to feel physical relief. When she returned to her mother's house after six months, her son didn't recognize her. Today, Khuma's son is very scared that he will lose his mother too. Sometimes when the Maoists announce different type of strikes or political gatherings in Kathmandu, her son says, "Mom, be careful because my father has died."¹³⁰ Khuma recognizes her son's hopes that his father did not die in vain as he asks, "our father's dream will be made in the future or not?"¹³¹ Though her son is looking toward the future that his father imagined, Khuma says that, "Even now our son is suffering some sort of trauma and healing, pain. And he living and thinking about the past in Rolpa."¹³² Though Khuma is trying to bring her late husband's dreams into fruition through her involvement in the Constituent Assembly, she and her son still mourn their loss and fervently wish he were with them. In fact, she took it upon herself to alter a photo so that it included her husband with her son, though they never met.

Jayapuri Gharti is a widow like Khuma. Jayapuri lost her husband in the People's War and after giving birth to her daughter, she almost lost her baby too. She cried sporadically while telling me her story. During the People's War, Jayapuri strapped her two month old baby on her back and fled for safety as at that time the Royal Nepalese Army was attacking Maoist people due to their political affiliation as well as Maoist involvement the People's War. While Jayapuri was in hiding, her baby daughter became very ill with a high fever and was having difficulty breathing; a local woman helped her by performing surgery and her

¹²⁹ A mark on the forehead of vermilion powder.

¹³⁰ As translated by Nitu Barnawal.

¹³¹ As translated by Nitu Barnawal.

¹³² Rolpa was the birthplace of the People's War and presumably where his father was killed. This statement was translated by Nitu Barnawal.

daughter survived. During the war she left her daughter for seven years with non-relatives; now her daughter misses that family and says she loves her mom (Jayapuri) and the other mom who raised her equally. Her daughter thinks her mom is a "big woman" and is very proud of her, shooing her off to be at the CA instead of spending more time with her. From listening to Jayapuri, it was painfully clear that her loss and near loss during the People's War still deeply affects her.

While some women who fought in the People's War are now widows, there are many who are not. Hisila Yami, daughter of a political family and well-known Maoist cadre, spoke briefly on her home life. She says that she is a friend to her husband, not really "wife". What does Hisila mean by "wife"? From speaking with her and from knowing her convictions of communism, I offer this definition: to be a "wife" in the traditional Nepali sense, is to stay at home, wait for her husband, cook, clean, child-care, entertain guests, and generally do as the husband, as master, wishes. Additionally, in her published writing, she states that the Communist Party of Nepal – Maoist has a belief that marriage is "an alliance of convenience for men to perpetuate their hegemonism in property relations. For women the same alliance in fact marginalizes them to domestic slavery" (Parvati 2006: 5). If this is truly the case, it begs the question of why the CPN-M Party was encouraging marriage within the party during the People's War and why many Maoist women enter into a marriage instead of remaining single or as part of a committed, yet not married, relationship. In some cases, the women's superiors urged marriage to other comrades during the People's War. If it seems a bit contradictory, let me explain. The CPN-M party urged young men and young women to marry, not so much to engage in personal romance, but to create a stronger party; by introducing men and women, the party protects itself from the loss of soldiers who might find love outside of the party (i.e. People's Liberation Army and People's War) and leave.

It is in the above category that Kamala and her husband fit. Kamala and her husband, Siddhartha,¹³³ met during the People's War and now are both elected members of the Constituent Assembly:

I met him in the People's War actually. He was the secretary of the district, his own district. It was a kind of an arranged marriage and a love marriage, it was both. He [party superior] told me that that guy is nice so you should meet him and if you think he is okay, then you should [marry him]. You are both the same; your thinking is the same so you should meet him. And I met him and he proposed me and I said okay!

¹³³ Siddhartha is a pseudonym.

We used to meet on the war front, actually. Not in the gardens! Well, actually it was kind of arranged marriage because our leaders told us to meet and see each other. We found it is good for our own future and accepted the proposal and after one year, and after one year we got married and we have a daughter now, three years old. She is in Mumbai with my mom.

Kamala and Siddhartha were urged by their superiors to meet and, if they liked each other, marry. Kamala laughed as she spoke that they met on the war front, not in the gardens, as if she was particularly proud that the beginning of her marriage was so thoroughly not traditional. However, proud though she may be of this, she first stated that her marriage is a love marriage, then amended herself and stated that more accurately it was arranged. Because of this slight change in her story, I wonder if Kamala wishes that it were somehow different, that her marriage had been a love marriage and that they had met in the gardens instead of in the middle of waging a war. To further expand on this thought that perhaps this style of marriage is not what she anticipated, Kamala brought up the point that though she and her husband both live and work in Kathmandu, they live separately.

Siddhartha stay in [neighborhood of Kathmandu] and I stay over here because since I... we are both from direct election, and lots of people come to meet us. And we stay here in rent, so our house landlord will come and shout, 'you are raising too much of work and you are making too much ruckus!' So we are staying separately because sometimes if you stay together it affects your work. So I told to Siddhartha that we should stay separately and do our work.

Kamala maintains that they live apart for two reasons: 1) right now she does not have time for living together as, since she is an elected member, she needs to be available for members of her constituency as it is to them that she feels responsibility and accountability, and 2) the landlord will be mad that they are using their rented home as an office of sorts. However, there is a bit of nonchalance about the whole arrangement on her part as well; I asked her how her husband feels about her being part of the Constituent Assembly and she said, "Well, I think he should be happy because he has a wife who is a CA member", but also shrugged noncommittally.

I did have the opportunity to meet Kamala's husband, though it actually was an accidental meeting as I ran into him in a meeting room and another CA member introduced him to me. As we chatted, I asked him how he felt about Kamala's involvement as part of the CA. He said that he was happy that she was a CA member but seemed slightly resigned to the "agreement" they had in living apart, even though the party does allow time for married

couples. In meeting with both Kamala and Siddhartha, I began to wonder if in fact they were married and possibly stayed married because of allegiance to the party. Perhaps they stayed married because otherwise it is a long, difficult road for both parties as separation is just not an option for many people because of societal expectations placed upon them. Or, maybe they both are happy in the way that they are married and live.

