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Dalit Identity as an Oppressively Constructed Deficit in Nepal: A Historical Perspective

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Abstract
This article critically analyzes the historical formation and reinforcement of Dalit identities in Nepal through the lens of Pierre Bourdieu's theory of social reproduction and Tara J. Yosso's concept of cultural capital. It examines how the caste system has historically shaped Dalit identities within a deficit framework, devaluing their social capital. To do this, the article examines how Dalit identities have been oppressed and marginalized through the transmission of the socially constructed caste system, as outlined in *The Laws of Manu* (also known as *Manusmriti*), across the fourteenth century to the present. Hence, the article contributes to a critical conversation about caste and untouchability by resisting caste-based hierarchies and issuing a clarion call to promote social harmony, justice, and equity.

Keywords: Bourdieu, Capital, Dalit, Caste, *The Laws of Manu*, Yosso

Introduction

The idea for designing and writing this article was sparked by incidents observed by the two authors in different contexts. While in Europe, the first author, Purna, met a non-Nepali friend who, knowing that Purna was officially a Hindu from Nepal, asked him to explain the meanings of "caste" and "Dalit." Purna shared his understanding of how the caste system historically operated in Nepal and how, despite its deep-rooted presence, it is gradually fading from contemporary social realities. During the conversation, the non-Nepali friend opened the *Merriam-Webster Dictionary* and read the meaning of the word "Dalit": "a member of the lowest class in the traditional Hindu social hierarchy having in traditional Hindu belief the quality of defiling by contact a member of a higher caste" ("Dalit," 2024). As a Hindu, Purna found this dictionary definition unsettling. More recently, Purna contacted the second author, Sudha, to inquire about her experiences and observations regarding caste and untouchability as an educator in contemporary Nepal. Initially, Sudha was not fully aware of how caste discrimination operates in invisible forms. Therefore, she decided to observe or experiment with it anonymously. Subsequently, she introduced herself as a Dalit at two professional settings and found that some (but not many) colleagues began treating her oddly. One colleague remarked on her talent and education, despite her Dalit background. As

Sudha observed, this remark suggested that a Dalit is unlikely to be talented or educated, a claim she considers historically untrue. She also listened to several Dalit scholars about their experiences, and they confirmed that anti-Dalit social practices manifest as microaggressions almost every day in their lives. When we, the two authors, shared our stories, the first author's observations and the second author's experiences aligned, reinforcing that discrimination against Dalits is a social reality in Nepal, though less severe than in the past. Drawing on our experiences, we conducted preliminary archival research that indicates that caste discrimination against Dalits in Nepal is not a recent social development; it has a centuries-long history. Aware of these social realities, we planned to write an article to critically examine how caste discrimination against Dalits was or has been produced and reproduced in Nepal. Therefore, in this article, we aim to investigate how Dalit identities were problematically constructed, reproduced, and reinforced throughout Nepal's history, seeking to answer the following research question:

> ***In what ways were Dalit identities historically reproduced within a deficit paradigm in the history of Nepal?***

To answer this research question, we examine the history of the caste system in Nepal from its earliest recorded references to the present day.

Caste and Dalit Identities

The term "caste" may sound neutral, but it carries social tensions and hierarchies. In the Nepali language, "caste" is called *jaat*, which implies either high caste (*mathillo jaat*) or low caste (*tallo jat*). The English word caste is of Portuguese origin—from *casta*—which was applied to India by the Portuguese in the mid-fifteenth century, referring to peoples characterized by endogamy, hereditary membership, and a specific style of life (Sharma, 1978; Wilkerson, 2020). Similarly, the word "Dalit" in the Nepali language has been imported from Hindi (one of the Indian languages) which was from Sanskrit, meaning downtrodden, marginalized, broken, and oppressed groups who were treated as the lowest and untouchable castes (Gurung, 2005; Folmar, 2007; Michael, 2007; Pyakurel, 2021). *The Nepali Brihat Shabdakosh (2019),* an official Nepali dictionary, provides two meanings of the word "Dalit." The first meaning can be translated in English as "broken apart into pieces, grinded, oppressed, subdued, violated, vanquished". Then, it defines "Dalit community" as "a community (*jaati*) lacking rights, prestige and recognition" and "a community exploited and marginalized by unequal social (caste) system". *Encyclopedia Britannica* defines Dalits as "*Pani Nachalnya* (Untouchable)", meaning they cannot touch the water (tap/containers) of the upper caste peoples ("Dalit", 2024). ILO (International Labor Organization) writes that Nepali Dalits find their identity in the word "Dalit" and reject the terms untouchable, low caste, and water unacceptable. In this article, we use the terms Sudras, Dalits, and untouchables interchangeably. Although some researchers have elaborated on the differences between these terms, our observations and experiences indicate that they are similar with respect to social practices in Nepal.