As we have witnessed above, when speaking to people directly or indirectly about their marriage, outsiders rarely get the inside story. However, regarding husband and wife couples who hail from the Communist Party of Nepal – Maoist, an inside story was shared with me by Hisila Yami, high level politician within CPN-M and CA member.¹³⁴ Hisila spoke to me about the “change and then the change back” for Maoist women:

There are at least ten/twelve couples there in CA. Four of them they won in the election, direct election, which is quite the thing for couples. It's unfortunate because one of two cases there is a separation taking place now, very painful.

Women's bargaining power is getting erode[d] because now suddenly, during the war she was away from the reproductive work. When I say reproductive work, I don't just mean taking care of babies and all that. Kitchen work, household because she was a professional full time worked and she was totally independent and now.

It is not a war situation and she has to stay with her husband, she has to stay with her family. So now, the family culture and husband patriarchal feelings and the present patriarchal atmosphere here is now slowly eating her up and zapping and that one can see. So this is interesting to watch.

When Hisila spoke of the “change and change back” she was referring to women stepping from traditional roles of reproductive work within the home and moving into productive work while working in the People's War and then back into domestic work. A non-Maoist women, Radha Gyawali, also shared with me a story regarding her friend, a CA member from the CPN-M party:

And afterward she became CA member and got baby. She might have lots of difficulties but in our society men does not look after the baby, does not look after the kitchen, does not look after different household works. And women have to do everything. Household work, children looking works, then work in the outside. Different roles of responsibilities and that's why we are lagging behind all the time.

¹³⁴ At the time of writing, her husband, Baburam Bhattarai was elected as Nepal's 35th Prime Minister (August 2011 – present).

This indicates how some things are changing, but others still remain the same, even for the women who are fighting for this change, they still must live how it has been expected of them, at least in some ways. While the situations in which Hisila and Radha spoke of are developing as we speak, it begs some larger questions of the evolution of male thought within the party, which is often thought of to have a large amount of forward thinking men due to both the great involvement of women and their non-traditional roles during the People's War.

From speaking with some of the Maoist women about their husbands, whether dead or alive, it became clear that there are many different types of marriages and home lives that the women experienced. However, one big commonality has joined them: being Maoist. Has being Maoist influenced their marital and home life? In many cases, directly and indirectly, I venture to say yes; husbands were killed in a war led by the CPN-M party, children were sent to live with others so that their mothers could serve the party as needed, women were urged to marry men with like-minded, read political, thoughts, and in some cases, according to Hisila, women are struggling to happily immerse themselves as the role of mother and housewife after being a soldier within the People's Liberation Army. The questions and topics that emerge are many when looking at the experiences of these particular women. I did not (that I am aware of) meet with any women who fit into Hisila and Dama's concerns,¹³⁵ however, it is important to remember the vast arrays of experiences that the ex-combatant Maoist women underwent when analyzing post-war Nepal with a gendered perspective.

¹³⁵ In fact, I do think that I met the woman they spoke of, but as the women in question did not share anything of her marriage and home life, I cannot be completely certain.

Women for women: Perspectives on belonging

According to cultural feminists women have a strong capacity for nurturing and caring for others.¹³⁶ From this line of thinking, could it be construed that female politicians are inherently different from their male counterparts as they care more? Navodita Chaudhary thinks so; she believes that women are not capable of corruption due to their natural female characteristics and behaviors. Renu Chand would vehemently disagree with Navodita as she scoffs when she says that some people believe women are not capable of corruption. Both Navodita and Renu are university educated but clearly have differing opinions on the inherent characteristics of women. Perhaps the main difference in their thinking can be attributed to the fact that Renu is affiliated with a political party (CPN-M) that has a history of women breaking gender barriers and taking on positions and responsibilities of men as military cadres, involved in umpteen aspects of planning and participating in a war. It is easy to see why the two women differ in opinion.

“Women’s culture offers a basis for transformation for society” (Williams 1989: n.pag.). The concept of a woman’s culture is interesting in the context of Nepal, as even though the women are discriminated against because of their gender, they are also discriminated against due to class, religion, caste, marital status, etc., indicating that even for high status women there is a level of discrimination; all Nepali women face some sort of discrimination and because of this common experience, might have similar experiences (in some aspects of life) because of their gender and because they live in a society that has permitted this discrimination. In this way, in Nepal, you can argue there is a “woman’s culture”, but that does not necessarily mean that all women equally value responsibility, connection, selflessness and caring, as Gilligan posits. In the end, the women are all individuals, from different backgrounds, different paths that led them to the CA, and many hold different political theories and ideals close to their hearts. That said, within the CA is a critical mass of women equaling thirty-three percent, many of whom have banded together within the Women’s Caucus or otherwise to discuss political issues. As the Constituent Assembly still holds the majority of members as men, have the female members constructed a feeling of solidarity by banding together as women? Many of the women think so and others do not. What is the reason for their feelings of either belonging or feeling separate from the group?

¹³⁶ West 1991 and Hoogensen and Solheim 2006.

Feelings of solidarity: The “collective voice.”

Many of the female Constituent Assembly members spoke very positively not only about their interactions with their female colleagues, but also on their observations and thoughts regarding the value that the women as a whole have brought to the CA. Sarita Giri shared her thoughts regarding her female colleagues’ work ethic and determination.

I am also surprised that when I listen to the women, I compare it to listening to the men. Some men are who are very well educated and articulate and when these women come with their written text and then you can imagine what kind of hard work they are putting in, you know? To present themselves this way. So, Nepali women have really, really made a... achieved something, which others should get inspiration from there is not doubt about that.