Caste is an enigmatic yet pervasive social problem in Nepal. Since it was coined to denote the hierarchical social system, the term "caste" is laden with capital (high-caste)- deficit (low-caste) tension. The OHCHR (Office of the High Commissioner for Human Rights) (2016) defines caste as a strictly hierarchical social system often based on notions of purity (capital)

and contamination (deficit). In Nepal, caste refers to birth-ascribed social rank and interactions rooted in social hierarchy (Berreman, 1972; Rao, 2010). The hierarchy of the four different castes is in descending order. The Brahmin is at the top, and the hierarchy descends to Chhetri/Kshetri, to Vaishya, to Dalit (Sudra) at the bottom. Hence, in Nepal, caste has been reproduced as symbolic capital (privilege) for the upper castes, whereas it becomes a deficit (disadvantage) for the Dalit (*Sudra*) identities. *The National Dalit Commission* (2022) defines Dalits as a community deemed water-unacceptable and untouchable, who were subsequently excluded from mainstream education, economics, society, politics, and culture, yet contributed to state-building through their labor, skills, and arts and crafts (1). It suggests that Dalits have historically been marginalized in Nepal. Nevertheless, from Yesso's (2006) notion of cultural capital as the labor, skill, and art and craft, as defined, it is evident that Dalit capital has been preserved. The problem, however, was that the knowledge and epistemologies of Dalit communities were oppressively invalidated; they were exploited but not acknowledged, and therefore assumed to be deficient. Human Rights Watch (2001) compares Nepali Dalits with the Buraku people of Japan, the Osu of Nigeriaís, the Igbo people, and certain groups in Senegal and Mauritania. Thus, like the term "caste," "Dalit" implies an absence of Bourdieu's notion of capital; it implies lack and deficit. However, the capital of the Dalits is the historical memory of marginalization, stigmatization, violence, torture, segregation, and untouchability. Those experiences (Dalit identities) need to be listened to and acknowledged as the Dalit cultural capital of the nation; they should be duly compensated. It is the ethical, political, and humane responsibility of the state and every conscious citizen to re-capitalize Dalit identities. Despite these ethical and national exigencies, critical conversations about the historical production and reproduction of Dalit identities within a deficit paradigm remain under-researched. Therefore, in this article, negating the birth-ascribed status of caste hierarchy, we critically trace how Dalit identities were pushed to the margins.

Bourdieu's Reproduction and Yosso's Cultural Capital Wealth

Bourdieu's (1985, 1986, 1987, 1989) theory of reproduction and Yosso's (2006) cultural capital wealth are the two main theoretical perspectives used in this article. Bourdieu's theory of reproduction builds on and extends the Marxist concept of economic reproduction (Nash, 1990; Grenfell, 2014), adding concepts such as capital, doxa, social space, and symbolic violence. For Bourdieu (1985, 1986, 1987, 1989), reproduction appears in various forms of capital: economic, cultural, social, and symbolic. Economic capital is expressed through money, whereas cultural capital exists in three forms: embodied (physique and manners), objectified (writings and paintings), and institutionalized (official certificates, degrees) (Bourdieu, 1986). Bourdieu argues that societies "produce [capitals] in order to reproduce," and these reproductions enable inter-generational transmission (Nash, 1990, p. 432). Based on these capitals, people identify with each other and gain membership in a class. This social network is what Bourdieu calls social capital or social space, a sum of "principles of differentiation or distribution" (1985, p. 724), which "draw individuals together or apart" (1986, p. 7). Thus, reproduction creates hierarchical classes through differentiation or distinctions "at [two] extreme ends of the distributions" (Bourdieu, 1987, p. 12). For Bourdieu, symbolic violence occurs through doxa—the commonsense, unquestioned

beliefs—that are "imperceptible, insidious, and invisible" (Thapar-Björkert et al., 2016, p. 148). In Bourdieu's anthropology, a person faces two choices: a social space-based choice and an inner personal choice, and the dialectical relationship between these choices is what Bourdieu terms habitus, which refers to "an agent with a relatively determined and socially constructed set of embodied dispositions" (Holton, 1997, p. 39). It is a stance or positionality of a social agent that is constantly in flux, described as "an ongoing and active process" (Grenfell, 2014, p. 52). Therefore, Bourdieu's concept of habitus reveals the tension between "the social and the individual, the objective and subjective, and structure and agency" (p. 53).

Yosso (2006) challenges Bourdieu's theory of capital. She argues that Bourdieu's notion of capital is inadequate because it does not fully address "whose knowledge counts and whose knowledge is discounted" (p. 69). She contends that Bourdieu's idea of capital is flawed since it cannot do justice to the most marginalized communities because, for Yesso, "culture can form and draw from communal funds of knowledge" (p. 76). This means that, for Yosso, Bourdieu's theory of capital renders the capital of marginalized people a deficit. Therefore, she proposes exploring and amplifying the cultural community wealth of marginalized groups, which exist in different forms: aspirational, linguistic, familial, social, navigational, and resistant. In this article, a critical exploration of the caste-based deficit paradigm that marginalizes Dalit identities is a methodological insight that bridges theory and methodology.

Study Methods

This article relies on content analysis. This article analyzes qualitative documents like *The Laws of Manu*, legal codes, and news reports. Content analysis, as a subset of qualitative document analysis, "takes texts and analyses, reduces and interrogates them into summary form through the use of both pre-existing categories and emergent themes" (Tunison, 2023, p. 86). This means that content analysis allows researchers to identify categories and themes. In this article, we present a comprehensive and accessible translation of *The Laws of Manu*, available as open source, as many versions exist in Sanskrit, Nepali, and English. To maintain uniformity, we have cited the hymn number rather than the page number, allowing readers to easily locate references across all versions or translations of *The Laws of Manu*. The analysis and interpretation of *The Laws of Manu*, legal codes, and news reports in this article revolve around one issue: caste. The analysis and interpretation of the selected texts followed the two coding cycles discussed by Saldaña (2021). We coded all the texts by tracking recurring words, ideas, motifs, symbols, and images that articulated the underlying ideology of caste and Dalit identity. Subsequently, based on these recurring patterns, themes were identified. We have used the themes referenced in the texts as subtitles in the discussion. Throughout this process, we did our best to remain reflective and unbiased, to the best of our research capacity. To maintain reliability and ethical standards, we have cited the texts in our analysis and carefully selected language to avoid misrepresenting Dalit identities.

Limitations of this Study

One limitation of this article is our positionality. We, the authors, are not Dalit; however, in this article, we foreground the social construction of Dalit identities as a form of resistance to and rejection of caste-based social hierarchies. Moreover, this study is limited by its reliance on translated historical and legal texts and its narrow focus on Nepal. While *The Laws of Manu* and certain legal documents exist in Sanskrit, Nepali, and English translations, we have

referenced the English version, which thus carries the risk of linguistic or interpretive variation. Even so, relying primarily on document-based analysis means that the findings reflect how caste ideology is represented in texts rather than how it is embodied, negotiated, or resisted by Dalits in their everyday lives. Focusing only on Nepal provides contextual depth, yet it also delimits the broader applicability of caste and Dalit issues across South Asia. Therefore, we acknowledge that future research could complement this study with ethnographic work, interviews, or oral histories to integrate lived Dalit experiences into the analytic frame.

Discussion

No Caste in the *Rig-Veda*

The Rig-Veda is the oldest of the sacred books in the Hindu philosophical tradition, composed in an ancient form of Sanskrit around 1500 BCE. Some researchers studying the caste system cite 'Purusha Sukta' from the Rig-Veda as the first reference (Sharma, 1978; Thapa, 1988; Michael, 2007; Gupta, 2004; Bishwakarma, 2019). However, there is no consistency in myths about the origin of the caste system and the practice of untouchability, indicating a lack of evidence regarding whether these existed before the Vedic era or emerged in post-Vedic times (Muir, 1863; Sharma, 1978; Bishwakarma, 2019). One of the key themes in the *Rig Veda* concerns the creation of the world, the universe, and all living and nonliving beings. In *the Rig-Veda*, 'Purusa' is depicted as the primal form of God from whose body the world was created. The section "Purusa Sukta" describes the origin of four different human beings: "The Brahman was his mouth, of both his arms was the Rajanya made. His thighs became the Vaisya, from his feet, the Sudra was produced" (10.90). In the history of Hindu philosophy, some scholars argue that this is the first mention of the 'birth' of the initial four humans: "The first reference to the four varnas [which later were (mis)understood as castes] comes in the tenth mandala of *Rig-Veda*, in two verses of Purusha Sukta" (Nadkarni, 2008, p. 4786). The idea of four people being born from different parts of Purusha seems problematic and unconvincing, but it does not necessarily equate to the caste system. It can be argued that the myth of the birth of these four primordial humans is mythical and fictional, as they are associated with different body parts. Nonetheless, this myth is often misinterpreted as the foundation for caste, leading to the idea that castes were created, essentialized, and falsely considered integral to Hindu belief. In reality, the *Rig-Veda* makes no mention of the caste system as it was later codified. Therefore, the Rig-Veda neither introduces nor supports caste, untouchability, hierarchy, discrimination, purity, or impurity among humans. As Sharma (1978) rightly notes, the Rig-Vedic creation myth has three issues—hermeneutical (hierarchical and organic), historical (if those persons predated the *Rig-Veda*), and mythical (multiple creation stories)—which lead to "hermeneutical possibilities, the historical ambiguities" (p. 303). In agreement, Gupta (2004) asserts that the caste system emerged during the post-Vedic period based on "individual merits and demerits with no prejudice of birth" (p. 44). After examining Hindu scriptures, Bose (1958) infers that they primarily portray "a casteless millennium of equality, plenty and piety" (p. 97) that existed prior to the Vedic civilization. Thus, it can be argued that Dalit identities, the doxa of untouchability, and the symbolic violence imposed by upper-caste (dominant) groups are products of anti-Hindu and anti-Vedic sentiments—though such ideas may have been (re)produced by followers of

Hindu belief systems—reproduction, not originating from the *Rig-Veda* itself. Although research on this topic is limited, the terms Hindu and Hinduism appear to have emerged in the post-Vedic period, alongside the caste system. The scriptures, instead, speak of 'Sanatana Dharma' (eternal religion) existing during the Vedic era. It shows that caste, untouchability, and Dalit identities were not intrinsic to the Vedic world; they are post-Vedic oppressive social and political constructs and representations.