Sarita voiced a comparison between the educated male members and some women who have not had similar educational opportunities (indeed, many female CA members came to the CA illiterate). She feels that though the cards were stacked against many women because of educational opportunities, that they have done a surprising job putting forth their opinions in written text as they themselves have just become literate or have not had a lot of experience writing such documents. Because of these accomplishments, Sarita feels that Nepali women have really proven how much motivation they have to attain success within the Constituent Assembly. When speaking with Sarita, I told her of an encounter I had over breakfast where a naturalized Nepali citizen questioned the abilities of the women in the CA and told me that she had heard that the women’s husbands write all the speeches for them, implying that men still were in charge of the women’s opinions. Sarita responded with a show of support for those women who are illiterate and cannot write for themselves.

Maybe if a woman is not able to write and she has become a CA member and so her husband is or her relatives are preparing the statement that she has to deliver in the CA meetings! But so what? It is her experiences that the husband or the relatives are assistance are putting in writing, so that the most important thing is that they are able to articulate their experiences and their voices. So they get assistance from others, so what? The Prime Minister has such a big, bureaucratic system to assist him, so husbands are helping their wives, it is okay.

Sarita pointed out the motivation and hard work of women as they prepare to present themselves and their opinions to the larger CA; she made a valid point that the Prime Minister has help, so why shouldn’t the women? Like Sarita, Arzu Deuba also spoke positively about the characteristics that many of her female colleagues boast:

I really admire that in the women. I don't know all of them, the many that I know I like them more than the male politicians. They are more determined and more sincere also. Go to the CA everyday and it's only the women who turn up. Most of the women politicians go everyday and they feel beholden. "I have this and the state is paying me so I have to go." The women feel that but the men don't feel that. The men are not that sincere. The women from all of the parties they are very sincere to their jobs. And I really admire that. I think that if women were running the country it would be much better shape.

Arzu's mother, Prativa, has similar sentiments. Prativa feels very proud that the women of Nepal are so dedicated.

It is the women who are the most sincere and present themselves. They are there for longer period, there are more women than men. They are more committed to people. I will give you an example, you should notice this! I as chief whip am noticing it. In Parliament, out of 601 majority absent and the people who are present are women. This shows that they are more committed for their future, their family, for the country. Because this is the place to make constitution and this is the place to discuss many things.

Above, both Arzu and Prativa make several interesting observations about the female Constituent Assembly members. Firstly, Arzu implied that the women, as a whole, have the resolve to keep other women as part of the process. This sense that women are, if not directly helping, but effectively rooting for the other women indicates a sense of solidarity among the women. Both women shared their observations that, in comparison with men, the women are the members of the CA are more frequently are seen at Singha Durbar implying that women as a group place a high value on the outputs of the constitution making process as they have more to gain than male members do through the promulgation of the new constitution and the corresponding laws that are pertinent to women's rights and gender equity. Finally, Arzu's thoughts about the women's relationships to the state, feeling "beholden" to the state is especially poignant in that if the women truly do feel beholden because they are CA members they must add value through their work, time, and participation, then perhaps at some point in the future it will be easy to measure the success of the female Constituent Members.

Arzu also spoke on the feeling of women banding together across party lines in order to affect laws directly relating to gender. Arzu Rana, member of Nepali Congress, stated that "one thing which I found very heartening in my committee, where women's issues were concerned, all of us across all the party lines stood as one. We had a collective voice so the men could not say no to any of our proposals. I found that very heartening and very rewarding as well." To Arzu, the collective voice of the female CA members was necessary

to positively influence proposals where male resistance was a possibility; the fact that the women came together made her proud of their achievements as a group.

And I think our progress has been quite forward. You have the Maoists and the UML and us, all the other parties. We are all working hand in glove on these issues and I think there is a feeling among women, we've come to here and we must never compromise for less than this. We have to go ahead. All of us have understood that. And I think the understanding does not depend on your educational qualification. Or your experience, anything. I really admire most of the women because they've done; they've come up the hard way. They know what they are talking about. They've experienced life every day. They've come from being the underdog into this strong position and they don't want anybody to lose it.

Arzu believes that the women are truly working together to affect change in Nepal that will positively influence the lives of women and girls. Arzu also explained that though the women hold various educational backgrounds, it is not only the educated who can understand what the process is all about as many of the female CA members have really experienced a hard life as a Nepali woman; even those who have not had as hard a time of it, like Arzu herself attests to her own situation, still came into the CA as the "underdog" so in this way, she again lends support to women as a group having the similar experience of being the "underdog" in relation to their male counterparts. Similarly, Usha Kala Rai spoke of women as a group not compromising their positions and desires:

I think our struggle will win and it is very important and we should be very together and very strong. And also you see we are 197 woman together and from eighteen different political parties are participating in new constitution, to build new constitution in CA. And we are in the case, to ensure the woman issues to address the woman issues, it must to written otherwise no possibility. We never going to sign. We never going to compromise. No possibility.

Both Arzu and Usha explained their feelings that the women, as a group, cannot back down and will not compromise for less than what they want, which is equality and gender equity, though not spoken explicitly above. Additionally, both women feel very strongly that this feeling of attaining success and determination to achieve equal rights is felt by all the female CA members.

While the majority of women I spoke with had only positive things to say about their female colleagues, it should also be stated that there were some instances when glimmers of dissatisfaction of another woman's behavior would be commented upon. Some women with

whom I spoke were skeptical of others' interests. Mahima Khanal¹³⁷ thinks that some CA members are there for themselves and not for the people of Nepal.¹³⁸ This echoes Renu Chand's earlier statement that she didn't become a CA member just to run around Kathmandu in a black coat¹³⁹ and Arpita's thoughts that some of the women now think that they are very important because they are CA members, but she thinks they shouldn't think that because many are proportional and not directly elected. Additionally, when I was in Nepal several women from different political parties spoke to me regarding a big news story surrounding a female CA member who slapped a local driver (at the airport) because he did not bring her a new vehicle in which to ride, but an old one; therefore using her new role and rank to be higher than others. These concerns voiced by some of the women were just that, voiced, not expounded upon and therefore the details of each case where a woman was questioning the intentions of another were never made clear or explained in detail. Quite frequently, these remarks were made just as one small statement, but in my mind, these contradictions from the feelings of solidarity within the CA stood out.¹⁴⁰

Despite the feelings of solidarity as well as the occasional irritations caused by personalities or actions, I would say that the majority of women with whom I spoke did in fact feel a level of camaraderie with the other women. However, while many women strongly felt that the majority of their female colleagues within the CA felt similarly regarding having a collective voice and wanting the same things, there were other women who felt this was not the case.