(Re) Production and De-capitalization of Dalit Wealth in *The Laws of Manu*

The Laws of Manu, a text believed to have been sanctioned and put into practice by the legendary (?) first man and lawgiver Manu around 100 BCE in ancient India, was among the earliest and most authoritative texts (re)producing untouchable Dalit identities within the caste hierarchy (Michael, 2007; Wilkerson, 2020). This text created codes (Dharma-shastra), also known as Manava-dharma-shastra (science of religion). *The Laws of Manu* contains dehumanizing elements of caste and casteism, often problematic in how it is presented as part of the Hindu belief system. It preblematically reproduced the *Rig-Veda* by misinterpreting Sudra identities (Dalit identities) and established the notion that Sudras are the lowest and untouchable caste. Firstly, it echoed the *Rig-Veda*'s narrative of the origin of four human types: "The progenitor, the Purusha, For the prosperity of the world, he caused the Brahmana, the Kshatriya, the Vaisyas, and the Sudras to proceed from his mouth, his arms, his thighs, and his feet" (*The Laws of Manu*, 1964, pp. 13–14). This reiterates the Vedic idea of human origins. In *The Laws of Manu*, the origin of humans is further described, adding false beliefs about purity and impurity: "Man is stated to be purer above the navel (than below). Hence, the Self-Existent (Svayambhu) has declared the purest (part) of him (to be) his mouth" (p. 24). However, these references lack evidence compared with the *Rig-Veda* itself. Unlike the Brahman's, *The Laws of Manu* portray Sudra identities as impure and unholy, which sounds to be an anti-Vedic stance. Nonetheless, in Hindu philosophy, Vedic teachings are considered superior to later (mis)interpretations like *The Laws of Manu*: "It is *The Laws of Manu* which is particularly supportive of caste system," but when it conflicts with the Vedas, the latter prevails (Nadkarni, 2003, p. 4786). This shows how Sudras were systematically placed at the bottom, stripping them of economic, cultural, and social capital. Therefore, caste is the most problematic and anti-Hindu belief embedded in Hindu social practices.

Moreover, in *The Laws of Manu*, another version of reproduction relates to caste-based duties: "But in order to protect this universe He, the most resplendent one, assigned separate (duties and) occupations to those who sprang from his mouth, arms, thighs, and feet." (p. 24). Thus, it established the doxa that four types of people had four different duties, where a Sudra must serve the upper castes meekly: "One occupation only the lord prescribed to the Sûdra, to serve meekly even these (other) three castes" (p. 24). This is symbolic violence through reproduction because it created the doxa that Dalit identities are the lowest caste assigned to serve the high castes. Therefore, Michael (2007) remarks that it was *The Laws of Manu* where "the service of a Brahmin alone is declared to be an excellent occupation for the Sudras" so that they could earn "leftover food, old clothes, the refuse of grain and old household furniture" (p. 73). Thus, the Dalit-as-deficit was systematically embedded by *The Laws of Manu* within the Hindu belief systems. *The Laws of Manu* also produced a doxa about Dalit names and surnames as it inscribed Sudras' first names as "contemptible" and

their second names as "denoting service" (p. 35). Therefore, Dalit names signified that they deserve no symbolic (social and cultural) capital or social space. *The Laws of Manu* dictated that if Sudras read and write, they would have their tongues cut in return, reproducing an ongoing consequence of long-term deprivation of education and their lowest social position for millennia (Michael, 2007; Bishwakarma, 2019; Wilkerson, 2020). Reflecting on these historical realities, we can conclude that The Laws of Manu not only misinterpreted the Rig-Veda but also influenced everyone by reproducing a caste-based social hierarchy. People began reciting the shlokas and mantras of this text as divine revelations. Dominant classes (upper castes) lived their privileged lives by claiming all social spaces and cultural capital. Dalits (Sudras) were pushed to the margins, and their cultural communal wealth was de-capitalized. Gradually, *The Laws of Manu* replaced the Vedas; it obstructed the path to Vedic knowledge and planted the seed of casteism in the guise of Hindu belief. Thus, even though *The Laws of Manu* contains abundant knowledge and wisdom in other areas, it created the caste system, negatively impacting the Hindu way of life for centuries.

Re-Production of Dalits during the Reign of King Jayasthiti Malla

Jayasthiti Malla was the eleventh Malla king who ruled in Kathmandu Valley during the 14th century AD. He is generally seen as the first ruler to introduce and establish a rigid caste-based system in Kathmandu Valley (Ram, 1970; Thapa, 1988; Kafle, 2021) in Nepal's history. According to Ram (1970), before Jayasthiti Malla, there was no caste or untouchability system among the Newar communities in Kathmandu Valley. However, after consulting with a committee of five learned individuals familiar with *The Laws of Manu*—namely Kritinatha Upadhyaya, Kanyakubja, Raghunatha Jha Maithili, Srinatha Bhatta, Mahinatha Bhatta, and Ramanatha Jha—Jayasthiti Malla restructured the social hierarchy in Kathmandu Valley. He divided society into four varnas, sixty-four castes, and 725 sub-castes, all based on *The Laws of Manu*'s caste ideologies (Ram, 1970; Kafle, 2021; Pyakurel, 2021). Accordingly, *The Laws of Manu* and caste doctrine became embedded in Nepali law. The code was particularly severe on the lowest caste, the Sudra or Dalits. It sanctioned dehumanizing punishments: pouring substances into the mouth or ears of a Sudra for arrogance, amputating limbs if he kicked someone from an upper caste, removing both buttocks if he sat on an upper-caste seat, and cutting off his hands if he attacked, among others (*Nepal Law Commission, n.d.*). Here, the legal reproduction goes beyond Bourdieu's concept of symbolic violence; it involves actual brutality, atrocity, and violence. The caste-based legal code also enforced untouchability: "Sudras or untouchables are at the bottom of the hierarchy" (Thapa, 1988, p. 4). It forced Dalits to live without any capital in the lowest social space, with no prospects of upward mobility. In Bourdieu's view, social mobility depends on accumulating social, economic, and cultural capital, but for Dalits—as dictated by this code—upward mobility was impossible. Therefore, in a caste-based society, Bourdieu's notion of a dynamic social space becomes extremely rigid, immobile, and hermetic. We have argued that *The Laws of Manu* replaced Vedic epistemology because it validated itself as a natural extension of Vedic knowledge, and this doxa migrated from India to Nepal during Jayasthiti Malla's reign under the guise of dharma shastra (science of religion). Some scholars still recite (reproduce) the shlokas of *The Laws of Manu* as authoritative shastra, claiming to be more informed and knowledgeable.

Reproduction of Dalits During the Reign of Ram Shah

Ram Shah was the king of the Gorkha Kingdom, present-day Gorkha District in Nepal. King Ram Shah of Gorkha introduced a rigid caste system in Nepal, following Jayasthiti Malla. He strictly enforced these divisions by structuring society into the Four Varnas and Thirty-Six Castes. Ram Shah's laws also regulated everyday life, such as what people wore and where they lived. GC (2022) explains that different castes had to wear different qualities of garments, low-caste people like Dalits were banned from living in Pakka (concrete) houses, and they were forced to live near riverbanks or in rural areas. This demonstrates how the caste system created social hierarchies based on habitat and clothing. Similarly, Kafle notes that under Ram Shah's rule, those who broke caste rules by eating and drinking outside their caste were punished according to their caste. Nepal Law Commission (2018) translates his decree: "Everybody, bigger or smaller, all the subjects Four Barna and Thirty-Six Castes whosoever violates the Rule mentioned here above, shall be punished according to the degree of the criminality by myself and by my successors" (p. 13). A clear example of caste discrimination during Ram Shah's reign is the severe penalties: the deportation of Chautaria brothers, ascetics, Bhats, and Brahmins if they killed someone, but there was a death penalty if Sudras [Dalits] killed someone. Thus, King Ram Shah of Gorkha solidified the strict caste system legalized by Jayasthiti Malla in Nepal. This indicates that the caste system described in The Laws of Manu spread and became more deeply rooted in Nepal during Ram Shah's rule in the seventeenth century.

Reproduction of Dalits in *Muluki Ain 1910* (1854 AD)

During Jayasthiti Malla's time, who officially established a caste-based society, Nepal was confined to only the Kathmandu Valley, not the entire present-day country. Therefore, the *Muluki Ain 1910 (Legal Code 1854)* (2021) was the first legal code enacted in Nepal. *The Muluki Ain* 1910 was codified and officially approved during the reign of Prime Minister Jung Bahadur Rana as an effort to unify various castes (jaats) under a single framework (Höfer, 2004; Gellner, 2007; Pyakurel, 2021). This legal code categorized society into four vertical castes, assigning specific duties:

> The Branman who study the Veda and perform sacrifices for the two varnas below them; b) the Ksatriya, the varna of the kings and warriors; c) the Vaisya who are peasants, merchants and craftsmen; and d) the Sudra, the lowest varna, whose duty is to serve the three superior varnas (Höfer, 2004, p. 88).

Here, the water-unacceptable castes are none other than the Dalits. This is how untouchability was also formally enforced across Nepal. The legal code also added "alcohol" as a marker of caste distinction. In the section, "On Choosing a Profession," high caste Brahmins are defined as "not drinking alcohol," and if they do, they would be degraded to the status of Dalits: "The one who consumed shall be degraded into an Alcohol-drinking Śūdra caste" (*Muluki Ain 1854*, 2021, p. 254). Here, not drinking alcohol is established as the cultural capital of Brahmins. The irony, however, is that even if the Dalits did not consume alcohol, they could not ascend the caste hierarchy. Thus, society perpetuated the doxa 'a Brahmin cannot drink alcohol, but a Sudra can,' which was reinforced and spread for centuries. Additionally, "sacred thread" was added as the symbol of power, privilege, purity, and responsibility for higher castes. According to the code, if a caste wearing the sacred thread drinks alcohol or

fails to perform prescribed duties, they are degraded into the Sudra caste. When examining the code and its application in real life, it becomes clear that no high caste person truly deserves to be considered an 'upper' caste; everyone has descended to the level of Sudra generations ago. The irony, however, is that presumed high-caste individuals believe they are distinctly superior to low-caste people. This is hypocrisy. Perhaps due to this realization, one high caste person tore off the sacred thread, saying "a poisonous snake around my neck, and its toxic venom was getting inside of me" (Wilkerson, 2020, p. 365). We should also share the first author's experience:

> When I received the sacred thread (*janai*), the priest explained that it symbolized a commitment to goodness, truth, and justice for all beings—through thought, word, and action. I had made commitments to keep all these promises. What worries me most is how people with sacred threads can perpetuate unholy deeds in the world. Instead of viewing myself as a 'high' caste person, I want to dismantle all the evil, atrocities, discrimination, and injustices rooted in the caste system, and I will do my best to make a difference. Persons with a "sacred thread" cannot or should not commit any 'unholy threads' of evil deeds. I think that either everyone needs such a holy thread or nobody, so that caste distinctions gradually disappear.