Feelings of being separate: "In my party is a wider vision for woman."

Though it was never stated explicitly that any of the women felt superior to women (or men) of other political parties, I would be remiss if I did not mention that at times it was implied in tones of voice and slight scoffing when mentioning that other women had different political ideologies. For those women who do not feel solidarity with the rest of the female CA members, what is their experience? How and why do they feel different?

¹³⁷ Mahima Khanal is a pseudonym.

¹³⁸ It was not clear when she says this if she is speaking of all CA members or just of men or women.

¹³⁹ The CA members were all issued a black blazer to wear; it signifies their position within the government. Interestingly, the first time I met with the women, the large majority of them wore this jacket. The second and third times I met them, very few wore their jackets. Was this because during my first trip it was cooler outside? Or was it to indicate their position, a type of solidarity to their government, to me when we first met? Whatever the case, when I went out to dinner with one woman (long after hours of work), she donned her blue jacket; sure enough, the people in the restaurant recognized her position at once.

¹⁴⁰ In a report by the Women's Caucus, this issue was addressed more fully. The report stated that, in their opinion, the majority of women did not cross the party lines for fear of losing their "political space" (2011: 91).

The vast majority of women who expressed feeling separate or different from the other women belonged to the CPN-M. It is possible that one main reason that Maoist women feel differently about their place within the CA is directly due to this widely held belief that the CPN-M party was the one party who really paved the way for women to be included. Jayapuri Gharti expressed that the main reason women are now included within the CA is directly due to the Maoists: “Because of Maoist party, all the women are empowered and have the 33% in the CA.” This sentiment was expressed by other women, Maoist and non-Maoist. Radha Gyawali stated that, “but in this case, women’s case, Maoists party is very advanced than my party also. Otherwise, thirty-three [percent] women might not be there in the house. They give chance to fight.” Kiran Yadav also offered her opinion that Maoist women have positive impact on society as a large percentage of Nepalese society is looking to them for “positive ideology”. Additionally, another way that the CPN-M political party differs from others is that within the CA the majority of elected women are Maoist (twenty-four elected and fifty-five proportional creating a political majority within the group of 79/197 female CA members).

Some (but not all) Maoist women spoke of feeling separate from women of different political parties due to political differences. Hisila Yami spoke of why Communists are different:

Where I think communist are looked down upon and underestimated. Of course they are misunderstood. Considering it is the latest ideology and so it has its own incubation period. And with that all kinds of mistakes that go with it. But I would still say that the mistakes that Communists make are many times less than what the world has learned from it, unfortunate that the world is not learning from it, rather the so called conventional parties and conventional parties badly mistake.

Hisila opines that though Communists make mistakes, other non-communist political parties make more mistakes, but that is not seen. She feels that the Communist parties are not given the chance and the world is not learning from Communism as it should. That said, the mistakes she spoke of were not discussed. In the same way that Hisila sees a difference between communists and non-communists, Renu Dahal told me that there is a difference between Maoist women and those from other parties due to political ideology. She says that because of that, sometimes the women, across party lines, don’t always see eye-to-eye because of ideological differences and the fact that Maoist women are very forward thinking. Similarly, her colleague Renu Chand explained the following about the CPN-M political party:

Since I belong to the Maoist party, in my party is with a wider vision for woman. And all the chairperson is very much positive to womans and because of him only we are here. Because of twenty-one womans got direct election and won from the direct election, only because of him. So, I am happy that Prachanda, his leadership, but though he is a man, he understands everything about woman and about Dalits and backward regions and he understands it very well. So in my party, I don't find it such a big problem, but in other parties like Congress and UML it is a bit hard for them and they are fighting against and all the ladies are there and fighting very hard.

Renu holds the opinion that the CPN-M party is more gender-friendly than other political parties and that this attribute can be directly linked to Chairman Prachanda. She also believes that her party understands about the plight of Dalits and other backward castes/regions; though she does not say that other parties think of Dalits and others in a different way, it can be inferred as in her whole thought process she is comparing different aspects of understanding between CPN-M and other political parties. Indeed, she ends her thought by pointing out that women in other parties have a harder time than Maoist women as members of a political party. That said, in this way, she does show support for other women as she acknowledges that they too are fighting hard within their parties as women and possibly for women.

Some women spoke of how Maoist women are different than women from other political parties because in fact they are Maoist women and therefore communist. Hisila Yami explained that Maoists as a group are looked down upon, underestimated, and misunderstood:

Experiencing the pain of being a communist, being underestimated, underreported, and on top of that you are a woman communist. Gender discrimination you see. So all that together, if you use it as a strength then you can use it as a strength. But once, but sometimes, it is really overpowers you and you feel 'what the hell?' You know?

Like Hisila, Renu spoke of how Maoism has affected her entire life. However, differently from Hisila, Renu explains the positive aspects of being Maoist and being seen as such within society:

It's a whole life for me. I am a Maoist and that is my identity. I think so. Because in Nepal, woman don't have that much liberty or freedom to express their views so you know, live their own life in their own way, but being a Maoist, they think that Maoist women are politically aware and they are having the ability to live their live their own way, having the ability to handle their problems so this is the thing. Because I am a Maoist woman, people accept me as a woman with all the intelligency and all the

ability powers. And just take out that Maoist from, the Maoist tag out of me and I will be a normal Nepali woman. It doesn't make any difference to anybody, but because I am Maoist, it makes a difference in my life.

Renu sees being a Maoist as being a way of life though she spoke of personal challenges of having a Maoist ideology while living in a feudalistic society. Additionally, she believes that people accept her intelligence and abilities more easily as she is a Maoist woman, as if they take away the Maoist component, she is a normal woman. This is an interesting point to make as with this notion, Renu infers that non-Maoist women are “normal” women who might have to struggle with societal expectations of them, perhaps hiding or downplaying their intelligence, for two reasons: gender and political party affiliation. It is clear that with her statement, she believes that the Nepalese people see Maoist women as intelligent, skilled, *and* accepted by their political party as such.

Finally, many Maoist women reported feelings of negativity directed at them from abroad, specifically the United States as the US denied visas to Maoist party members and have Maoists listed on their terrorism list. Renu Dahal voiced her frustration with CPN-M's international image.

Maoist have the ten years People War and they came to the Constitution election and Nepali citizen have a high expectation, they chose CPN Maoist as the biggest party, so they are the biggest happiness now. In the international communities saw that the Maoist party is like the terrorist, but at the same time Nepali citizen gave the highest vote to the Maoist and so they are the biggest party now in the country. Most respect and at the same time, the international community see CPN Maoist as a terrorist. The bad guy.

Additionally, Renu Dahal brings up the contradictory fact that the Maoists had the highest vote, therefore are trusted by most of the citizens, yet are still being seen as the bad guy internationally. With her words, she is indicating that it is odd that the international community does not seem to want to let Nepali citizens chose for themselves who they want because of a negatively stereotyped image of Maoist men and women.

In hearing some of the women's opinions about Maoist women being forward thinking, and listening to other Maoist women, a nagging feeling kept surfacing that some of the CPN-M women think in a slightly condescending way of the other party's women for not trying to be more progressive. In this way, it seems to me that in some way, Maoist women try to separate themselves from the other women; perhaps they see themselves, consciously or

unconsciously, as superior due to their strong, party driven ideologies.¹⁴¹ Is it because the CPN-M political ideology is different than the ideologies of the other political parties, including the other communist parties? Or do the CPN-M women become one and then the other women become the ‘other’? Though much more research would need to be done to conclusively determine feelings of the ‘other’, I posit, though perhaps prematurely, that the feelings of ‘other’ from Maoist women directed at women of other political affiliations is in fact true. ‘Other’ directly referring to political ideology, as for most of the CPN-M women, political affiliation is a stronger personal characteristic than is gender. In the future, it will be valid and relevant for scholars to analyze this idea of the ‘other’ after the 2011 constitution has been promulgated and implemented, to determine the differences and similarities of how women of all political parties view Nepali political processes, policies, and laws, especially those that have a gendered component.

¹⁴¹ I can see how this could be the case as some CA members I met with did not know the history or ideology of their political parties. One woman told me that she would have to get back with me.

Conclusion

[G]ender, race, ethnicity, caste, and class are best analyzed as they intersect in creating social relations of power, and as different historical, cultural, and political-economic processes shape the configuration of power within a society (Morgen 1989: 11).

Within my research, I attempted to illuminate many aspects of Nepali society, as well as the dynamics of changing male-female relations and gender-role conceptions in a modernizing society. In her studies of Sierra Leone, which harked a strong resemblance to Nepal's post-conflict situation, Aisha Fofana Ibrahim stated that "although people's lives, whether male or female, often transform after conflicts, these transformations often help women change their perceptions of themselves and others and lead to opportunities that enable them to occupy "public" and other spaces" (2009: 185). Ibrahim's "public" space is a perfect example of women entering and participating within the government of Nepal. The People's War directly affected what A. F. Ibrahim coins "prewar gender arrangements" whereupon women held three percent¹⁴² of governmental positions and states that "what happens at the end of a war is often more critical in shaping gender ideologies and the impact on women as a group since they are often expected to return to the domestic sphere and life" (2009: 185 and 186, respectively). In this way, by actively being involved in the process of writing and creating a new constitution, Sheila Meintjes (in Ibrahim 2009: 185) stated that "for women, transformation is not just about conditions or structures, but also about internal processes of consciousness, of creating words and language that will provide women with a sense of their own agency."

Anthropologist Henrietta Moore defined feminist anthropology as "more than the study of women. It is the study of gender, of the interrelations between women and men, and of the role of gender in structuring human societies, their histories, ideologies, economic systems and political structures" (1988: 6). In my research, not only did I look closely at the women's experiences and perspectives, but their relations and observations in working with men in a traditionally male dominated arena. Likewise, feminist and anthropologist Patricia Cain stated that the "feminist method...means listening to other women. Women, as they listen to each other, tend to discover a commonality of experience" (1991: 263). She also believes that "good feminist theory ought to reflect the real differences in women's realities, in our

¹⁴² In 1991, seven women were part of the cabinet/executive branch of the government equaling 3.41%. The same numbers held true during the 1995 elections. In 1999, twelve women held positions in the executive branch equaling 5.58% (UNESCAP n.d.: 10).

[women's] lived experiences" (1991: 268). In response to both Moore's and Cain's statements, I would like to highlight the fact that within my research methodology of speaking and listening to women, I uncovered the processes in which the female CA members, as part of the Women's Caucus, listen to one another in order to strategize for gender inclusiveness within the coming constitution. As there are women from all walks of life within the Constituent Assembly, this process of listening indicates overarching communication that allows for various perspectives to be heard and considered.

Within academic scholarship, there is a gap in experiential discourse from Nepali female politicians; indeed there is a lack of academic materials generally that focus on women's political experiences no matter which corner of the globe you are looking. This could easily be because until recently Nepali women were not part of the government. However, now there is a critical mass of Nepali women as Constituent Assembly and Parliament members and hearing their experiences on gender hierarchy both within their personal and professional lives will begin to bridge that knowledge gap and allow other countries and other women, not only to learn about those experiences as women and as female politicians, but how the women experienced the process of advocating for constitutional change. Indeed, some theorists believe that from this methodology of listening to women can offer the possibility of legal reform, as through learning of women's experiences, what women need and want, politically and socially, can be brought to the forefront and addressed by the state (Bartlett and Kennedy 1991: 1). In Nepal, with the changes in constitutional law that directly affect women, there will be a new relationship that emerges between Nepali women and the law. How might that relationship develop? This research may be seen as a first step to understanding and examining women's legal avenues and experiences as the seventh constitution is promulgated and implemented. Through detailed analysis of the women's experiences, we will find that in fact the women are telling us their perspectives of working within government as a female, where the power lies, and how the women, as a group, are lobbying for legal/social transformation.