The commitment of the first author resists the following legal code:

> If someone from a Water-unacceptable caste contaminates someone else [from a Water-acceptable caste] through water, he shall be enslaved, if he is a free person (āphusukhi paunī jāta). If [the offender] was already enslaved or is a male or female slave from an Untouchable caste, he or she shall be imprisoned for 2 years and then set free. Such a male or female slave becomes [the property] of his or her master." (*Muluki Ain 1854,* 2021, p. 526)

After reading this depiction of untouchability and slavery, we agree with Wilkerson's (2020) argument that race and caste coexist: "Caste and race are neither synonymous nor mutually exclusive. They can and do coexist in the same culture and serve to reinforce each other (p. 19). Now, besides alcohol and sacred thread, touching water has been reproduced as a form of cultural capital that could establish a higher social status in a caste-based society. Thus, the purity (capital) of the upper caste and the impurity (deficit) of the lower caste were perpetuated. It led to many caste-based doctrines against Dalits. Therefore, Pariyar (2020) writes, "although the *Muluki-Ain of 1854* has been replaced twice, the social structure strengthened by that set of laws still persists" (p. 190). Consequently, *Muluki Ain 1854* was a key point in reproducing the marginalization of Dalit identities in Nepal.

Promise Versus Delivery: *Muluki Ain 2020* (1963 AD)

Muluki Ain 2020 was the first legal code that aimed (at least in written form) to reduce the tension between the capital and deficit rooted in the caste system. The purpose of the code was to "maintain peace and order in Nepal and to foster harmonious relations among people of various classes, castes, tribes, and regions. (p. 3). Thus, the code is designed to promote harmony and coexistence throughout the nation. It was received positively as "the culmination of Nepal's transition into the modern world" (Kumar, 1964, p. 42). The prevailing ideology conveyed in this code emphasizes 'harmonious relations' among Nepali citizens. However, caste was not addressed as a specific social issue within this code. Instead,

it was grouped together with other categories such as class, tribe, and region. Additionally, there was a provision imposing penalties on those who discriminate against others based on identity markers.

> If a person discriminates as an untouchable or excludes or prohibits any person on grounds of caste, religion, color, class or work, the person shall be liable to the punishment of imprisonment for a term ranging from three months to three years or a fine of One Thousand Rupees to Twenty-Five Thousand Rupees or both." (*Muluki Ain 2020***,** p. 407)

Thus, this legal code marked the official end of caste discrimination. At this point, the code aims to reinforce anti-caste statutes. It sought to establish the idea that 'caste discrimination is a crime'. However, the anti-Dalit doxas that have existed for centuries were so widespread that it was impossible to dismantle them quickly. As Uprety and Thapa (2017) counterargue, this legal code had tacitly accepted casteism. The legal code was therefore more focused on dismantling the caste-based capital (or deficit) deeply embedded in Nepali society. Despite all these promises, Dalit-as-deficit persisted:

> Soon after the introduction of this new *Muluki Ain*, the Dalits attempted to go inside the Pashupatinath temple, from which they had hitherto been banned. The government reacted quickly and stated that the caste system was not abolished. It cited Section 10, entitled Adal ko (on disciplinary matters), and it warned, "Those who indulge in actions prejudicial to the social customs and traditions of others will be punished (Pyakurel, 2021, p. 26).

Therefore, doxa of untouchability and Dalit deficit were reproduced again in the disguise of 'customs and traditions of others', the symbolic capital of the dominant groups. Again, the cultural capital wealth of the Dalits was discounted. In this regard, Pyakurel (2021) and Bishwakarma (2019) assess the impact of the civil code, arguing that, even though caste-based discrimination was formally abolished in 1963, there existed no policies for its implementation in Nepal until 1990. Constitution of Nepal (1990), stating right to equality as the fundamental right had promised for caste-based equality: "No person shall, on the basis of caste, be discriminated against as untouchable, be denied access to any public place, or be deprived of the use of public utilities. Any contravention of this provision shall be punishable by law.". Hence, since the 1960s, the constitution has included promises and policies against caste discrimination.

Promises versus Possible Delivery: The Dalit Identities at Present

Regarding legal policies and provisions, the Federal Democratic Republic of Nepal, a historic political shift following the Maoist insurgency from 1996 to 2006, promises to create a capital of equality, if not equity. In the *Constitution of Nepal* (2015), the Right to Live with Dignity has been placed as the first fundamental right: "Each person shall have the right to live with dignity" (Article 16, p. 5). Similarly, Article 50 (1), the Directive Principles, envisions "ending all forms of discrimination" (p. 3) by "maintaining communal harmony, solidarity, and amity" (p. 16). When we go further, Article 51 (a) also reiterates that there shall be "mutual understanding, tolerance, and solidarity among various caste, ethnic, religious, linguistic and cultural groups and communities" (p. 17). These constitutional provisions emphatically state that the government of Nepal has guaranteed and ensured the