Additionally, through revealing the specific perspectives of Nepali women within the political realm, anthropologists and researchers of gender and politics can glean a better understanding of how the current political structures include women and how women participate within those structures:

It is women who should be expected to reveal for the first time what women's experiences are. Women should have an equal say in the design and administration of the institutions where knowledge is produced and distributed for reasons of social justice: it is not fair to exclude women from gaining the benefits of participating in these enterprises that men get (Harding 1987: 7).

It is my belief that the female members of the Constituent Assembly would whole-heartedly agree with the above statement as they both reveal their experiences within the political arena and lobby for equal numerical representation within the governmental bodies. I concur that the women of the CA are upholding this statement as the women are speaking of themselves, of their personal experiences, their struggles, and what they think would be the way forward. As Arzu believes, "the constitution is not just the constitution, this is the seventh constitution we are writing; it is also a document of peace. This is how we think we can live together."

How does my research fit into wider scholarship? Cain wonders "if feminist legal theory is to provide meaningful guidance for the abolition of patriarchy" (1991: 270). While I both applaud and shy away from the frankness of Cain in her statement, I find that I cannot disagree nor do I think that women of the CA would either. Through their tireless advocating for equal numerical representation and equality across genders (as well as castes and ethnicities) it seems they are attempting to do exactly that. The first step of promulgating the constitution with laws that are inclusive of a gender perspective and support gender equity will not necessarily alter societal thoughts regarding gender roles and expectations. It will only be after the implementation phase, possibly well after, that the current notions of patriarchy might begin to crumble and societal ideas of gender might be altered. To play devil's advocate, perhaps it is already happening and the crumble has begun with the simple, yet historic act of 197 women becoming Constituent Assembly members.

It has been noted by gender and constitutional reform scholars, Dobrowolsky and Hart, "since the late 1990s the constitutional/legal has been recognized as a vitally important one [model], as legal frameworks and constitutions embody certain gender norms and help regulate and construct gender identities and citizenship" (in Waylen 2008: 126). In this way, the here presented research explores a relatively new model of scholarship, even more so that there is relatively little research in existence neither on the specific perspectives of the female CA members nor on the complex process of social change that they are engendering.

“One remembrance”

Within this document, I highlighted the inception of political parties within Nepal as well as touched on the Panchayat system, the return of democracy, the People’s War, and the elections that created the Constituent Assembly and granted the highest number of women, to date, leadership within the constitution writing team. Personal feelings about the “autocratic” Rana regime (Ghimire 2010), the restoration of democracy during the People’s Movement/*Jana Andolin*, as well as the detailed accounts of women’s experiences within the People’s War all contribute to a comprehensive look at not only which events played an influential part in Nepal’s political path, but also gave a voice and gendered perspective of these events as well.

I explored the women’s private lives and their experiences growing up and through this exploration it became clear that the women’s personal feelings and experiences all contribute to a gendered perspective of Nepali women’s lives before and during their time within the Constituent Assembly. Each woman has her own irreducible history, yet their stories have as many similarities as differences. All of the women shared tales of exclusion, hopes of change, and pride in their caste or ethnic group. Whatever the reasons for the eventual successes of the women of the Constituent Assembly, it is clear from their stories that each woman faced (or still faces) familial pressures in regard to their desires to be more than what was expected of them as a girl child. Many of the women’s choices were directly contested by male family members; in the cases where the women had relatively more freedom to choose, it was still clear to the women that this gift of freedom could be taken away.

I examined the women’s private lives and their experiences of discrimination and oppression in being both female as well as being part of various ethnicities, religions, castes, political parties, or having an ascribed profession because of one of these other factors. The women’s words of these experiences speak of a fine line of freedom both at home and within the political parties. This means that women have to first fight for their rights at home and within society, then within their political parties to have the parties accept the women's roles and thoughts, and then lastly within the CA to be seen as qualified members with opinions of value.

I also considered the women’s experiences in the public realm, more specifically as a Nepali politicians and female member of the Constituent Assembly. Though each woman is an individual who came to be elected into the government through different circumstances, they

have shared experiences due to their current status as CA members that not only reveals the important moments within their lives thus far, but significant hurdles that they, as female politicians, are facing. Many of the women cited patriarchal attitudes that, to the women, are currently embedded in many of the male CA members. To this end, many of the women feel they are not heard and are not respected within the governmental body because of their gender. Likewise, many women are unsure of their future careers in politics due to economic constraints. With the implementation of the new constitution, how will Nepali women's lives and ideas of self worth change so that they may deem themselves qualified enough to enter politics as they have been socialized that politics is a traditionally male occupation? A few of the women spoke of being role models for Nepali women. As more Nepali women learn of the paths of the female CA members, it is possible that more will begin to think that they too can have a different life due to the power of the female CA members' words, their stories, their challenges, and their triumphs. In this way, these women, all Nepali women, will help guide and transform Nepal into the new Nepal that is hoped for where everyone has equal rights and is respected as a human being, not separated by caste, gender, or religious affiliation.

Subsequently the women explained their hopes that their positions as CA members as well as the accompanying responsibilities of writing the new constitution and affecting policy changes within Nepal will positively influence equal rights not only for women, but for historically discriminated castes and ethnicities. Nepal is headed toward rapid change as underrepresented groups, lower caste, ethnic groups, and women are given a voice for the first time. Previously Nepal's human capital was based on the experience and abilities of a rather small selection of high caste men. Now with women's capital and caste capital included, Nepal can no longer remain stagnant as with these voices, experiences, and varied abilities, the only feasible path is one of change. That said, is women's capital increasing not only through the inclusion of women within high governmental levels as well as through the writing (and implementing) of a gender-friendly constitution? Radha G. believes that the constitution will be an empowering document that will benefit the whole of Nepali people. Similarly, regarding her own role in the Constitution's implementation, Binda stated:

I believe that uplifting one person one foot, one meter is easier than uplifting the whole mass by one millimeter. So to make a change in the society we have to charge all people how to change themselves, how to motivated them and another thing if the people realize something and

change themselves, it will be sustainable. If you force change, we cannot make it really.

While one can read the words of the women Constituent Assembly members regarding the recent political history in Nepal, a question that weighs on my mind is whether or not the inclusion of women in the Constituent Assembly as well as their heavy participation in the recent political events within Nepal will influence Nepal's societal structure. Or, if it will, how it will? What is the next step for Nepal? To this point, "the implementation of the ideals mentioned in the [1990] Constitution would have meant some kind of breaking down of the traditional structures" (Krämer 2008: 180). Not only is this a question for what the implementation of the seventh constitution will bring, but also opens the door for further research down the road concerning a gendered perspective of policy implementation and their influence on societal norms and lifestyles. In addition, I also wonder what tangible and intangible means will transpire that will effectively measure women's social status in the future: education, economic access, continuity in government.

In the end, who is on the women's side? The women have said that they must be careful within the Constituent Assembly due to rumors, must be careful in society due to rumors, and the press also creates a level of anxiety due to possible rumors and stories that can spread throughout Nepal via the media. Some women have found a feeling of solidarity among the female Constituent Assembly members and therefore feel that they, as women, are really working and succeeding at helping the women of Nepal. Conversely, some women projected the feeling that there is a slight difference between themselves and others due to varying aspects of belonging to the Communist Party of Nepal – Maoist. Renu Dahal expresses this feeling that, "I feel freedom if the other women get their freedom," indicating that for her, success will be measured not only from what she achieves, but from how those achievements affect others as well. On being part of the Constituent Assembly, Renu Chand said, "It is a nice experience actually. Learning all these things everyday and proving ourselves every day. Proving ourselves and that is a good thing for us." Similarly, Sarita Giri spoke of the success of women in Nepali politics:

But we women in Nepal we have been successful; we work together during this years of war. We worked in the parliament party and members in the party, we worked with the Maoist women and we were able to make a common agenda also. We were able to bring all these agendas, civil society groups and the good thing is that I'll say it is interesting to know that how those social agenda we were able to translate into politicalism. It is there that our success lies.

Sarita's comments tell a story of women's combined success as they worked together as women to illicit change and form a political agenda. Despite the successes that Sarita spoke of, a recent document written by the Women's Caucus states that while women have achieved much, women CA members are still not seen as decision makers within their political parties (Women's Caucus 2011: 74). Sixty-nine percent of the female CA members also reported that of there was a lack of seriousness among male members regarding gender an issue, stating that while men verbally support gender issues, in practice gender is not a priority: thirty-eight percent of the women stated difficulties in convincing men about the importance of gender issues (Women's Caucus 2011:83). To this end, over one third of the women reported that this lack of support from their male counterparts regarding the inclusion of gender within the new constitution was a major hurdle (Ibid.). On this point, Renu Chand spoke on the time it took for women to be part of the Constituent Assembly and her thoughts on when women in Nepal will have the same rights as men (in practice, not just constitutional law):

It is going to take a long time. It took so many years for us to come to the CA and it will take a long time, and with long, long patience we have to fight this battle. We don't have any alternate. I think so. It's too hard for a woman, quite challenging for a woman.

Renu stated that, in her opinion, there is a long road ahead and that women must be patient during the process. For her, there is not an option of letting things be, she only sees the way forward as there is no alternative. However it may be that many women feel there is no alternative, but to keep fighting. As Sapana exclaimed, "It is exciting! Yes, we are excited!" Ultimately, I believe Prativa Rana says it best when she offered a heartfelt thought about the women in the Constituent Assembly:

And they are very good, from different, they may not be very educated, some are not literate, but some are quite literate, some are new politicians and some are old politicians. And that is one remembrance that I will always have: that women are good.

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Annex 1: Main Agenda of Women in the Constituent Assembly

By Usha Kala Rai, no date.

The main agenda of women in the Constituent Assembly is as follows:

- Rights relating to inheritance
- Right to partition of property
- Right to participate in every structure of the state on the basis of the principle of proportional inclusiveness
- Special rights to education, health and employment
- Special rights over reproductive health and reproduction
- Right to motherhood
- Right to no discrimination of any kind against women by virtue of being a women
- Right against any sort of violence (physical, psychological, sexual, customary, traditional, cultural, or any other form)
- Right to no discrimination by virtue of being married
- No one shall be allowed to have more than one husband or wife at onetime
- Equal right to acquire and terminate citizenship
- Right to identity
- Right to self-determination
- Right to empowerment
- Right against human trafficking
- Protection of all human rights of women
- Priority to the rights of women over natural resources and means of livelihood
- Respect of household labour and inclusion of this in the evaluation of national income
- Equal rights for women in marital life
- Equal pay for equal value of work
- Equal right and responsibility of the mother and father for nurturing, care and all round development of the children
- There shall be at least one woman among the Head of State, Head of Government or Speaker, and these positions and their deputy must be held by people of different sex.
- Women's Commission as a constitutional body.

Annex 2: Female membership within political parties represented in the CA

	Political party	Number of female CA members
1.	CPN-M	79*
2.	Nepali Congress	39
3.	CPN-UML	38
4.	Madhesi Janadhikar Forum (Loktantrik)	7
5.	Madhesi Janadhikar Forum Nepal	2
6.	Terai Madhes Loktantrik Party	2
7.	Terai Madhes Loktantrik Party Nepal	4
8.	Rastriya Prajatantra Party	4
9.	Madhesi Janadhikar Forum Nepal (Ganatantrik)	4
10.	CPN (ML)	3
11.	CPN (United)	2
12.	Sadbhawana Party	1
13.	Rastriya Prajatantra Party Nepal	2
14.	CPN (Unifi ed)	1
15.	Rastriya Janashakti Party	1
16.	Rastriya Janamorcha	1
17.	Nepal Majdoor Kisan Party	1
18.	Nepali Janata Dal	1
19.	Sanghiya Loktantrik Rastriya Manch	1
20.	Nepal Sadbhawana Party (Anandidevi)	1
21.	CPN (ML Socialist)	1
22.	Rastriya Janamukti Party	1
23.	Sanghiya Sadbhawana Party	0
	Total	197

*One member passed away in 2010.