right to live with dignity irrespective of one's caste, maintaining social harmony and mutual understanding among the citizens. It sounds like the constitution incorporates the doxa of human rights; all human beings are equal. Owing to the constitution, any social practice of untouchability based on caste(s) is unlawful and, therefore, punishable by law in Nepal. Moreover, existing civil codes also take caste discrimination as a crime. As stated in Chapter 3 (Provisions Relating to Civil Rights) under *The National Civil (Code) Act, 2017 (2074)* (2017). Owing to the constitutional and legal provisions, *The Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068* (2011) has also clearly stated the punishment against someone who practices any form of caste discrimination: "The punishment of imprisonment for a term from three months to three years and a fine from fifty thousand rupees to two hundred thousand rupees" and "imprisonment for a term from two months to two years and a fine from twenty thousand rupees to one hundred thousand rupees. (p. 7). Thus, it shows that the caste-based capital is gradually eroding in Nepal.

However, even though any form of discrimination is punishable by law in Nepal, caste discrimination exists. This paper analyzes six recent cases (reproductions) of anti-Dalit violences:

- A ward member (a locally elected representative) was verbally abused and thrown stones by the upper caste people without any provocation. The victim says: "He [an upper caste person] used slurs against me, calling me names and labeling me a cow-eater" (Gahatraj, 2023, July 27).
- In another news report, it was reported that a junior technical assistant was forced out of the cowshed even though she was called to vaccinate the goats: "upon learning that she was a Dalit, the house owner with Poudel surname, did not allow her inside the shed where the goats were" (Pradhan, 2022, June 4).
- The next news report tells that a 12-year-old Dalit girl—who is "said to have been forcibly married to her alleged rapist from a dominant caste" was reportedly discovered hanging from a tree on 23 May 2020. (UN News, 2020, May 29).
- A Dalit boy, along with his four friends, was attacked, chased to the river, and stoned to death when he intended to escort an upper-caste girlfriend back to his home to marry (UN News, 2020, May 29).
- A Dalit journalist was denied renting a room once she exposed her Dalit identity even in the capital city, Kathmandu (Kamat, 2022, June 5).
- "I was invited to a function to celebrate the marriage of a school peer. During that ceremony, higher-caste people asked me to be sure that I remained separate during the feast" (Bishwakarma, 2019, p. 47)

In these heinous anti-Dalit crimes, the capital-deficit hierarchy is evident. All the incidents have been guided by the underlying assumption (doxa) of 'high castes versus Dalits'. In the first case, the deficit doxa of untouchability, which was imposed on Dalits, seeks to nullify the social capital (locally elected member) of a Dalit. In the second, fifth, and sixth cases, the social capital of the Dalits (a technical assistant, a journalist, and a teacher) turns into a deficit as soon as their Dalit identity is exposed. The Dalit-as-deficit mentality reproduces such heinous crimes that a Dalit girl is raped, married, and finally hung, while a boyfriend has been stoned to death by the family/community of the girlfriend. Here, from the Bordieuan

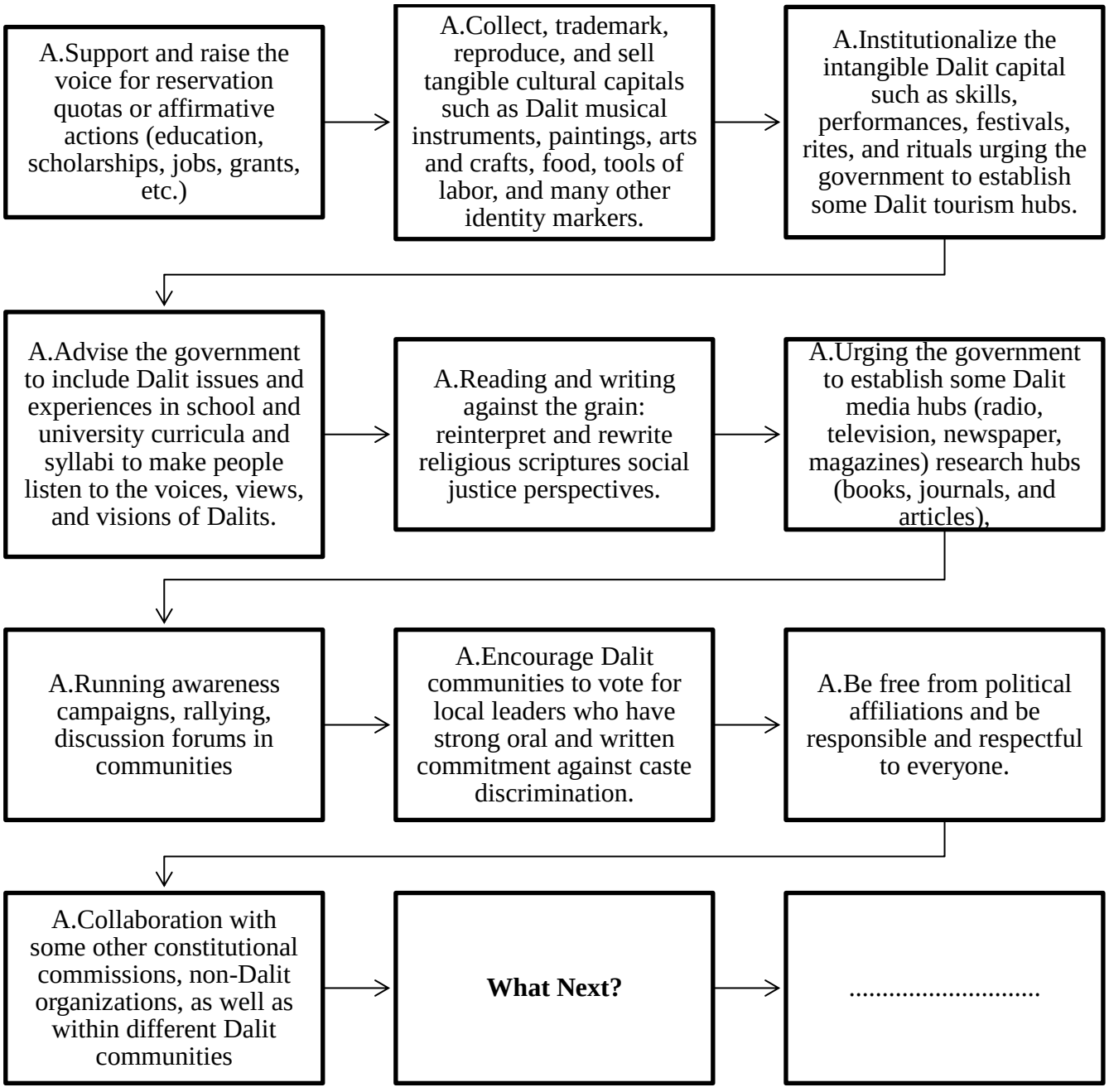
habitus perspective, the caste-based social spaces shattered the agency of all the Dalit identities. In other words, caste-based structure violently prevailed over the agency, because, in all these cases, the doxa of untouchability has been violently enacted against the Dalit identities. It is more than Bourdieu's symbolic violence; it is violence.

The doxa of untouchability is so rampant that discrimination against Dalits happens across Nepal regularly, but for various reasons, all the cases are reported to the authorities (Pradhan, 2022, June 4). In this way, the untouchability (doxa) has reproduced unequal social spaces (distinctions) by marginalizing or de-capitalizing the Dalits politically, economically, socially, and culturally (Bishwakarma, 2019; Human Rights Watch, 2020; Pyakurel, 2021). The Dalit identities have been through gross violations of human, cultural, and religious rights (Dahal et al., 2002; Kharel, 2010). Some positive changes are taking place, but they are very slow because even the education system is more likely to reproduce rather than challenge structural inequalities and caste-based discrimination. Now, it is too late to queer caste-based social spaces and to enact what Wilkerson (2020) means by radical empathy: "putting in the work to educate oneself and to listen with a humble heart to understand another's experience from their perspective, not as we imagine we would feel" (p. 386). It is time to listen radically, imagine racially, and act radically against caste-based reproductions.

Epilogue: Capitalizing Dalit Community Wealth

According to Bourdieu (1987), social change is possible through the exercise of agency against the structure, even though it may not occur overnight. Since the government of Nepal has already declared zero tolerance against anti-discrimination policy, it is time to reproduce and recite this constitution every time in the way *The Laws of Manu* was recited for millennia. In Nepal, some communities are still unaware of these constitutional promises and legal changes. It is the responsibility of all the Dalits and non-Dalits to act against all forms of caste discrimination. Therefore, in our proposal (opinion), it is time to redefine, re-interpret, and re-capitalize Dalit identities and capital by supporting and encouraging the National Dalit Commission (2022), one of the constitutional bodies in Nepal. As mentioned in the National Dalit Commission Act, 2074 2017 (2017), among many responsibilities, the act has authorized the commission with some worth-mentioning opportunities/responsibilities: to increase social consciousness against caste-based discrimination, untouchability or social malpractices or thoughts, behavior, practices, and to formulate and implement necessary information, notices and consciousness generating programs for the protection and promotion of rights and interests of the Dalit Community (Constitution of Nepal, 2015). When we visit the Commission website, we can find anti-caste annual reports, lists of Dalit surnames, published matters of concern, and press releases against any form of caste discrimination against Dalits. Optimistically enough, the experiences and skills of the Dalits have been re-capitalized, inter-caste marriages have been taking place, and people from the Dalit communities have earned both economic and symbolic capital. Despite all these positive changes, on some (or many) occasions, the Dalits still face discrimination and violence. Therefore, it is time to write, speak, and intervene against all forms of caste-based discrimination to promote justice, equity, accessibility, harmony, mutual respect, and coexistence. There are many possibilities of reviving Dalit capitals across the nation, and it is the responsibility of all the people, government, and non-

government bodies to speak against injustices and advocate for justice. However, as the concluding remark, drawing insights from Yosso's (2006) concept of community wealth, we strongly propose the following actions for capitalizing Dalit identities through the activism of the National Dalit Commission, and request our readers to add (contribute) at least one to the list:



Thus, we conclude that Dalit identities are historically constructed and marginalized identities. It is the responsibility of every Nepali citizen to disseminate critical awareness against the caste system and to contribute to eliminating all forms of social discrimination.

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