A more in depth version of this table was initially represented in the Women's Caucus document, 2011.

*Izkušnje žensk na področju politike in oblasti:
Pričevanja članic ustavodajne skupščine v Nepalu*

Povzetek

Začasna ustava določa mandat s kvoto triintrideset odstotnim deležem žensk v vseh javnih telesih in volitve aprila 2008 so ženskam prinesle 197 sedežev (triintrideset odstotkov) v Ustavodajni skupščini. Ta disertacija portretira politične in spolne podatke tako z vidika politične situacije v Nepalu, kot tudi žensk, ki so se pridružile začasni vladi leta 2008, kot del Ustavodajne skupščine, ki je vladno telo z mandatom, da napiše sedmo nepalsko ustavo.

Kot presečišče feminizma, spola in politične antropologije, ta raziskava vključuje pričanja ženskih članic Ustavodajne skupščine in obravnava njihove izkušnje in interpretacije s tistimi izkušnjami pred in med procesom snovanja prve ustave post-konfliktnega Nepala. To so nekdanje gospodinje, družbene aktivistke, nekdanje sužnje, nosilke doktoratov, učiteljice in delavke. Ženske predstavljajo devetnajst od devetindvajset aktivnih političnih strank znotraj Ustavodajne skupščine. Čeprav so njihove vzgoje, izkušnje in politične ideologije tako različne kot ženske same, pa danes skupaj delijo edinstveno izkušnjo: pisanje ustave.

Avtorica je raziskovala osebna življenja žensk in njihove izkušnje odraščanja, ter skozi to raziskavo je postalo jasno, da vsa osebna ženska čustva in izkušnje prispevajo spolno pogojeni perspektivi nepalskih žensk pred in med njihovim časom znotraj Ustavodajne skupščine. Ženske perspektive o večjih dogodkih v nepalski zgodovini, med drugim Ljudska vojna, vse prispevajo k celovitemu pogledu ne samo na dogodke, ki so igrali vplivno vlogo na nepalsko politično pot, ampak so hkrati podali glas in spolno pogojeno perspektivo teh dogodkov. Vsaka ženska ima svojo lastno nekrčljivo zgodovino, hkrati pa imajo njihove zgodbe ravno toliko podobnosti kot razlik. Vse ženske delijo zgodbe izključenosti, upe o spremembah in ponosu v svoji kasti ali etnični skupini. Kakršnikoli so že razlogi za morebitne uspehe žensk Ustavodajne skupščine, je iz njihovih zgodb razvidno, da se je vsaka ženska soočila (ali se še sooča) z družinskimi pritiski v povezavi s svojimi željami, ki so večje kot pa je bilo pričakovano od dekliškega otroka. Medtem, ko je zgodba vsake ženske zanj edinstvena, so številne nepalske ženske, ki delijo podobno zgodbo. Vendar to kar naredi vsako žensko posebno je, da je zapustila svoj rojstni dom, pridobila mnogo več izkušenj kot je bilo pričakovano, ter se pridružila poklicu, ki je bil do nedavnega rezerviran samo za moške.

Avtorica je preučila osebna življenja žensk in njihove izkušnje z diskriminacijo in zatiranjem, ker so hkrati ženske in del različnih narodnosti, religij, kast, političnih strank, ali pa imajo pripisan poklic zaradi enega od teh faktorjev. Ženske besede o teh izkušnjah govorijo o tanki liniji med svobodo tako doma kot znotraj političnih strank. To pomeni, da se morajo ženske najprej boriti za svoje pravice doma in znotraj družbe, potem znotraj svojih političnih strank, da le-te sprejmejo ženske vloge in misli, ter nazadnje znotraj Ustavodajne skupščine, da so opazne kot usposobljene članice, ki imajo mnenja z vrednostjo.

Na koncu so upoštewane ženske izkušnje v javni sferi, bolj natančno kot nepalske političarke in ženske članice v Ustavodajni skupščini. Čeprav je vsaka ženska posameznik, izvoljen v vlado skozi preplet različnih okoliščin, pa so delile izkušnje zaradi trenutnega statusa članic Ustavodajne skupščine, ki ne razkriva le pomembne trenutke njihovih življenj do danes, ampak tudi precejšnje ovire, kot ženske političarke, s katerimi se soočajo. Številne ženske navajajo patriarhalne odnose, do žensk, ki so trenutno ukoreninjeni v mnoge moške člane Ustavodajne skupščine. Zato številne ženske čutijo, da njihov glas ni slišan in niso spoštovane znotraj vladnega telesa zaradi svojega spola. Podobno, veliko žensk čuti negotovost do svojih bodočih političnih karier zaradi ekonomskih omejitev.

Ženske pojasnjujejo svoje upe. S svojimi položaji kot članice Ustavodajne skupščine in spremljajoče odgovornosti pisanja nove ustave ter vplivanje na politične spremembe v Nepal, bodo pozitivno vplivale na enakopravnost, in ne samo žensk, ampak tudi zgodovinsko diskriminiranih kast in narodnosti. Osebna čustva in izkušnje žensk povezanih s temi dogodki v Nepalski zgodovini, vse prispevajo k celovitemu pogledu na ne le kateri dogodki so igrali vplivnejšo vlogo na nepalsko politično pot, ampak tudi dajejo glas in spolno pogojeno perspektivo teh posebnih časov v Nepal.

Ključne besede

Nepal; ženske; Ustavodajna skupščina; spol; politika; narodnost; kaste; ustava